

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
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RAQAMLI ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

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**O‘ZBEKISTON RESPUBLIKASI BOJXONA ORGANLARI TOMONIDAN
TOVAR BELGILARIGA BO‘LGAN HUQUQLARNING OMMAVIY-
HUQUQIY HIMOYASINI TAKOMILLASHTIRISH**

12.00.02. – Konstitutsiyaviy huquq. Ma’muriy huquq.
Moliya va bojxona huquqi

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**Yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi
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KIRISH (DISSERTATSIYA ANNOTATSIYASI)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda tovar belgisi va uning ommaviy-huquqiy himoyasini tashkil qilish, ushbu sohadagi qonunchilikni unifikatsiya qilish, savdo-sotiq obyekti sifatida huquqiy muhofazasini ta'minlash davlatlarning investitsiya muhitini rag'batlantiruvchi vosita sifatida dolzarb ahamiyat kasb etmoqda. Jahon savdo tashkiloti (keyingi o'rinlarda – JST) tomonidan kontrafakt mahsulotlarining savdosi tovar belgisini qadrsizlantiruvchi eng katta iqtisodiy xavf sifatida e'tirof etilgan. “Yevropa Ittifoqi Intellektual mulk idorasining ma'lumotlariga ko'ra, dunyo bo'ylab bojxona organlari tomonidan aniqlangan kontrafakt mahsulotlar savdosi yiliga 460 milliard yevroni tashkil qiladi, bu butun dunyo bo'yicha savdo-sotiqning 3,4 foizini tashkil etadi. Yevropa Ittifoqida kontrafakt mahsulotlar barcha importning qariyb 6,8 foizini yoki yiliga 121 milliard yevroni tashkil qiladi”¹. Mazkur ko'rsatkichlar tovar belgisi va uning ommaviy-huquqiy himoyasini tashkil qilish, ushbu sohani xalqaro standartlar asosida takomillashtirish zaruratini dalillaydi.

Jahonda tovar belgilarini ro'yxatdan o'tkazishning universal tartib-taomillarini ishlab chiqish, parallel importda tovar belgilari muomalasini tartibga solish, kontrafakt tovarlarni bojxona organlari tomonidan aniqlash mezonlarini ishlab chiqish, tovar belgisi mulkdorining huquqlarini himoya qilishning ommaviy-huquqiy tartibotini takomillashtirish, tovar belgisiga bo'lgan huquqni bojxona organlari tomonidan tan olish va uni himoya qilish asoslarini unifikatsiya qilish bilan bog'liq masalalar muhim tadqiqot yo'nalishlari sifatida o'rganilmoqda.

Mamlakatimiz iqtisodiyoti va ishlab chiqarishida JST talablariga javob beradigan sog'lom raqobat muhitni qaror toptirish, bojxona organlari tomonidan kontrafakt mahsulotlari savdosiga chek qo'yish, faol tadbirkorlik va innovatsion faoliyatni rivojlantirishga qaratilgan sharoitlarni yaratish, intellektual mulkning ishonchli huquqiy himoyasini ta'minlash borasida izchil chora-tadbirlar amalga oshirilmoqda. “Intellektual mulk himoyasi sohalarida milliy qonunchilikni Jahon savdo tashkiloti bitimlarining talablariga muvofiqlashtirish bo'yicha tegishli takliflar ishlab chiqish”² va “Mamlakat iqtisodiyot tarmoqlariga innovatsiyalarni joriy etish mexanizmlarini takomillashtirish, uning raqobatbardoshligini ta'minlash”³ ustuvor vazifa etib belgilangan bo'lib, mazkur vazifalar ushbu sohadagi qonunchilikni takomillashtirishni dolzarb etib belgilaydi. Bugungi kunda huquqni qo'llash amaliyotining o'tkazilgan tahlili shuni ko'rsatadiki, bojxona organlari tomonidan intellektual mulk sohasidagi huquqbuzarliklarni o'z vaqtida aniqlash va ularga barham berish bo'yicha ishlarning lozim darajada bajarilmaganligi, ushbu

¹ European Union Intellectual Property Office (EUIPO) (2024), Trends in Trade in Counterfeit and Pirated Goods, available at: <https://www.euipo.europa.eu/en/news/observatory/counterfeit-goods-cost-eu-industries-billions-of-euros-and-thousands-of-jobs-annually>

² O'zbekiston Respublikasi Prezidentining 2022 yil 28 yanvardagi PF-60-son «2022 — 2026 yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida»gi Farmoni // Qonunchilik ma'lumotlari milliy bazasi, 29.01.2022 y., 06/22/60/0082-son

³ O'zbekiston Respublikasi Prezidentining 2019 yil 8 fevraldagi “Intellektual mulk sohasida davlat boshqaruvini takomillashtirish chora-tadbirlari to'g'risida”gi PQ-4168-son qarori // Qonun hujjatlari ma'lumotlari milliy bazasi, 08.02.2019 y., 07/19/4168/2594-son

sohada davlat xizmatlari ko'rsatish tizimining samarasizligi, idoralararo mustahkam hamkorlikning mavjud emasligi, bojxona organlarida intellektual mulk sohasida malakali kadrlarning yetishmasligi, shuningdek patent bojlari va to'lovlarining yuqori darajada ekanligi ushbu sohani rivojlantirishga salbiy ta'sir etmoqda. Mazkur holatlar ushbu mavzuni tadqiq qilishni dolzarb etib qo'ymoqda.

