

Some Considerations on Ensuring Intellectual Property Rights in Uzbekistan

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Abstract: The article presents proposals related to ensuring and protecting intellectual property rights, including the restoration of violated rights, a product of creative thinking that is of great importance today.

The need to ensure the protection of intellectual property rights in Uzbekistan, its legal mechanisms, issues in the practical application of the norms of "international treaties," the focus on protecting the results of intellectual activity, and the importance of the TRIPS agreement will be discussed.

Keywords: Intellectual property rights; protection of IP; Uzbekistan law; TRIPS agreement; international treaties; enforcement mechanisms; legal protection; creative works; restoration of rights; intellectual activity; ip regulation; legal framework.

Introduction: Today, it is clear that intellectual property is a field of great importance for the state and society. After all, the right to intellectual property, recognized alongside other forms of property, is now viewed as a source of income. This also helps to attract investment in knowledge, innovation, and creative results. In developed countries, in particular, intellectual property is becoming the foundation of the innovation economy. For example, in the USA over the last five years, more than 40 percent of domestic economic activity or production volume was accounted for by companies that made intensive use of intellectual property assets. In 2019, these companies provided 62.5 million jobs, or 44 percent of the country's total employment.

Intellectual property, particularly trademarks (brands), helps companies gain popularity and increase their revenue. For example, at the beginning of 2022, the Apple brand was valued at \$355 billion, Amazon at \$350 billion, Google at \$263 billion, and Microsoft at \$184 billion¹. Therefore, recognizing and protecting intellectual property enables the development of a country's economy and the application of innovative approaches.

The fundamental basis of intellectual property rights is rooted in the freedom of creativity. The freedom of

creativity, as an integral part of human rights and freedoms, is also reflected in the 1948 Universal Declaration of Human Rights (Article 27) and the 1966 International Covenant on Economic, Social and Cultural Rights (Article 15).

It is noteworthy that both international documents emphasize that every individual has the right to the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which they are the author¹.

So, to what extent have the legal foundations in the field of intellectual property been established in Uzbekistan?

It is no exaggeration to say that a solid and foundational legislative framework has been created in this area.

First and foremost, Article 41 of our updated Constitution establishes that everyone has the right to be a property owner. Furthermore, Article 53 stipulates for the first time that intellectual property is protected by law.

Furthermore, Article 53 of our Constitution guarantees everyone the freedom of scientific, technical, and artistic creation, the right to benefit from cultural achievements, and stipulates that intellectual property is protected by law.

This not only protects the rights of individuals who have created a new intellectual product or development, but also sufficiently guarantees the protection of human creative and innovative activity.

At the same time, 8 laws and more than ten by-laws aimed at the direct regulation of intellectual property have been adopted. Section IV of the Civil Code is dedicated to intellectual property.

Moreover, this sector - comprising new developments, creative works, inventions, utility models, industrial designs, know-how, software products, and more - is regulated not only by civil legislation but also by numerous subordinate acts.

In addition to improving the registration process for intellectual property objects, it is essential to strengthen their legal protection. The level of intellectual property protection is significant from the perspective of both the rule of law and the economy.

It should be noted that in recent years, Uzbekistan has been paying serious attention to strengthening the protection of intellectual property. However, the fact that responsibilities in this area are assigned solely to one special authorized body - namely, the Ministry of Justice of the Republic of Uzbekistan - raises a number of questions stemming from the problems within the field.

Indeed, in countries worldwide, the authorized body in this area deals only with the protection of intellectual property, i.e., the examination and registration of inventions and developments. Preventing the illegal use of these objects or combating related offenses does not fall within its purview.

The Ministry of Justice has been granted a number of powers related to applying effective measures for the legal protection of intellectual property objects.

However, in our opinion, granting such powers could, in turn, lead to other authorized bodies (internal affairs, the prosecutor's office, tax authorities) ceasing their work in this area entirely in the future. For this reason, it is necessary to examine this issue from the perspective of improving the mechanism for the effective protection of the rights of intellectual property owners.

In particular, looking at international experience in this field, specialized units for combating offenses in this sphere operate within internal affairs and prosecutorial (justice) bodies.

Additionally, the Code of Administrative Liability and the Criminal Code establish liability in a number of articles for the infringement of intellectual property rights. According to researchers in this field, particularly Sh. Khodjayev, a solid legislative framework

for intellectual property has generally been established².

At the same time, in his opinion, the legislation can be improved in several areas in order to more effectively resolve existing problems in this field.

First of all, since the legislation pertaining to intellectual property is fragmented and unsystematic, it should be systematized and harmonized. In order to prevent various inconsistencies

and misunderstandings, we support the idea of developing and creating an Intellectual Property Code to harmonize legislative norms and create a unified legislative system.

