



INHERITANCE OF PROPERTY RIGHTS TO INTELLECTUAL PROPERTY OBJECTS

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Abstract

In this article, we analyzed the inheritance of property rights to intellectual property objects, in particular exclusive rights, both theoretically and based on the content of the legislation of the Republic of Uzbekistan. You can get acquainted with the opinions of civil scientists about the inheritance of exclusive rights to intellectual property rights through this article.

Keywords: intellectual property, objects of intellectual property, inheritance, inheritance rights, property rights to objects of intellectual property, exclusive rights to objects of intellectual property.

Pursuant to Article 1031 of the Civil Code of the Republic of Uzbekistan, works of science, literature and art, performances, phonograms, programs or broadcasts of broadcast or broadcasting organizations through air or cable, programs and databases for electronic computing machines; Inventions, useful models, industrial examples, breeding achievements, undisclosed information, including production secrets (know-how) are the results of intellectual activity.

There is an ongoing debate in civilization about which rights are inherited in relation to the results of intellectual activity. In particular, there is the issue of whether exclusive rights are inherited or proprietary rights are inherited in relation to objects of intellectual property. In order to determine which inheritance is the absolute right to the objects of intellectual property or the property right, let's first look at what these rights are.

Exclusive rights to intellectual property objects, which are essentially exclusive rights, are referred to as exclusive rights in our national legislation. Calling exclusive rights to intellectual property objects as absolute rights causes ambiguities or misunderstandings in the terminology used in the resolution of cases and disputes related to intellectual property rights complicated by a foreign element. The reason is that the rights that are called absolute rights in relation to intellectual property objects by our national legislation are the same rights as international law or exclusive rights in the legislation of a foreign country. In





addition, there is a concept of absolute right in jurisprudence, the concept of absolute right applied to intellectual property rights in our national legislation leads to confusion with this concept of absolute right. The proposal to designate exclusive rights to intellectual property objects in civil legislation as exclusive rights or exclusive rights has been put forward for a long time.

Researcher Q. Mehmanov: The phrase "absolute right" applied to intellectual property objects in the Civil Code should be understood in the same sense as "exclusive right" (isklyuchitelnoe pravo). "Absolute" rights are mentioned in the rules related to property rights, he said.

Absolute rights to the results of intellectual activity means that the owner of the property rights to the result of intellectual activity has the right to use the object of this intellectual property in any form and in any way. It is allowed to limit the exclusive rights, including by allowing other persons to use the object of intellectual property, to find these rights invalid and to terminate (cancel) them in the cases, within the scope and according to the procedure established by law. Restriction of exclusive rights is applied only if such restriction does not cause undue damage to the normal use of the object of intellectual property and does not unreasonably discriminate against the legal interests of the right holders.

If we analyze the opinions of experts on absolute rights, in particular, O. Okyulov's absolute rights apply to most of the objects of intellectual property, and all his powers are embodied in them. Absolute rights form the basis of property rights in relation to intellectual property objects. The property rights of other entities in relation to intellectual property objects shall be derived from the absolute right and shall not conflict with the absolute rights in their implementation. Just as property rights play a key role in the system of property rights in relation to material objects, absolute rights perform the same function in the system of property rights in relation to intellectual property objects.

In his research on the legal status of a new variety and breed as an object of intellectual property, N.Imomov analyzed the exclusive rights to breeding achievements. It is emphasized that the theory of absolute right does not correspond to the distribution of rights between the patent owner and the author in relation to the new variety and breed, and a new limited exception right theory is proposed and justified in relation to the legal status of the new variety and breed. Therefore, the exclusive rights of the patent owner in relation to the new variety and breed are limited compared to the rights of the owner of the right in relation to other objects of intellectual property, and his subjective right: whether or not to allow the exercise of his right does not depend only on him. In this regard, he stated





that the requirement to give permission to third parties for the use of new varieties and breeds is defined in the legislation, and the theory of "limited exclusive rights" is characteristic of new varieties and breeds and the rights related to them¹.

According to B. Akhmadjonov, it is not possible to keep ideas and knowledge in one's hands, just as it is impossible to keep them somewhere. After all, the result of a specific intellectual activity is recognized and protected as an object of law only after it is presented in an objective form that is perceived by third parties. This, in turn, ensures that the idea and knowledge become known to third parties, and the ownership of the author becomes illogical. This aspect also means that the right to the results of intellectual activity is different from the right to the object. Transfer of exclusive rights to another person - property rights belonging to the owner of exclusive rights to an object of intellectual property can be fully or partially transferred by the owner of the right to another person under the contract, unless otherwise provided by law, and these exclusive rights are inherited, and the legal entity is the owner of the right. In the event of reorganization, it will be passed in the order of legal succession. The transfer of property rights under the contract or their transfer in the order of universal legal succession does not cause the transfer or limitation of copyright and other non-alienable and non-transferable exclusive rights. The terms of the contract on the transfer or limitation of such rights are not valid by themselves. Based on the above, exclusive rights to intellectual property objects are inherited.

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