O'zbekiston Respublikasining Fuqarolik kodeksi (1996), Bojxona kodeksi, "Tovar belgilari, xizmat ko'rsatish belgilari va tovar kelib chiqqan joy nomlari to'g'risida"gi (2001), "Raqobat to'g'risida"gi (2023), "Firma nomlari to'g'risida"gi (2006), "Davlat bojxona xizmati to'g'risida"gi (2018) qonunlari O'zbekiston Respublikasi Prezidentining "2022 – 2026 yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida"gi (2022) Farmoni, "Intellektual mulk sohasida davlat boshqaruvini takomillashtirish chora-tadbirlari to'g'risida"gi (2019) va "Intellektual mulk obyektlarini muhofaza qilish tizimini takomillashtirish chora-tadbirlari to'g'risida"gi (2021), "Intellektual mulk sohasini yanada rivojlantirishga oid qo'shimcha chora-tadbirlari to'g'risida"gi (2022), qarorlari, shuningdek mavzuga oid boshqa qonun hujjatlarida belgilangan ustuvor vazifalarning amalga oshirilishida ushbu dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo'nalishlariga mosligi. Mazkur dissertatsiya respublika fan va texnologiyalar rivojlanishining I. "Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma'naviy-ma'rifiy rivojlantirishda innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari" ustuvor yo'nalishiga muvofiq bajarilgan.

Muammoning o'rganilganlik darajasi. O'zbekiston Respublikasi bojxona organlarining ayrim vazifalari yoki funksiyalari, faoliyatini takomillashtirish masalalari, ularni tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini tashkil qilishdagi o'rni bir qator milliy olimlarimiz – S.A.Alimbayev, O.Z.Zayniddinov, R.A.Turapov, E.Rahmatovlar tomonidan tadqiq etilgan. Shuningdek, bojxona organlarining davlat boshqaruv organlari tizimida tutgan o'rni, ularning faoliyat yo'nalishlari A.Tursunov, Q.Berdimuratov, S.Gulyamov, T.Rahmonov, O.Jidkova, A.Jo'rayev, S.Isamuxamedova, G'.Safarov va boshqa olimlari tomonidan tadqiq qilingan.

Tovar belgilarining fuqarolik-huquqiy masalalarining ayrim jihatlari mamlakatimizning olim va tadqiqotchilaridan – X-A.Rahmonqulov, I.B.Zokirov, O.Oqyulov, N.F.Imomov, I.I.Nasriyev, Z.K.Babakulov, D.A.Ogay, B.U.Axmadjonov, S.M.Safoyeva, Z.S.Akramxodjayeva, T.Pardayev, L.Po'latova, A.Shadmankulov, A.Ibragimov, K.Axmedjanov, B.Xamdamov, N.Karimov, Sh.Azizov, S.Alimbayev, S.Aripov, R.Turapov va boshqalarning ilmiy ishlarida muayyan darajada ko'rib chiqilgan⁴.

So'nggi yillarda intellektual mulk obyekti sifatida tovar belgilari va ularni huquqiy muhofazasiga oid tadqiqotlar o'tkazgan xorijiy tadqiqotchilar sifatida Lourens Lessig (Harvard Law School), Layonel Bentli (University of Cambridge),

⁴ Mazkur ilmiy ishlarning to'liq nomi foydalanilgan adabiyotlar ro'yxatida keltirilgan.

Kristofer Sprigman (NYU School of Law), Martin Senftleben (VU University Amsterdam), Syuzan Skafidi (Fordham University), Baron Phillips (Queen Mary University of London), Grem Dinvidi (University of Oxford), Piter Yu (Drake University Law School), Djeremi Phillips (University College London), Iren Kalbol (University of Copenhagen), Frederik Mostert (King's College London), Daniel Gervais (Vanderbilt University), David Hal Bernstein (AQSh, N'yu York universiteti), A. Nicholas Falkides (AQSh, Pensilvaniya universiteti), Mark P. McKenna (AQSh, Kaliforniya, Berkeley universitetlari), Dirk Visser (Gollandiya, Leiden universiteti), Phan Ngoc Tam (Shvetsiya, Lund universiteti), Ozgur Arican, Dima Basma (Buyuk Britaniya, Manchester universiteti), MDH olimlaridan A.Agrashenkov, M.N.Blinov, V.N.Ivanov, A.F.Nozdachev, A.A.Gravina, P.S.Tishkovskiy, Yu.Petrov, E.P.Gavrilov, V.S.Nikulina, K.Ramazanova kabilar tomonidan tovar belgilarining huquqiy muhofaza qilish, ushbu sohada bojxona organlarining ahamiyati kabi masalalar o'rganilgan⁵.

Yuqoridagi tadqiqotchilar tomonidan intellektual mulkning alohida obyekt bo'lgan tovar belgilariga nisbatan mutlaq huquqlarning alohida xususiyatlari va u bilan bog'liq munosabatlarning umumiy huquqiy tartibga solishni tahliliga qaratilgan bo'lsa-da, bojxona organlari tomonidan tovar belgilariga bo'lgan huquqlarni ommaviy-huquqiy muhofazasi masalalari kompleks tarzda tadqiq qilinmagan. Shu bois, ushbu mavzuni mazkur rakursda tadqiq etish dolzarb ahamiyat kasb etadi.

