



Intellectual property and blockchain technologies for the implementation of crisis European and state operations

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ABSTRACT

Ensuring the protection of intellectual property and increasing the level of its protection on a global scale are important guarantees of economic development and increasing the investment attractiveness of the country, blockchain technologies are one of the digital technologies aimed at ensuring these trends. In the article, the author separately studied the role of blockchain technology in the effective protection of data of intellectual property rights and properly analyzed the significance of this digital technology. Directly in the field of intellectual property, the protection of copyright and related rights, which are among the main institutions of intellectual property law, is violated by third parties, and the article talks about the role of this technology in ensuring the protection of this institution. The features of the blockchain as a way of functioning the technology, its technical significance, the guarantee of the property rights of the copyright holder are studied.

Keywords:

intellectual property, copyright, cryptocurrency, blockchain, anonymity, decentralized ledger, virtual machines, the copyright holder

Introduction.

Blockchain technology, alternately emphasizing the importance of intellectual property, is essential. The actual reality of Germany is the Federal Republic of intellectual management of legal legislation, this technology is of great sense, since a market funded by the Government of the Republic of Tajikistan is currently being developed, blockchain technologies of intellectual management are being implemented, and all rights and freedoms are being protected a competitive roof builder is just as important as the item itself.

Currently, in the regulation of intellectual property relations, in order to maintain competitiveness in market relations and protection of the result of mental activity by users through blockchain technology, Smart contracts are gaining momentum. According to German law, smart contracts (Smart

contracts) consisting of blockchain applications, including computer programs/algorithms, can be protected through the patent law of the Federal Republic of Germany ("GPA"), as well as the copyright law ("GSA"). At this point, if we focus on the role of this technology in patent law, the "base" blockchain protocol is assessed as not patent-worthy, the reason is the initial appearance of the blockchain, which was developed in 2008. However, any future developments related to the blockchain and its aspects can be considered patent-worthy and patented if they are carried out under the legal conditions of Section 3 of the German patent law (i.e., the innovation and inventive stage). In particular, focusing on the software patent, this type of patent, in turn, should cover within itself the Technic solutions to technical problems arising under the influence of the outside world. For example, if we see the software that controls

the anti-lock braking system as an example, the importance is highlighted by the fact that this software reduces the risk of blocking the wheel.

Alternatively, the very fact that the software gives virtual commands in the computer system by launching electronic signals, which leads to the results of a certain calculation, does not lead to a patent-worthy calculation of the software. In recent years, the abundance of blockchain-related patent applications to German and European patent offices (such as those related to digital wallet management, smart contracts, or identity management) shows that interested parties are confident that they can acquire the exclusive (exclusive) right to commercialize. China and the United States occupy prestigious positions on the receipt of applications (Alibaba Group Holding Ltd., IBM). Alternatively, according to research carried out in collaboration with the German Research Institute Handelsblatt, the European patent Office has received applications for more than 48,000 patents related to the area of the Fourth Industrial Revolution (4IR).

In addition, the blockchain itself can be protected as a general database that protects financial investments made by sui generis, that is, the database manufacturer, following the GCA Section 87A of the German copyright law. Alternatively, by the rules of the GCA 87A Department, the blockchain can be considered as direct, database, as it provides in its place "a set of data or other independent elements that are organized systematically or methodically and can be accessed in an individual order by electronic or other means." As the creator of the database according to the German law on copyright, it should be understood that "a person who has developed significant qualitative and quantitative investments". In addition, per Section 87B of the German copyright law, the author, in turn, "has the exclusive right to increase and distribute the database as a whole or a significant part of it in qualitative or quantitative terms and make it accessible to everyone".