At the same time, it is also advisable to improve the most fundamental legislative document - the Civil Code - based on modern requirements. On this matter, researcher D. Anvarova notes that the Working Group is developing a new version of the Civil Code, which will introduce a number of positive changes related to intellectual property rights².

In particular, the following new norms have been introduced into the section on intellectual property rights:

First, the concept of intellectual property rights was introduced. It defines the essence of intellectual property, its main features, and its key distinctions from other similar categories. The content of Article 418 of the Civil Code of Ukraine was used as foreign experience in formulating this norm.

Second, in accordance with the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and Article 42 of the Constitution of the Republic of Uzbekistan, a norm on the freedom of intellectual activity was introduced. It establishes that engaging in intellectual activity is an inalienable part of every citizen's legal capacity, that everyone is guaranteed the freedom of scientific and creative work, that the correctness or incorrectness of scientific and creative ideas cannot be predetermined, and that preference is given to intellectual activity and its results.

Third, the types of intellectual property objects were expanded. Specifically, topologies of integrated circuits, trade secrets, objects operating on the basis of artificial intelligence, rationalization proposals, and geographical indications were introduced.

Fourth, the concept of subjects of intellectual property rights has been introduced. The subjects of intellectual property rights are the creator (s) of the object of intellectual property (author, performer, inventor, etc.) and other persons to whom personal non-property and/or property rights belong in accordance with the

law or a contract. Intellectual property objects are distinguished by their creators and users. Creators, in addition to property rights, possess personal rights, and a special legal status is recognized for them.

The right to authorship is the creator's fundamental right. The majority of participants in legal relations arising from the civil circulation of intellectual property deserve special recognition as subjects of intellectual property rights based on the scope of their rights and obligations. This is reflected in the civil codes of foreign countries. In particular, a special provision on this matter exists in Article 421 of the Civil Code of Ukraine.

Of course, D. Anvarova's information regarding the new Civil Code should be viewed positively. However, it is essential to remember that the Civil Code is a fundamental source of legislation. Therefore, to protect intellectual property rights, it is advisable to place greater emphasis on separate, special legislative acts, including developing the Law "On the Protection of Intellectual Property Rights" and finding legal solutions within it for certain issues that still remain unregulated.

Unfortunately, the level of commercialization of intellectual property in Uzbekistan is very low.

Despite significant progress achieved in a number of international legal documents regarding the protection of rights to the results of intellectual activity, issues related to regulating the trade of these products have not been sufficiently addressed.

If the probability of generating income were not significant, the results of intellectual activity would not be created at the current level, nor would related activities be undertaken. Therefore, for the results of intellectual activity to yield the necessary economic effect, mechanisms for their protection and commercialization are required. Furthermore, the protection of intellectual property rights should not hinder the development of economic relations and international trade.

Indeed, the commercialization of intellectual property is one of today's pressing issues. To address this, we must foster a culture of respect for intellectual property in our society. In a market economy, engaging in unprofitable activities is undesirable for most. Therefore, it is essential to conduct awareness-raising campaigns among citizens and entrepreneurs about the methods and opportunities for commercializing intellectual property and to provide them with practical assistance in this area.

Furthermore, it is necessary to effectively establish industrial and innovation platforms and fairs that bring together various business sectors and intellectual

property owners.

The proposed law serves to adequately protect intellectual property rights at the legislative level. Strong and effective protection of intellectual property rights will stimulate scientific, creative, and commercial activities. The state not only recognizes but also protects the rights and legitimate interests of intellectual property owners.

Consequently, authors or rights holders will be incentivized to create new intellectual property, local entrepreneurs will be motivated to develop their own brands, and, in turn, intellectual property owners will be able to profit from the products they have created.

For instance, this Law should regulate the activities of organizations that collectively manage property rights, thereby effectively protecting the rights of authors and intellectual property owners. Furthermore, it is advisable to introduce an "ex officio" procedure for customs inspections within this Law. This procedure would serve to prevent the importation of goods that infringe upon intellectual property rights into the country.

At the same time, considering the development of information technologies, it is crucial to define and implement the intellectual property policy of the Republic of Uzbekistan with respect to newly emerging objects such as digital technologies, artificial intelligence, and crypto-assets.

Naturally, living in the age of the Internet, effectively protecting intellectual property objects is nearly impossible without establishing proper international cooperation. Therefore, it is necessary to continue implementing advanced international experience in this field.

Currently, the Republic of Uzbekistan is a party to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (June 27, 1989) and the Patent Cooperation Treaty (Washington, June 19, 1970). Within the framework of these international treaties, legal protection for trademarks, service marks, and inventions in the territory of Uzbekistan is granted through international registration conducted by the World Intellectual Property Organization (WIPO).