Dissertatsiya mavzusining dissertatsiya bajarilgan oliy ta'lim yoki ilmiy-tadqiqot muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog'liqligi. Tadqiqot mavzusi Toshkent davlat yuridik universiteti ilmiy-tadqiqot ishlari rejasiga kiritilib "Demokratik islohotlarni chuqurlashtirish sharoitida davlat boshqaruvini yanada erkinlashtirishning asosiy yo'nalishlari" mavzusidagi ish rejasi doirasida bajarilgan.

Tadqiqotning maqsadi. O'zbekiston Respublikasi bojxona organlari tomonidan tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini kompleks takomillashtirish, xususan huquqni qo'llash amaliyotidan kelib chiqib, tovar belgilarining ommaviy-huquqiy himoyasini ilmiy-nazariy masalalarini tahlil qilish, asoslash, tegishli xalqaro hujjatlar qoidalarini milliy qonunchilikka implementatsiya qilish mexanizmini ishlab chiqish va takliflar berishdan iborat.

Tadqiqotning vazifalari:

tovar belgisiga bo'lgan huquq va uni himoya qilishning yuridik tabiati va ushbu sohadagi doktrinal qarashlarning tahlilini o'tkazish;

tovar belgisiga bo'lgan huquqni himoya qilishning ommaviy-huquqiy jihatlari tadqiq qilish;

O'zbekistonda tovar belgisini ommaviy-huquqiy muhofazasini ta'minlashning tashkiliy-huquqiy asoslarini rivojlanishini tahlil qilish;

xorijiy davlatlarning tovar belgilarini huquqiy himoya qilish tajribasini tadqiq qilish va shu asosda milliy qonunchilikka takliflar berish;

⁵ Mazkur ilmiy ishlarning to'liq nomi foydalanilgan adabiyotlar ro'yxatida keltirilgan.

xorijiy davlatlarda bojxona organlari tomonidan tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini tashkil qilishning o'ziga xosligi o'rganish va uni yanada takomillashtirish bo'yicha takliflar ishlab chiqish;

O'zbekiston Respublikasida tovar belgilariga oid huquqlarni buzilishiga qarshi kurashning huquqiy ta'sir choralari takomillashtirish bo'yicha takliflar ishlab chiqish;

O'zbekiston Respublikasi bojxona organlari tomonidan import va eksport operatsiyalarida tovar belgilariga bo'lgan huquqlarning himoya qilishning o'ziga xosligiga huquqiy baho berish;

kontrafakt tovarlar va parallel import muammolarini hal qilish istiqbollari hamda innovatsion usullari bo'yicha taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqotning obyekti O'zbekiston Respublikasi bojxona organlari tomonidan tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini takomillashtirish bilan bog'liq munosabatlar tizimi hisoblanadi.

Tadqiqotning predmetini O'zbekiston Respublikasi bojxona organlari tomonidan tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini tashkil qilish bilan bog'liq munosabatlar, ularni tartibga soluvchi normativ-huquqiy hujjatlar, huquqni qo'llash amaliyoti, chet el davlatlari qonunchiligi va xalqaro hujjatlar, yuridik fandagi konseptual ta'limotlar, ilmiy-nazariy qarashlar va huquqiy kategoriyalari tashkil etadi.

Tadqiqotning usullari. Tadqiqot davomida tarixiy, tizimli-tuzilmaviy, qiyosiy huquqiy, mantiqiy, induksiya va deduksiya, ilmiy manbalarni kompleks tadqiq etish, statistik ma'lumotlar tahlili kabi usullardan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

Bojxona xizmati organlariga "Intellektual mulk obyektlarining bojxona reyestri"ga kiritilgan tovar belgilari bo'yicha huquqbuzarlik aniqlangan taqdirda o'z tashabbusiga ko'ra bu haqida huquq egasini xabardor qilish huquqini berish zarurligi asoslangan;

"Yagona darcha" bojxona axborot tizimi orqali intellektual mulk obyektlarini Reyestrda kiritish to'g'risidagi arizalarni yuborish va qabul qilish jarayonlarini raqamlashtirish zarurligi asoslab berilgan;

tashqi iqtisodiy faoliyat bojxona postlarida bojxona nazorati va rasmiylashtiruv jarayonida bojxona organlariga intellektual mulk obyektlari huquq egalari qonuniy manfaatlarini himoya qilish vazifasini yuklash zarurligi asoslangan;

bojxona organlari intellektual mulk obyektlariga bo'lgan huquqlarni himoya qilish maqsadida tovar belgisining huquq egasi to'g'risidagi ma'lumotlarni aniqlashtirish uchun O'zbekiston Respublikasida intellektual mulk obyektlariga bo'lgan huquqlarni himoya qilish sohasidagi vakolatli davlat organiga elektron so'rov yuborishi mumkinligi asoslab berilgan.