Alternatively, there are also private blockchain types following the German copyright law, in which the specified

administrator/blockchain owner/investor can limit the use of technology within the framework of certain specified users. In these cases, the requirement of anonymity in technology is not considered mandatory, and it is observed that the requirements in data entry are also lighter than that of the main blockchain technology, the reason is that the identity of users is only made known to the participants. As such, it is becoming popular to use private blockchains to monitor/register smart contracts (Smart contracts). The German and European patent law, as well as the German copyright law, in turn provide the necessary legal means to protect the interests of rights holders in the future commercialization of blockchain technologies. So, in the Federal Republic of Germany, blockchain technology is of high importance not only in the system of the economy but also in the field of intellectual property.

The results of discussion.

If we also pay attention to the development of blockchain technology in the countries of the East, it is significant that the Chinese state, in turn, supports this technology in ensuring the protection of objects of intellectual property rights in this situation. The country of China, in turn, established the first specialized internet court in Hangzhou on June 26, 2017, to meet the requirements for disputes in relations arising with the use of the internet. By September 2018, Internet courts were established in Beijing municipality as well as Guangzhou. In China, this technology was first introduced to ensure the protection and protection of copyright rights.

In addition, the Chinese internet courts are strengthening this process in their turn. The technology is mainly effective for authors who publish works related to the author on the Internet and who, due to difficulties in collecting evidence, have problems in defending their legitimate interests and rights and are coming. The writers upload their literary works or the result of their mental activity as soon as they touch the blockchain system, and the system automatically creates a specific identifier for the uploaded content. The technology, in turn,

serves to store relevant information such as the time, location and personality of the content creator, and also has a corresponding marker note indicating that the results of mental activity assigned to the technology are "protected by a blockchain" in its place. At this point, the Internet is a virtual world in which the possibility of easily falsifying any data is known to all of us. In particular, the courts of Shandong, Beijing, Guangzhou have accumulated 2.1 billion data due to the application of technology in turn. Alternatively, the Chinese state is given a legal status in relation to information on the blockchain and is considered in Chinese law as acceptable evidence against it. The reason is that until 2017, the authors were considered a multi-cost process of protecting their exclusive rights, including notarization and a number of other issues.

The legal status of the data obtained with the blockchain is reflected in the so-called provisions of the Supreme People's Court of the people's Republic of China dated September 3, 2018 No. 1747 of the committee "on several issues related to the consideration of cases by the internet courts". Taking into account the current legal cases of the people's Republic of China and other laws and people's courts, issues related to the consideration of cases by the internet court in accordance with Article 2 of the document, the name of which is mentioned above, in addition to cases related to online purchases, disputes about the ownership of copyright or adjacent rights; The internet addresses other Internet civil and administrative cases such as domain name ownership, infringement, and contract disputes. The work will be done online through a special platform and will be considered in this case. Cases can be viewed offline only when they are found to be subject by the court.

As we noted, Hangzhou Internet Court considered the first blockchain-related civil case between Hangzhou Huatai Yimei Culture Media ("Huatai Yimei") and Shenzhen Daotong Technology Development ("Daotong Technology") in July 2017. The proven value of electronic data stored using blockchain technology is confirmed in the form of a court decision, and the evidence that the content of an

electronic review is created using blockchain technology means the recognition of a blockchain deposit in the judicial field.

Directly, focusing on the legislation of the people's Republic of China related to blockchain, the "regulation on certain issues of proceedings in the Internet Court" adopted in 2018, the Internet courts, in turn, are obliged to confirm the correctness of the electronic information provided by the parties, which can be proved by technical means to protect evidence from collection, correction, and counterfeiting. Such technical means include in their place: electronic signature, reliable timestamp, hash value verification, blockchain, or electronic expertise platform authentication. In addition, the "some rules on evidence in civil proceedings" adopted in 2019 states that if electronic data is provided or verified by a neutral third-party platform that records and stores electronic data, the Supreme People's court can confirm its authenticity if there is not enough evidence to support the opposite.