It should be noted that the institution of intellectual property serves as a means of stimulating not only science, but also all related sectors, such as industry, over a certain period. This, in turn, further accelerates the overall economic development of the state.

For this reason, the protection of intellectual property rights has been and remains an extremely important and pressing issue. Initially, this matter was regulated legally and separately within each state. Later, a

number of states attempted to regulate the protection of intellectual property rights at the international level by concluding bilateral agreements. Notably, by 1886, 33 such bilateral treaties had been concluded between 15 Western European and American states.

As an international legal norm for combating violations in the field of intellectual property rights, the Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter - TRIPS), adopted on April 15, 1994, during the Uruguay Round of multilateral trade negotiations, became a decisive factor.

It is worth noting that Uzbekistan has now resumed its efforts to join the WTO after a long hiatus. The core essence of the TRIPS Agreement is its focus on the issue of intellectual property protection. If we look at the international documents administered by WIPO, their main focus is on aspects related to legal protection (registration).

As Sh. Khojayev noted, during the process of joining the World Trade Organization, it is necessary to analyze the compatibility of the norms and principles of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) with the legislation of Uzbekistan.

TRIPS is an international treaty that is part of the set of agreements establishing the WTO. Laws regulating issues related to geographical indications have been adopted in countries such as the European Union, Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Moldova, Russia, and Ukraine.

Of course, strengthening relations in this area by acceding to international treaties, and thereby protecting the rights of local inventors and authors, is also considered an important process.

However, the social environment in the country, attitudes toward intellectual property, and other aspects also play a significant role in analyzing potential violations.

At the same time, we believe that strengthening liability (administrative or criminal) for the violation of intellectual property rights should be considered a last resort. Before that, it is necessary to study aspects such as clearly defining the scope of exclusive rights of authors and rights holders and the norms for exceptions and limitations, raising the legal culture of society, and simplifying the timelines for the examination of intellectual property objects and the procedures for obtaining legal protection.

If we consider the main international documents in the field administered by WIPO, we can see that while they cover the processes of legal protection for products of creative thought, the WTO's TRIPS Agreement places a

broad emphasis on the aspects of protecting these very rights and powers.

For this reason, states are required to strengthen the protection of intellectual property rights during the process of signing this agreement. In particular, when comparing the legislation of Uzbekistan with the norms of the TRIPS agreement, we can see that the main focus is on aspects such as criminal liability for the illegal use of a trademark, the obligation for the accused person to prove their innocence, the introduction of an ex officio system into customs legislation, and the procedure for a rights holder to file an objection against potential future adverse situations.

CONCLUSION

In conclusion, intellectual property not only contributes to scientific and technological progress but also facilitates the introduction of novelties and innovations. Today, intellectual property is a significant vehicle for commercial prosperity, and its protection by the state undoubtedly contributes to the proper development and enrichment of both citizens and the nation.

Therefore, in the modern era of globalization, the proper and rational organization of intellectual property protection is a crucial factor in a country's development. Indeed, intellectual property policy is of great importance in almost all spheres of society and the state.

REFERENCES

1. United Nations. (1948). Universal declaration of human rights. <https://constitution.uz/oz/pages/humanrights>
2. Kommers.uz. (n.d.). Amaldagi Konstitutsiya intellektual mulkni alohida e'tirof etmaydi: ekspert. <https://kommers.uz/amaldagi-konstitucziya-intellektual-mulkni-alohida-etirof-etmajdi-ekspert>
3. UZA. (2021, April 13). O'zbekistonning yangi tahrirdagi Fuqarolik kodeksida intellektual mulk huquqiga oid yangiliklar. https://uza.uz/oz/posts/ozbekistonning-yangi-tahrirdagi-fuqarolik-kodeksida-intellektual-mulk-huquqiga-oid-yangiliklar_257536
4. World Trade Organization. (n.d.). Working party on the accession of Uzbekistan. https://www.wto.org/english/thewto_e/acc_e/a1_ouzbekistan_e.htm#status
5. Uzbekistan Law Blog. (n.d.). Intellectual property policy in the process of accession to the World Trade Organization: TRIPS agreement and national legislation of Uzbekistan. <http://uzbekistanlawblog.com/intellectual-property-policy-in-the-process-of-accession-to-the->

[world-trade-organization-trips-agreement-and-national-legislation-of-uzbekistan/](#)

6. European Patent Office & European Union Intellectual Property Office. (2019, September 25). Intellectual property rights strongly benefit the European economy, EPO-EUIPO study finds. <https://www.epo.org/newsevents/news/2019/20190925.html#:~:text=Industries%20that%20make%20intensive%20use,29%25%20of%20all%20jobs>
7. Ghidini, G., Peritz, R. J. R., & Ricolfi, M. (Eds.). (2014). TRIPS and developing countries: Towards a new IP world order? Edward Elgar Publishing.