Tadqiqotning amaliy natijalari.

bojxona organlari huquq egasining yoki uning vakolatli vakilining manzilini aniqlash va uni xabardor qilish uchun yigirma to'rt soat ichida barcha zarur choralarni ko'rishi zarurligi asoslangan;

bojxona organlari tomonidan kontrafakt va parallel importning oldini olish bo'yicha takliflar ishlab chiqildi;

intellektual mulk obyektining O'zbekiston Respublikasidagi huquq egasi yoki uning vakolatli vakili to'g'risidagi ma'lumotlar aniqlangan taqdirda ularga xabar yuboriladi, shuningdek tovarlarni chiqarib yuborish uch ish kuniga to'xtatib turilishi asoslangan;

O'zbekistonda tovar belgilarini ro'yxatdan o'tkazish bosqichlarini soddalashtirish ularning huquqiy muhofazaga layoqatlilik mezonlari, muhofaza qilish shartlari ishlab chiqiladi;

tovar belgilariga nisbatan mutlaq huquqlarni amalga oshirishning ommaviy-huquqiy asoslari o'rganilib, uni takomillashtirish bo'yicha takliflar ishlab chiqildi;

tovar belgisini insofsiz raqobatdan muhofaza qilish masalalari o'rganilib, tegishli qonun hujjatlariga o'zgartirish va qo'shimchalar kiritish bo'yicha takliflar ishlab chiqildi;

tovar belgilaridan noqonuniy foydalanganlik uchun huquqiy javobgarlikning aniq chegarasi va doirasi belgilab berildi.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalari xalqaro va milliy qonunchilik normalari, rivojlangan davlatlar tajribasi, qonunni qo'llash amaliyoti, ijtimoiy so'rovnomaning anketa, ekspert so'roviga asoslanganligi, statistik ma'lumotlarni tahlil qilish natijalari umumlashtirilib, tegishli hujjatlar bilan rasmiylashtirilgan. Xulosa, taklif va tavsiyalar aprobatsiyadan o'tkazilib, ularning natijalari yetakchi milliy va xorijiy nashrlarda e'lon qilingan. Olingan natijalar vakolatli tuzilmalar tomonidan tasdiqlangan va amaliyotga joriy qilingan.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalarining ilmiy-amaliy ahamiyati undagi ilmiy va nazariy xulosalar, takliflardan kelgusidagi ilmiy faoliyatda, qonun normalari ijodkorligida, qonunni qo'llash amaliyotida, ommaviy va fuqarolik qonunchiligining tegishli qoidalarini sharhlashda, milliy qonunchilikni takomillashtirish hamda fuqarolik huquqi, tadbirkorlik huquqi, intellektual mulk huquqi, xalqaro xususiy huquq, ma'muriy huquq, xalqaro huquq fanlarini ilmiy-nazariy jihatdan boyitishga xizmat qilishi bilan belgilanadi. Tadqiqot natijalaridan yangi ilmiy tadqiqotlarni amalga oshirishda foydalanish mumkin.

Tadqiqot natijalarining joriy qilinishi. O'zbekiston Respublikasi bojxona organlari tomonidan tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini takomillashtirish bo'yicha olingan ilmiy natijalar asosida:

Bojxona xizmati organlariga Intellektual mulk obyektlarining bojxona reyestriga kiritilgan tovar belgilari bo'yicha huquqbuzarlik aniqlangan taqdirda o'z tashabbusiga ko'ra bu haqida huquq egasini xabardor qilish huquqini berish zarurligi haqidagi taklif O'zbekiston Respublikasi Prezidentining 2022-yil 26-apreldagi "Intellektual mulk sohasini yanada rivojlantirishga oid qo'shimcha chora-tadbirlari to'g'risida"gi PQ-221-son qarorining 2-bandini ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Adliya vazirligining 2023-yil 1-martdagi 27/1-149/8-sonli ma'lumotnomasi). Ushbu taklifning amalga oshirilishi bojxona organlarining tovar belgilari huquqiy himoyasi bo'yicha vakolatlarini belgilashga, ushbu sohadagi huquqbuzarliklarga qarshi samarali kurashga xizmat qilgan;

“Yagona darcha” bojxona axborot tizimi orqali intellektual mulk obyektlarini “Intellektual mulk obyektlari bojxona reyestri”ga kiritish to‘g‘risidagi arizalarni yuborish va qabul qilish jarayonlarini raqamlashtirish zarurligi haqidagi taklif O‘zbekiston Respublikasi Prezidentining 2022-yil 26-apreldagi “Intellektual mulk sohasini yanada rivojlantirishga oid qo‘shimcha chora-tadbirlari to‘g‘risida”gi PQ–221-son qarorining 4-bandini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Iqtisodiyot va moliya vazirligi huzuridagi Bojxona qo‘mitasining 2023-yil 27-maydagi 16/05-23-00068-sonli ma’lumotnomasi). Ushbu taklifning amalga oshirilishi bojxona organlarining tovar belgilari huquqiy himoyasi bo‘yicha faoliyatini raqamlashtirishga, tovar belgilariga oid huquqlarni samarali huquqiy himoyasini ta’minlashga xizmat qilgan;

tashqi iqtisodiy faoliyat bojxona postlarida bojxona nazorati va rasmiylashtiruv jarayonida bojxona organlari tomonidan intellektual mulk obyektlari huquq egalarning qonuniy manfaatlarini himoya qilish huquqini taqdim etish zarurligi haqidagi taklif O‘zbekiston Respublikasi Prezidentining 2022-yil 26-apreldagi “Intellektual mulk sohasini yanada rivojlantirishga oid qo‘shimcha chora-tadbirlari to‘g‘risida”gi PQ–221-son qarorining 4-bandini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Iqtisodiyot va moliya vazirligi huzuridagi Bojxona qo‘mitasining 2023-yil 27-maydagi 16/05-23-00068-sonli ma’lumotnomasi). Ushbu taklifning amalga oshirilishi bojxona organlarining tovar belgilari huquqiy himoyasi bo‘yicha vakolatlarini kengaytirishga xizmat qilgan;