In the 2020 feedback on the strengthening of copyright and copyright-related rights protection, the parties were allowed to preserve, correct and present evidence through Blockchain and other means, taking into account the complexity of the process of proof by rights holders in intellectual property rights. In the "rules of online trial in the people's courts of 2021", the electronic data provided as evidence by process participants were stored using blockchain technology and checked using technology, while the Supreme People's court could assess the electronic data as acceptable evidence after loading the information that should be evaluated into the blockchain system if there is not enough evidence

Of particular importance within the CIS is the fact that it is the Russian Federation that has implemented blockchain technology in an intellectual property policy. Part 4 of Article 1225 of the Civil Code of the Russian Federation establishes the types of specific objects recognized as the results of intellectual activity (intellectual property), and also confirms that all these objects are protected by law. But the norms of legal protection differ depending on

which category of Labor belongs to the results of intellectual activity. Registration of intellectual property objects for each category of objects is also carried out differently (or is not provided at all). Moreover, under article 1232 of this code, it is established that "in cases provided for by this code, the absolute right to the result of intellectual activity or to the means of individualization is recognized and protected by such a result or state registration of such means."

Conclusion.

At this point, our national legislation does not provide for mandatory state registration for such objects of copyright as (Article 1259 of the Civil Code of the Russian Federation), as well as rights related to copyright (article 1304). Most of these objects are not necessarily registered in any state register, only computer programs and databases can be registered at the request of the copyright holder. The registration service is provided by Rospatent, the relevant intellectual property objects are entered in the State Register of computer programs or in the State Register of databases. Registration of rights to objects of intellectual property, which are objects of copyright and related rights, is a kind of process with a certain degree of deponentation. Currently, the procedure for depositing is not regulated at the legislative level, but most lawyers consider it one of the ways to register intellectual property copyrights, contributing to their protection. In addition, depositing certificates are recognized by the courts of the Russian Federation as evidence of copyright.

Since the deponentation process has been carried out since 2018 in the Russian state on the basis of blockchain technologies, it is established that it is recognized by the courts in terms of reliability. Cooperation of certain platforms is being carried out in the Russian state to ensure the protection of objects of intellectual property rights. In particular, IPQuorum is a platform where representatives of the creative sphere can express themselves, talk about achievements and pressing problems, get to know each other closer, feel support from

like-minded people, find reliable partners for inter-network cooperation. Members of this platform are directly members of the IPChain infrastructure. The IPChain Association was founded in 2017. The founders of the association are considered to be the foundation for the development of the Center for the development and commercialization of new technologies (Skolkovo Foundation), the All-Russian intellectual property organization (WIPO), the Higher School of economics of the National Research University, the Russian Association of rights holders, the St. Petersburg National Research University of Information Technology, mechanics and optics, the This association, in turn, has a special place in ensuring the protection and protection of intellectual property objects. The main task of the association is to implement an IPChain project aimed at creating an international network of transactions of intellectual property objects. IPChain Association Hyperledger, created by the Linux Foundation for the promotion of inter-network blockchain technologies, is an official member of the global blockchain consortium. In June 2021, president of the Russian Federation Vladimir Putin signed a decree on the creation of a public-state organization "Russian Center for the turnover of rights to the results of creative activities." The functions of the center include support for the connection of corporate and public services and platforms belonging to private companies and companies with state participation to the IPChain infrastructure. It is not for nothing that, for example, the research data of the 2015 World Economic Forum literally became an attractive phrase: "until 2027, 10% of the global gross domestic product will be stored in the blockchain".

Alternatively, to ensure the protection of copyright and related rights, the N'ris deponentation system based on digital, that is, blockchain technology with Rospatent, IPChain, and several other organizers was launched in the Russian state. This system, in its online form, allows you to provide temporary copyright before publishing the works you have created without leaving your home. If someone wants to argue about your authorship, a deponent

certificate will help protect your rights. The procedure for electronic deponentation from a traditional deponentation system differs in the acceptance and storage of an intellectual property file in an encrypted form in a secure cell. Depositing an intellectual property object is confirmed by an electronic digital signature and a certificate of deposit with a date and time stamp. Two types of this process, the first is Cryptopro – a hardware-software system that confirms the date and time when an intellectual property object is deposited. Cryptopro is a certified approval Center for the protection of cryptographic information and the dissemination of electronic digital signatures.

