

The Role of the Right to the Name of the Place of Origin of Goods in the System of Civil Law Objects

Inomjon Boltaev-

Teacher of Urgench state university

Abstract

This article comprehensively analyzes the place of the right to the name of the place of origin of goods in the system of civil law objects. The article discusses the legal mechanisms for the protection of trade names based on geographical indications, as well as the importance of such rights in the framework of civil law and their application at the national and international level. The author of the study highlights the specific features of the rights to the name of the place of origin, including their economic and cultural importance, and the benefits they bring to consumers and producers. The article also considers practical issues related to the registration, protection and use of the names of place of origin. In doing so, the author evaluates the role of this legal institution in the world economy and its development prospects, and at the same time critically analyzes the shortcomings in the existing legislation and practice.

Keywords: *place of origin, globalization, consumers, interest, product quality, environmental friendliness, marketing strategies*

Economic development is ensured by the introduction of goods, works and services in the conditions of market relations. In this, special attention is paid to who are the owners of goods, works and services, thereby ensuring the interests of the state and society. Firstly, it is important for the state to control this activity through taxes by determining who is the manufacturer of the goods and where the goods were developed, and secondly, it is important to ensure the accuracy of their owner in terms of the quality and safety of the manufactured goods, works and services. Therefore, in addition to the principle of free movement of goods, works and services in Uzbekistan (Part 3 of Article 1 of the Civil Code of the Republic of Uzbekistan), if necessary to ensure safety, protect human life and health, and protect nature and cultural resources, goods and the fact that restrictions on the movement of services can be introduced in accordance with legislation also requires the identification of the manufacturer and seller of the goods, as well as the designation of the place of origin of the goods. In addition, the rights and interests of consumers and counterparties are ensured by determining the means of personalization of the participants of civil transactions, goods, works and services. In fact, the need to create equal business conditions for owners of different types of goods, to introduce the principles of competitiveness in their activities and to strengthen their responsibility for the result, to fill the market with goods and services to meet the needs of the population, requires enterprises and organizations, as well as the goods and services produced by them, to an appropriate level. justifies the objective need in the legal mechanism that ensures personalization[1].

The category of "personalizing tools" is a relatively new category for the doctrine of civil law. First, personalization tools were specified in the "Convention for the Protection of Industrial Property" concluded on March 20, 1883 (also known as the "Paris Convention on Industrial Property" because it was adopted in Paris), and later on the establishment of the World Intellectual Property Organization (WIPO). The Stockholm Convention of July 14, 1967 also defined personalizing

devices as a separate object. In our country, the right to the name of the place of origin of goods as an object of civil rights is defined in Article 1031 of the Civil Code of the Republic of Uzbekistan (hereinafter - FC) as one of the objects of intellectual property. According to this article, the name of the place of origin of goods is a means of personalization of the participants of civil transactions. Personalizing tools, in turn, are equated with the results of intellectual activity. Since the name of the place of origin of the goods is considered one of the means of personalization, we will first consider the scientific interpretation of the concept of means of personalization[2].

The functions of personalization tools in the context of market relations are distinguished by their diversity. It is also emphasized in the legal literature that such tasks are comprehensive. For example, according to D.A.Ogay, the nature of personalizing tools, considered an independent object of civil rights, is determined by its following tasks: personalization (differentiation), information, advertising, reliability, serviceability, protection. The ability to perform the specified tasks shows the importance of personalizing tools for the modern market economy and determines their differences from the results of intellectual activity.

The difference of personalizing tools from the results of creative activity is first of all, their orientation to economic relations and the most important information-information. If the results of creative activity are distinguished by their non-repetition, originality and novelty, personalizing tools should be different from other such tools and should not exist before. This suggests that the personalization tools themselves have characteristics of individuality and uniqueness. Current legislation sets out specific guidelines on what conditions personalization tools must meet. In particular, signs that are geographical names that mislead the consumer about the place of origin of the goods as the name of the place of origin; signs that officially indicate the actual place of origin of the goods, but give the false impression that the goods are being produced in another area; it is not allowed to register signs that represent a geographical name that is not related to the name of the place where the goods were made and that are in general use as a certain type of trademark in the Republic of Uzbekistan (Article 11 of the Law "On Trademarks, Service Signs and Names of Places of Origin of Goods")[3].

Taking into account the specific aspects of the means of personalization of the participants of civil transactions, goods, works and services, it is worth noting that these objects are implemented through absolute rights, as in the results of creative activity. The establishment of absolute rights in relation to personalization means ensures effective legal protection of these objects. However, this situation is not enough to consider the methods and mechanisms of legal regulation of personalization tools as acceptable and effective.

Today, the existence of many disputes related to personalization tools, the occurrence of cases of violation of the law in the use of trademarks and names of the place of origin of goods require the improvement of the legislation in this regard and the optimization of the law enforcement practice based on the advanced technologies used in market relations. On the other hand, it is appropriate to use international legislation and experience in this regard to improve the legal status of personalization tools and to determine the necessary methods and tools for the implementation of rights related to them. Because today, in the context of globalization in terms of protection of intellectual property, when the tendency is to unify legislation, it is important to take the most positive aspects of international conventions and agreements and incorporate them into national legislation.

References

1. Гульбин Ю.Т. Гражданско-правовая охрана средств индивидуализации товаров в рыночных условиях: Автореф. дис..... докт. юрид. наук. – М.: 2010. – 28 с.
2. Комментарий к Гражданскому кодексу РФ части четвертой (постат.) / Отв. ред. Л.А. Трахтенгерц. - М.: ИНФРА-М, КОНТРАКТ, 2009. - 812 с.
3. Китайский В.Е. Правовая охрана народных промыслов и традиционных продуктов России. -М.: РГИИС, 2006. -С. 26, 46,129.
4. Еременко В.И. О правовой охране наименований мест происхождения товаров в России.
5. Огай Д.А. Проблемы совершенствования международно-правового регулирования средств индивидуализации: Автореф. дис... канд. юрид. наук. – Ташкент: 2009. – 12 с.