bojxona organlari intellektual mulk obyektlariga bo‘lgan huquqlarni himoya qilish maqsadida tovar belgisining huquq egasi to‘g‘risidagi ma’lumotlarni aniqlashtirish uchun O‘zbekiston Respublikasida intellektual mulk obyektlariga bo‘lgan huquqlarni himoya qilish sohasidagi vakolatli davlat organiga elektron so‘rov yuborishi zarurligi haqidagi taklif 2024-yil 27-fevraldagi O‘zbekiston Respublikasining “O‘zbekiston Respublikasi Bojxona kodeksiga bojxona tartib-taomillarini yanada takomillashtirishga qaratilgan o‘zgartish va qo‘shimchalar kiritish to‘g‘risida”gi O‘RQ–913-son Qonuning 1-moddasi 40-bandini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Iqtisodiyot va moliya vazirligi huzuridagi Bojxona qo‘mitasining 2024-yil 21-martdagi 15/05-24-00436-sonli ma’lumotnomasi). Ushbu taklifning amalga oshirilishi bojxona organlari va intellektual mulk obyektlariga bo‘lgan huquqlarni himoya qilish sohasidagi vakolatli davlat organlarining tovar belgilari huquqiy himoyasi bo‘yicha o‘zaro hamkorligini ta’minlashga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Mazkur dissertatsiya natijalari 5 ta ilmiy anjumanda, jumladan 2 ta xalqaro va 3 ta respublika ilmiy-amaliy anjumanlarida muhokamadan o‘tkazilgan.

Tadqiqot natijalarining e‘lon qilinganligi. Dissertatsiya mavzusi bo‘yicha jami 11 ta ilmiy ish, jumladan 6 ta maqola (1 tasi xorijiy nashrlarda) chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya kirish, 9 ta paragrafni qamrab olgan 3 ta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati hamda ilovalardan iborat. Dissertatsiyaning hajmi 144 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning kirish qismida mavzuning dolzarbligi va zarurligi, tadqiqotning respublika fan-texnika va texnologiyalarni rivojlantirishning asosiy ustuvor yo'nalishlariga muvofiqligi, muammoning o'rganilganlik darajasi, dissertatsiya ishining oliy ta'lim muassasasining ilmiy-tadqiqot ish rejasi bilan o'zaro bog'liqligi, tadqiqotning maqsad va vazifalari, obyekti va predmeti, metodlari, ilmiy yangiligi va tadqiqotning amaliy natijalari, ushbu natijalarning ishonchiligi, tadqiqotning ilmiy va amaliy ahamiyati, joriy qilinishi, aprotatsiyasi hamda natijalarining e'lon qilinganligi, dissertatsiyaning hajmi va tuzilishi kabi masalalar yoritilgan.

Dissertatsiyaning birinchi bobi **“Tovar belgisiga bo‘lgan huquqni ommaviy-huquqiy himoya qilishning umumiy tavsifi”** deb nomlanib, unda tovar belgisiga bo‘lgan huquq va uni himoya qilishning yuridik tabiati hamda sohadagi doktrinal qarashlarning tahlili, tovar belgisiga bo‘lgan huquqni himoya qilishning ommaviy-huquqiy jihatlari, shuningdek O‘zbekistonda tovar belgisini ommaviy-huquqiy muhofazasini ta'minlashning tashkiliy-huquqiy asoslari tadqiq qilingan.

Ushbu bobda tadqiqotchi intellektual mulk obyektlarini, xususan tovar belgilarini konstitutsiyaviy-huquqiy himoya qilishga oid masalalarni chuqur o'rganib chiqqan, Ayrim xorijiy mamlakatlar konstitutsiyalaridagi tovar belgilarini himoya qilish mexanizmlari qiyosiy tahlili asosida ularning ijobiy jihatlari milliy qonunchilikka implementatsiya qilishga doir takliflar bergan. Shuningdek, muallif O‘zbekiston Respublikasi Konstitutsiyasiga kiritilgan intellektual mulk va uni himoya qilish haqidagi bosh normaning asosligini bayon qilgan.

Bundan tashqari, dissertant tovar belgisining huquqiy tabiatini tahlil qilib, o‘zining ilmiy ta’rifini taqdim etgan. Bunga ko‘ra, *“tovar belgisi – bu bir yoki bir necha shaxslarning ong va tafakkuri asosida moddiy tovar boyliklarni himoya qilish, ulardan foyda olish maqsadida yaratilgan hamda belgilangan tartibda ro‘yxatdan o‘tkazilgan so‘zli, harfli, raqamli, tasviriy ko‘rinishdagi maxsus belgi”*. Muallifning mazkur ta’rifi mazmunan tovar belgisining ijod mahsuli ekanligini, uning iqtisodiy ahamiyatini va huquqiy himoya zarurligini ifoda etadi.

