

13. INTELLECTUAL PROPERTY

13.1 General Provisions

Legislation on intellectual property includes the Copyright Law,³⁰ The Trademark Law,³¹ The Patent Law,³² The Law on the Selection Achievements,³³ and The Law on Computer Programs and Databases.³⁴ Intellectual property rights in Uzbekistan include: (1) all rights to industrial property (including inventions, industrial designs, utility models, company names, trademarks, service marks, appellations of origin of goods, etc.), and (2) copyright and related rights.

Uzbekistan is a party to a number of international treaties including the *Convention Establishing the World Intellectual Property Organization*, the *Paris Convention for the Protection of Industrial Property*, the *Patent Cooperation Treaty*, the *Madrid Agreement Concerning the International Registration of Trade Marks*, the *Trademark Law Treaty*, the *Eurasian Patent Convention*, the *Nice Agreement concerning the International Classification of Goods and Services for the Purposes of Registration of Marks*, the *Strasbourg Agreement concerning the International Patent Classification*, the *Berne Convention for the Protection of Literary and Artistic Works*, the *Rome Convention for the Protection of Performers, Phonogram Producers and Broadcasting Organizations*, the *Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite*, and the *WIPO Performances and Phonograms Treaty (WPPT)*.

Uzbekistan is a “first to file” and not a “first to use” jurisdiction, meaning it is important to register as soon as possible to protect industrial property rights (such as trademarks, inventions, utility models and designs) in Uzbekistan.

³⁰ Law “On Copyrights and Related Rights” dated 20 July 2006, as amended.

³¹ Law “On Trademarks, Service Marks and Appellations of Origin of Goods” dated 30 August 2001, as amended.

³² Law “On Inventions, Industrial Designs and Utility Models” (new edition) dated 29 August 2002.

³³ Law “On the Protection of Selection Achievements” (new edition) dated 29 August 2002.

³⁴ Law “On Computer Programs and Databases” dated 6 May 1994, as amended.

13.2 The Patent Agency

The principal government agency involved in registration matters pertaining to inventions, utility models, industrial designs, selection achievements, trademarks, service marks, appellations of origin, and computer programs in the Republic of Uzbekistan is the State Patent Agency of Uzbekistan (the “Patent Agency”).

13.3 The Copyright Agency

The Uzbek Republican State Copyright Agency is the authorized body in charge of registration of works of science, literature and art (copyrights and related rights).

13.4 Inventions, Utility Models, Industrial Designs and Selection Achievements

Patent protection is given to an invention if it is novel, involves an inventive step and is industrially applicable. A patent for an invention is granted for 20 years. In certain cases, patents can be extended for a term not exceeding five years.

A utility model is granted patent protection if it is novel and industrially applicable. The term is five years, which may be extended for three years.

Patent protection is granted to an industrial design if it is novel, original (creative) and industrially applicable. The term of patent for an industrial design is ten years and may be extended for a further five years. A selection achievement is granted patent protection if it is novel, distinct, uniform and stable.

Patents may be assigned and/or licensed by their owner(s) to natural persons or legal entities. However, an assignment or license agreement must be registered with the Patent Agency to be valid. Infringements of patents entail civil, administrative and criminal liability.

13.5 Trademarks, Service Marks and Appellations of Origin of Goods

Under the Trademark Law, a trademark or service mark is a sign which has been registered according to the Law, and which has become a generally known mark in Uzbekistan, or which is protected without registration under international

agreements to which Uzbekistan is a party, with the intent of distinguishing the goods (services) of one legal entity or natural person from the goods (services) of the same type of other legal entities or natural persons. A “collective” trademark is a trademark of an association or other group which is used to designate a particular product or service which has a common feature or quality. An “appellation of origin of goods” is a geographical name which is used to identify a product as having specific characteristics which are associated with a place of manufacture. Legal protection is given to appellations of origin of goods based on registration with the Patent Agency.

The registered owner may not grant licenses for the use of the appellation of origin of goods. Trademark/service mark registration is granted for a term of ten years, renewable every ten years. Registration of trademarks/service marks can be cancelled on the basis of an application of an interested party if the mark has not been used for a period of five years.

Assignments or licenses for trademarks and service marks must be registered with the Patent Agency.

13.6 Copyrights and Related Rights

The Copyright Law protects works of science, literature and art (copyrights), as well as performances, phonograms, and TV and radio broadcasting or cablecast organizations’ (related rights). Copyright protection is granted to an author without any registration or formalities requirements. Rights to use a copyrighted work may be assigned. The copyright is protected for the lifetime of the author plus 50 years. Infringement of one’s copyright may give rise to civil, administrative and criminal liability.

13.7 Computer Programs and Databases

Computer programs and databases are protected under the *Law on Computer Programs and Databases* and the *Copyright Law*. The production and distribution of infringing copies of computer programs, unlawful alteration of existing programs and their distribution, and unlawful access to legally protected computer information may give rise to civil, administrative and criminal liability.