The second basic software in ensuring the authenticity of the data, that is, setting the date and time of signing the document, is Origininstamp, a process that confirms the immutability of the deposit certificate. This document can be used to protect the rights holder in the EU and the United States. The certificate in English with the OriginStamp stamp does not require translation and notarial confirmation of the correctness of the translation, as well as Apostille on the document. As we can see, the implementation of blockchain technology in the policy of intellectual property is, in turn, a digital description of intellectual property objects, Smart contracts (smart contracts), asset identification, digital notaries and it is no exaggeration to say that it serves to bring many other areas, and relationships between industries to a new level.

References

1. Бобур М. Проблемы законодательного регулирования изъятия земельных участков для государственных и общественных нужд в Республике Узбекистан //Юрист Ахборотномаси. – 2021. – Т. 2. – №. 1. – С. 86-97.
2. Civil Code of Republic of Uzbekistan, 21.12.1995 (Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1996, Appendix No 2; 1997 г., No 2, article 56; 1998, No 5-6, article 102, No 1, article 20, No 9, article 229; 200, № 1-2, article 23; 2003, No 5, article 67).
3. The Law of the Republic of Uzbekistan "On Electronic Government" No. 395 dated 09.12.2012, Collection of Legislation of the Republic of Uzbekistan, 2015, No. 49, Article 611
4. The Law of the Republic of Uzbekistan "On Electronic Commerce" No. 613-II dated 29.03.2004, The Collection of Legislation of the Republic of Uzbekistan, 2004, No. 20, Article 132.
5. Степанов А., Что такое смарт-контракты [Электронный ресурс] // Profitgid: информ. портал. – Электрон. дан. 2017., - URL: <https://profitgid.ru/smartkontrakty.html> (Дата обращения: 13.02.2018)
6. Что такое смарт-контракты простым языком [Электронный ресурс] // Prostocoin: информ. портал. – URL: <https://prostocoin.com/blog/smartcontract> (Дата обращения: 10.02.2018)
7. Raskin M 2016, The Law of Smart Contracts <
<http://ssrn.com/abstract=2842258>>
8. Szabo N., Smart contracts in Essays on Smart Contracts, Commercial Controls and Security, 1994, electronic resource: <http://www.fon.hum.uva.nl/rob/Courses/InformationInSpeech/CDROM/Literature/LOTwinterschool2006/szabo.best.vwh.net/smart.contracts.html>, last seen: 04.03.2020
9. Mekki M. Le contrat, objet des smart contracts (partie 1) // Dalloz IT/IP. — 2018. — № 7—8. — Pp. 409—417.
10. Resolution of the President of the Republic of Uzbekistan No. PP-3832 "On measures for the development of the digital economy in the Republic of Uzbekistan" dated 03.07.2018 ((National Database of Legislation, 04.07.2018, No. 07/18/3832/1452).
11. Abdurakhmanova N. ISSUES OF REGULATION AND IMPLEMENTATION OF SMART CONTRACTS IN NATIONAL LEGISLATION. – 2022.
12. Рахмонова М. Проблемы правоприменительной практики

- защиты прав на товарные знаки и возможные пути их разрешения //Review of law sciences. – 2020. – Т. 2. – №. Спецвыпуск. – С. 97-104.
13. Abdixakimov, I., 2022. Cyber Crimes in Digital Economy. Elita. uz-Elektron Ilmiy Jurnal, 1(1), pp.1-5.
14. To‘Raqulova N. MUALLIFLIK HUQUQI OBYEKT LARI MUHOFAZASINI TA‘MINLASHDA BLOKCHEYN TEXNOLOGIYASINING AHAMIYATI //Central Asian Research Journal for Interdisciplinary Studies (CARJIS). – 2022. – Т. 2. – №. 5. – С. 290-300.