Tadqiqot davomida *“muhofaza qilish”*, *“himoya qilish”* va *“ta’minlash”* tushunchalarining huquqiy tabiati qamrovli tahlil qilingan bo‘lib, tovar belgilarini *“himoya qilish”* atamasi tovar belgisidan noqonuniy foydalanish yoki ushbu huquq buzilishining oldini olish yoxud oldini olishga qaratilgan harakatlar va choralarni amalga oshirishni nazarda tutsa, *“muhofaza qilish”* atamasi esa tovar belgisini saqlash va undan noqonuniy foydalanishning oldini olishga qaratilgan chora-tadbirlarni anglatishini ilmiy asoslab berilgan. Shuningdek, *“ta’minlash”* atamasi tovar belgisiga bo‘lgan huquqlarni samarali himoya qilish va muhofaza qilish uchun zarur shart-sharoitlarni yaratishni ifodalashi ko‘rsatib o‘tilgan.

Muallif tovar belgilarini himoya qilish sohasidagi mavjud ilmiy doktrinalarni tizimli tahlil qilib, yangi konseptual qarashlarni ilgari surgan. Jumladan, *“tovar belgilarining ommaviy-huquqiy himoyasi”*, *“intellektual mulk bojxona xavfsizligi”*, *“davlat-xususiy sheriklik”* modelini rivojlantirish kabi konsepsiyalarning afzalliklarini ko‘rsatib bergan. Shuningdek, *“bojxona organlarining preventiv funksiyasi”* nazariyasi va *“bojxona organlarining vakolatlari chegaralari”* nazariyasi kabi konsepsiyalarni chuqur tadqiq etgan.

Ilmiy ishda tovar belgilarini himoya qilish sohasida “davlat-xususiy sheriklik” modelini rivojlantirish taklif etilgan. Muallif bu modelning afzalliklarini ko‘rsatib, u davlat va xususiy sektor resurslarini birlashtirish orqali samaradorlikni oshirish, xarajatlarni kamaytirish va innovatsion yondashuvlarni rag‘batlantirishga xizmat qilishini asoslab bergan.

Tadqiqot natijasida O‘zbekiston sharoitida “ommaviy-huquqiy himoya” konsepsiyasini qo‘llash bugungi kunda maqsadga muvofiqligini ilmiy asoslab berilgan. Dissertantning fikricha, bu konsepsiya tovar belgilarini nafaqat xususiy huquq obyekt sifatida, balki jamiyat manfaatlarini himoya qiluvchi vosita sifatida ham ahamiyatini ta’kidlaydi.

Yuqoridagilardan tashqari, tadqiqotchi zamonaviy sharoitlar va raqamli iqtisodiyotni rivojlanishi munosabati bilan “raqamli bojxona nazorati” konsepsiyasi va “transchegaraviy intellektual mulk huquqi” konsepsiyasini yangi yo‘nalish sifatida ilgari surgan. Bu konsepsiyalarning mohiyati, afzalliklari va ularni joriy etish mexanizmlari batafsil yoritib berilgan.

Muallif “raqamli bojxona nazorati” konsepsiyasini rivojlantirish zarurligini ilgari surgan. Bu konsepsiya zamonaviy texnologiyalardan foydalanib, bojxona jarayonlarini optimallashtirish va samaradorligini oshirishga qaratilgan. Uning asosiy afzalliklari sifatida tezkor va aniq ma’lumot almashinuvi, xavf-xatarlarni oldindan aniqlash imkoniyati, korrupsiya xavfini kamaytirish va xarajatlarni qisqartirish imkoniyatlari ko‘rsatib berilgan.

Muallif tovar belgilarini himoya qilishda mutanosiblik prinsipini joriy etish zarurligini ilmiy jihatdan asoslagan. Bu prinsip tovar belgisi egalarining huquqlari va jamiyat manfaatlari o‘rtasida muvozanatni ta’minlashga xizmat qilishi, shuningdek huquqlarni suiiste’mol qilishning oldini olishi va sog‘lom raqobatni rag‘batlantirishi ta’kidlangan.

Muallif tovar belgilarini himoya qilishda mutanosiblik prinsipining ahamiyatini alohida ta’kidlab, uning to‘rt jihatini ochib bergan: ta’sir chorasining mutanosibligi, himoya choralarning mutanosibligi, jamoat manfaatlarini hisobga olish, moslashuvchanlik va mazmunan bog‘liqlik. Bu prinsipni amaliyotga joriy etish mexanizmlari bo‘yicha aniq takliflar ishlab chiqilgan.

Tadqiqotchi xalqaro tajribani o‘rganish asosida noan’anaviy tovar belgilarini (tovush, harakat, hid va boshqalar) ro‘yxatdan o‘tkazish imkoniyatini yaratish bo‘yicha “Tovar belgilari, xizmat ko‘rsatish belgilari va tovar kelib chiqqan joy nomlari to‘g‘risida”gi qonunga aniq o‘zgartirish va qo‘shimchalar kiritishni taklif etgan. Jumladan, qonunni 10¹-modda bilan to‘ldirish orqali noan’anaviy tovar belgilarini ro‘yxatdan o‘tkazishning o‘ziga xos xususiyatlarini belgilash taklif qilingan. Bu taklifning amalga oshirilishi milliy qonunchilikni xalqaro standartlarga muvofiqlashtirishga xizmat qilishi asoslab berilgan.

