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## Legal aspects of intellectual property

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In today's increasingly globalized world, intellectual property plays an increasingly important role in maintaining trusting relationships. It is estimated that intellectual property covers about 80% of the products marketed worldwide today. These indicators testify to the great role of intellectual property in maintaining a stable economic situation in the world. According to current trends, intellectual property products are commoditized in different places. The main goal of many products produced by intellectual property is to be a commodity in high demand in the world market.

In order to further guarantee and protect the work of intellectual property, strengthening its legal basis is the first principle. Originally, the term «intellectual property» was believed to have originated from 18th-century French law, which was interpreted as an agreement between the author and society. But over time, John Locke managed to prove that intellectual property is a natural right. Today, the term «intellectual property» is defined in Article 2 of the World Intellectual Property Organization Convention adopted on July 14, 1967.

International legal norms in the field of protection of intellectual property rights are represented by the following areas:

Protection of copyright (protection is provided by virtue of the fact of the creation of an object on the territory of all countries parties to international treaties and conventions); — protection of industrial property (protection of the applicant in a particular area);

Protection of non-traditional objects — production secrets (know-how), commercial designation.

The totality of relevant international agreements in the field of intellectual property forms a system of international legal order for the regulation of intellectual property rights. It should be noted that drafted works on their preparation and adoption began quite a long time ago. Even at the end of the XIX century. The very first international agreement in the field of intellectual rights was signed — the Paris Convention for the Protection of Industrial Property of 1883. The purpose of the adoption of this convention was to overcome the territorial effect of the protection of exclusive rights and the international protection of intellectual property rights. The international standards established by the Paris Convention for the Protection of Industrial Property of 1883 are today supported by most countries of the world (more than 160 states participate in the Paris Union).

In order for such protection to be granted, it is necessary to seek appropriate protection under the law of another State or to negotiate protection under an international agreement.

The national system of intellectual property in Turkmenistan has been operating since 1993. In addition, Turkmenistan currently has active relations with the World Intellectual Prop-

erty Organization (WIPO), a specialized agency of the United Nations. The contractual-legal basis of these relations is constantly strengthened, new types of multilateral relations are created.

Currently, there are 30 main international conventions, agreements, treaties, protocols and other documents in the field of intellectual property. 26 of them are managed by the WIPO, by the World Trade Organization, by the European Patent Organization, and the remaining by the United Nations Educational, Scientific and Cultural Organization.

The WIPO is a specialized organization dealing with the use of intellectual property of the United Nations as a means of promoting innovative and creative developments (license, copyright, trademark, model, etc.) in science and economy. It was founded at a diplomatic conference held in 1893. On July 14, 1967, the International Convention establishing the WIPO was signed in Stockholm, Sweden. The headquarters of the organization is located in Geneva, Switzerland. Currently, 193 countries are members of the WIPO. The official languages of the organization are English, Arabic, Spanish, Chinese, Russian and French.

The main functions of the organization are:

- Protecting intellectual property around the world and improving the harmonization of national legislation in this field;
- Development of the international legal framework in the field of intellectual property;
- Compliance with the management functions of the Paris and Berne Union;
- Providing technical and legal assistance in the field of intellectual property;
- Collection and dissemination of intellectual property information;
- Conduct research and publish results;
- Providing services that facilitate the international protection of intellectual property.

Since 1998, the WIPO World Academy has been training intellectual property protection professionals. The academy also has an online learning center. In 1994, the Arbitration and Mediation Center of the WIPO was established.

Since 1991, Turkmenistan has been a full member of this organization. In 2013, the State Service for Intellectual Property of the Ministry of Finance and Economy of Turkmenistan was established. In 2021, it has been 30 years since Turkmenistan became a member of the organization. In the years after independence, the patent system of Turkmenistan was further developed. Currently, a national model of the patent system has been established, which provides legal protection of industrial products, limited ownership patent, patent for industrial designs, etc.

In 1995, Turkmenistan signed an agreement to join the Eurasian Patent Convention. In June 1999, Turkmenistan joined the Protocol of the Madrid Agreement on the International Registration of Trademarks. The Eurasian Patent Organization is an intergovernmental organization established by the Eurasian Patent Convention. It was founded on September 9, 1994 and is an organization established to manage the operation of the Eurasian patent system and the administrative tasks related to the granting of Eurasian patents. The headquarters of the organization is located in Moscow, Russia. The bodies of the organization are the Governing Council and the Eurasian Patent Office. The Eurasian Patent Office is the executive body of the Organization and performs all administrative tasks of the Organization. The main task of the Council is to establish an intergovernmental system for the protection of industrial property and to harmonize national laws in this field. The main goal of the organization is to create an international and regional system of legal protection of inventions on the basis of a single Eurasian patent, operating within the territory of all countries participating in the Convention. The procedure for concluding, implementing and terminating international agreements in Turkmenistan is determined by the Law of Turkmenistan «On International Treaties of Turkmenistan».

Of the above-mentioned treaties, the Convention establishing the World Intellectual Property Organization and the Paris Convention for the Protection of Industrial Property are the most general, as they include all objects of intellectual property and the main principles of their protection in all countries that are parties to these treaties without exception. As for the Patent Cooperation Treaty, the Eurasian Patent Convention and the Protocol to the Madrid Agreement, these treaties are called registration treaties, as they provide for the creation of a system of international registration of industrial property rights. These treaties define the main scope of work of the International Bureau of the World Intellectual Property

Organization (WIPO) and, for many, the main scope of work of national Patent Offices.

Later on, Turkmenistan joined seven more international agreements dedicated to objects of intellectual property. This is in particular:

- Strasbourg Agreement on International Patent Classification (1971);
- Locarno Agreement on the Establishment of the International Classification of Industrial Designs (1968);
- The Nice Agreement on the International Classification of Goods and Services for the Registration of Marks (1957);
- Vienna Convention on the Establishment of the International Classification of Figurative Elements of Signs (1974).
- The Hague Convention on the International Registration of Industrial Designs (1925)
- Berne Convention for the Protection of Literary and Artistic Works (1886)
- International Convention for the Protection of the Rights of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) (1961)

Turkmenistan constantly pays close attention to the study and use of the best world experience in the national practice on the protection of intellectual property rights. One of the positive results of this meeting is the establishment in March 2013, at the initiative of the Honorable President of Turkmenistan, of the State Intellectual Property Service of the Ministry of Economy and Finance of Turkmenistan.

Summarizing the above, and between 2021 and 2025, Turkmenistan's accession to international agreements, which are currently not participating and are managed by the WIPO (a total of 12 international documents), will encourage investment activity in the country, develop the business environment, and increase the competitiveness of the national economy in the international arena. Accession to several approved conventions of the world will ensure the development of the legislative power of Turkmenistan in accordance with modern trends.

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