



## Liability of Legal Entities in Intellectual Property Law

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### ABSTRACT

In the conditions of market relations, the content of property rights changes, the expansion of the range of property objects makes it possible to achieve economic stability of the country. New modern approaches appear in this field. Legal basis will be created. There is a need for a new legal consciousness and legal thinking. This article discusses the concept of intellectual property, its essence, practical importance, and its role in the economic development of society.

### Keywords:

economic system, legal, ownership forms, ownership relations, state, disposal, private property, owner, object, intellectual property right.

Today, in the context of increasing globalization and world integration, the protection of intellectual property rights is becoming more and more important. This protection is strengthened by the types of liability arising from the violation of these rights and the inevitability of this liability. According to some authors, violations in the field of intellectual property can cause four types of liability under common law: material, disciplinary, administrative and criminal. In other literature, these types of responsibility are three, including civil-legal, administrative and criminal types of responsibility. It should also be taken into account that a single violation of the law in the field of intellectual property can result in both civil and administrative (or criminal) liability at the same time. Intellectual property law protects the private rights of interested parties, while criminal law is an area of public law. In today's technological age, the possibility that violations in the field of intellectual property, especially violations in the form of counterfeiting, may affect public interests requires the application

of criminal law, which ensures the enforcement of intellectual property rights.

The point of intersection of intellectual property and criminal law remains controversial, but very important, because it is the direct regulation of the private law sphere by means of the imperative nature of public law, and therefore the legislative body must clearly define this regulation. Intellectual property rights protect interested parties from commercial use of their ideas and information without their consent. The era of rapidly developing technological changes has opened the way for new forms of infringements against this type of intangible property. Although there is no consensus in the literature on the scope of the use of criminal law for the protection of intellectual property, many countries recognize the seriousness of crimes in the field of intellectual property and their negative impact on the activities of entrepreneurs, creators and innovators. are doing. Therefore, many countries are developing their national legislation to punish intellectual property infringements and, more importantly, to

prevent future infringements and to protect innovation and encourage investment.

In general, for an act to be considered criminal, not only in the field of intellectual property, but in any field, it must meet two conditions: - the act must be illegal and wrong; - this act must be prohibited by the criminal law. Damage may be caused to the interests of intellectual property owners or potential consumers, or to the health and safety of people. Such damage cannot be remedied by civil legal remedies alone, as these remedies do not take measures to prevent such damage in the future. However, if an intellectual property right is violated by the intentional use of another's trademark or copyrighted work (usually for commercial purposes) without proper permission or license, it is a criminal offense. In this case, the act is sanctioned by the state and criminal procedures are expected to be used for such offense. "Intentional use" in this case refers to an intentional act, not just a mistake or accident. Such deception is an intentional misrepresentation of potential users, thereby discrediting the intellectual property owner's brand and deceiving potential buyers who believe it to be genuine when it is fake.

In particular, it is said in our general encyclopedia that "everyone is guaranteed the freedom of scientific and technical creativity, the use of cultural achievements, and the state supports the cultural, scientific and technical development of society." [1.14 p.] is being regulated on the basis of drafted and adopted legal documents and other normative legal documents and agreements accepted by the organizations of which the Republic of Uzbekistan is a member and directly participating. Today, the leading legal scholars of our republic are making a significant contribution to conveying the concept of intellectual property rights to the general public, revealing its essence and importance. Qualified lawyers, B. Toshev, O. Okyulov, I. Zokirov, I. Rustambekov, N. Rakhmonkulova, A. Ramatov and others can be included among such scientists. According to the sources, the word "Intellect" means intelligence in Latin.

Intellectual property is a product of creation that is the result of human mental activity. Also, intellectual property rights, unlike pure material property rights, are of great importance in the economic and spiritual life of society.

Intellectual property and its legal status are defined in the norms established from Article 1031 to Article 1111 of the Civil Code of the Republic of Uzbekistan. [3.76.] According to Article 1031 of this law, the results of intellectual activity include:

1. Results of intellectual activity:
  - science, literature, works of art, broadcasting and broadcasting;
  - creations of organizers, phonograms and broadcasts, shows;
  - programs and databases for electronic computers;
  - topologies of integrated microcircuits, inventions, useful models;
  - industrial samples;
  - selection achievements;
  - undisclosed information, including commercial secrets;
2. Means reflecting private signs of goods and services of participants in civil transactions:
  - company name;
  - trademarks;
  - the name of the place where the goods are produced;

We think that it is necessary to learn the following concepts in the process of protecting the above-mentioned property objects. As already mentioned, intellectual property objects are manifested primarily in the form of ideas, knowledge, and information. These objects can be used by unlimited people at the same time for the economic benefit of the individual and society. Therefore, the rule about the indefiniteness of the property right is not applied to them.

Courts may also impose additional penalties based on a number of aggravating factors, such as the use of telecommunications. In addition to criminal legal means, there are other legal means that provide protection of intellectual property objects, including civil litigation, the work of an authorized body in the field of intellectual property, administrative

procedures, and alternative types of dispute resolution. In the last word, it should be noted that legal entities are also prosecuted for intellectual property crimes in another countries, which is in sharp contrast with the legislation of the Republic of Uzbekistan. The reason - in the criminal law of the Republic of Uzbekistan, the subject of the crime is only a natural person. According to the content of Article 149 of the Criminal Code, appropriation of the copyright to an object of intellectual property, coercion of co-authorship, as well as information about objects of intellectual property before they have been officially registered or published for the crime of disclosure without the author's consent, sane individuals who have reached the age of 16 before committing the crime shall be subject to a fine in the amount of twenty-five to seventy-five times the amount of the basic calculation or deprivation of certain rights for up to five years or compulsory community service for up to three hundred and sixty hours or three years punishable by correctional work.

As we have seen above, in contrast to the legislation of developed countries, the laws of Uzbekistan set extremely light sanctions for intellectual property crimes. should consider the issue of introducing criminal responsibility of a legal entity in such cases. In particular, Article 149 of the Criminal Code is divided into several clauses, which include repeated or dangerous, as well as extremely dangerous recidivism, by a group of persons in advance collusion, by an organized group or in its interests, and by means of computer equipment. It is proposed to introduce provisions such as abuse of official position, so that these crimes are punishable by correctional work, restriction of freedom or deprivation of freedom. Of course, when developing the proposal, it would be appropriate to specify that the punishment in the form of restriction of freedom and deprivation of freedom will not be applied in case of compensation for the material damage caused by the crime committed.

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