Muallif tovar belgilarini ro‘yxatdan o‘tkazish jarayonini to‘liq raqamlashtirish va “Yagona darcha” tizimini joriy etish zarurligini asoslagan. Bu taklif O‘zbekiston Respublikasi Prezidentining 2022-yil 26-apreldagi PQ–221-son qarorini ishlab chiqishda inobatga olingan. Tadqiqotchi bu yangilikning byurokratik to‘siqlarni kamaytirish va jarayonning samaradorligini oshirishdagi ahamiyatini ko‘rsatib bergan.

Tadqiqotda tovar belgilarining ommaviy-huquqiy muhofazasini ta’minlashning tashkiliy-huquqiy asoslari tarixiy rivoji nuqtai nazaridan tahlil qilingan. Muallif O‘zbekistonda tovar belgilarini himoya qilish tizimining

shakllanish bosqichlarini, huquqiy asoslarining rivojlanishini va bu boradagi institutsional o'zgarishlarni tizimli ravishda yoritib bergan.

Muallif bojxona organlarining tovar belgilarini himoya qilishdagi rolini kuchaytirish zarurligini asoslagan. Bunda bojxona organlarining nafaqat nazorat funksiyasini, balki huquqbuzarliklarning oldini olish funksiyasini ham kuchaytirish taklif etilgan. Shuningdek, bojxona organlari va intellektual mulk idoralari o'rtasidagi hamkorlikni yanada rivojlantirish bo'yicha aniq takliflar ishlab chiqilgan.

Muallif tovar belgilari sohasida xalqaro hamkorlikni rivojlantirish masalalariga ham alohida e'tibor qaratgan. Xalqaro shartnomalar va bitimlarning ahamiyati, ularni milliy qonunchilikka implementatsiya qilish mexanizmlari, xalqaro tajribani joriy etish yo'llari batafsil yoritib berilgan.

Dissertatsiyaning ikkinchi bobi **“Tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini tashkil qilish bo'yicha xorijiy davlatlar tajribasi”**ga bag'ishlangan bo'lib, mazkur bobda ayrim xorijiy davlatlarning tovar belgilarini huquqiy himoya qilish tajribasiga umumiy tavsif, xorijiy davlatlarda bojxona organlari tomonidan tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini tashkil qilishning o'ziga xosligi o'rganilgan.

Muallif ikkinchi bobda tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini tashkil qilish bo'yicha xorijiy davlatlar tajribasini chuqur tahlil qilgan. Tadqiqotda quyidagi muhim ilmiy natijalarga erishilgan.

Muallif ilk bor xalqaro tajribani tizimli tahlil qilish asosida tovar belgilarini himoya qilishning to'rt asosiy shaklini aniqlab bergan: vakolatli davlat organi tomonidan muhofaza hujjati taqdim etilishi, sudgacha bo'lgan o'zaro kelishuv, sud orqali himoya qilish va ma'muriy yo'llar bilan tegishli davlat organlarining kuch va vositalari orqali. Tadqiqotchi ushbu shakllar o'zaro uyg'un va bir-birini to'ldiruvchi tizim sifatida faoliyat yuritishi lozimligini ilmiy asoslab bergan.

Tadqiqotda kontrafakt mahsulotlarga qarshi kurashishning zamonaviy xalqaro tajribasi chuqur o'rganilgan. Jumladan, Iqtisodiy hamkorlik va rivojlanish tashkilotining 2023-yildagi statistik ma'lumotlari tahlil qilinib, 75 foiz kontrafakt tovarlarning kelib chiqishi Osiyo davlatlari ulushiga to'g'ri kelishi, bu esa mintaqada kontrafakt mahsulotlarga qarshi kurashish mexanizmlarini takomillashtirish zarurligini ko'rsatishi ilmiy jihatdan asoslab berilgan.

Tadqiqotchi Yevropa Ittifoqi tajribasini chuqur tahlil qilib, tovar belgilarini mintaqaviy tartib-taomil asosida himoya qilish tizimining afzalliklarini ko'rsatib bergan. Muallif YeIda tovar belgisining “hamma narsa yoki hech narsa” tamoyili asosida himoya qilinishi, ya'ni tovar belgisi ittifoqning bir davlatida bekor qilinsa, barcha a'zo davlatlarda ham huquqiy muhofaza tugatilishi amaliyotini ijobiy baholagan.

Muallif AQSh tajribasini o'rganish asosida tovar belgilarini federal tartibda ro'yxatdan o'tkazish tizimining afzalliklarini ochib bergan. AQShda distribyuter va importerlarning tovar belgisiga nisbatan huquqlari cheklanganligi, ular faqat huquq egasi bilan tuzilgan shartnoma asosidagina tovar belgisidan foydalanish huquqiga ega bo'lishi aniqlangan. Shuningdek, AQShda mahsulotning hududiy kelib chiqishi, tayyorlash usuli va boshqa xususiyatlarini farqlash uchun sertifikatlangan markalardan foydalanish amaliyoti ijobiy baholangan.

Tadqiqotchi Germaniya tajribasini tahlil qilib, noan'anaviy tovar belgilarini ro'yxatdan o'tkazish amaliyotining ijobiy jihatlarini ochib bergan. Germaniyada

2019-yildan boshlab video sahna ko‘rinishi, harakat belgilari, tovushli-ovoz audiofayllari, gologramma, hid taratuvchi mahsulotlarni tovar belgisi sifatida ro‘yxatdan o‘tkazish imkoniyati yaratilganligi, bu esa tovar belgilarini himoya qilish tizimini takomillashtirishga xizmat qilishi asoslab berilgan.

Xitoy tajribasini o‘rganish asosida muallif kontrafakt mahsulotlarga qarshi kurashda kompleks yondashuv zarurligini ilmiy asoslagan. Xitoyda kontrafakt mahsulotlarni yo‘q qilish, tovar belgilarini tijorat maqsadida qayta sotishga yo‘l qo‘ymaslik, kontrafakt mahsulotlarni tayyorlashda foydalanilgan jihozlarni so‘zsiz yo‘q qilish kabi samarali choralarining qo‘llanilishi ijobiy baholangan.

Rossiya tajribasini tahlil qilish asosida muallif “ex-officio” tamoyilining ahamiyatini ochib bergan. Bu tamoyil bojxona organlariga reyestrda kiritilmagan intellektual mulk obyektlari huquqini buzuvchi tovarlarni ham chiqarib yuborishni to‘xtatib turish vakolatini berishi, bu esa tovar belgilarini himoya qilish tizimining samaradorligini oshirishga xizmat qilishi asoslab berilgan.

Tadqiqotchi bojxona organlarining tovar belgilarini himoya qilishdagi rolini kuchaytirish zarurligini ilmiy jihatdan asoslab bergan. Bunda “raqamli bojxona” konsepsiyasini joriy etish, sun‘iy intellekt va mashina o‘rganish texnologiyalaridan foydalanish, tovar belgilarini qalbakilashtirishga qarshi kurashda xalqaro hamkorlikni kuchaytirish bo‘yicha aniq takliflar ishlab chiqilgan.

Muallif xorijiy tajribani o‘rganish asosida tovar belgilarini himoya qilishda bojxona organlarining rolini kuchaytirish bo‘yicha quyidagi takliflarni ilgari surgan: birinchidan, bojxona organlarining tovar belgilarini himoya qilish bo‘yicha vakolatlarini kengaytirish; ikkinchidan, bojxona organlari va intellektual mulk idoralari o‘rtasidagi hamkorlikni kuchaytirish; uchinchidan, kontrafakt mahsulotlarga qarshi kurashda xalqaro hamkorlikni rivojlantirish; to‘rtinchidan, bojxona nazoratida raqamli texnologiyalardan keng foydalanish mexanizmlarini joriy etish.

Xulosa qilish mumkinki, muallif ikkinchi bobda tovar belgilarini himoya qilish bo‘yicha ilg‘or xorijiy tajribani chuqur tahlil qilib, uni milliy amaliyotga joriy etish bo‘yicha ilmiy asoslangan takliflar ishlab chiqqan. Tadqiqotning bu qismida ilgari surilgan g‘oyalar va takliflar tovar belgilarini himoya qilish tizimini takomillashtirishga muhim hissa qo‘shishi mumkin.

Dissertatsiyaning uchinchi bobi **“O‘zbekistonda bojxona organlari tomonidan tovar belgilariga bo‘lgan huquqni himoya qilishni takomillashtirish”** deb nomlandi. Ushbu bobda O‘zbekiston Respublikasida tovar belgilariga oid huquqlarni buzilishiga qarshi kurashning huquqiy ta’sir choralari takomillashtirish, O‘zbekiston Respublikasi bojxona organlari tomonidan import va eksport operatsiyalarida tovar belgilariga bo‘lgan huquqlarning himoya qilishning o‘ziga xosligi, kontrafakt tovarlar va parallel import muammolarini hal qilish istiqbollari hamda innovatsion usullari tahlili bayon qilingan.

Uchinchi bobda muallif O‘zbekistonda bojxona organlari tomonidan tovar belgilariga bo‘lgan huquqni himoya qilishni takomillashtirish masalalarini kompleks tadqiq etgan.

Muallif tomonidan O‘zbekiston Respublikasida tovar belgilariga oid huquqlarni buzilishiga qarshi kurashning huquqiy ta’sir choralari takomillashtirish masalalari chuqur o‘rganilgan. Xususan, statistik ma’lumotlar tahlili natijasida 2021-2023-yillarda tovar belgilarini ro‘yxatdan o‘tkazish uchun topshirilgan talabnomalar soni ortib

borayotgani, shuningdek intellektual mulk sohasidagi murojaatlar soni ham ko'paygani aniqlangan. Jumladan, 2021-yilda 6389 ta, 2022-yilda 7222 ta, 2023-yilda esa 6828 ta talabnoma topshirilgan. Shu bilan birga, adliya organlariga yo'llangan murojaatlar soni 2021-yilda 767 ta, 2022-yilda 841 ta, 2023-yilda esa 1190 tani tashkil etgan.

Tadqiqotchi tovar belgilari bilan bog'liq huquqbuzarliklarni aniqlash va ularga nisbatan ma'muriy bayonnoma tuzish vakolatini Adliya vazirligi va Davlat bojxona qo'mitasiga berish zarurligini asoslab bergan. Buning uchun Ma'muriy javobgarlik to'g'risidagi kodeksning 245²-moddasiga va 262-moddasiga tegishli o'zgartirishlar kiritish taklif etilgan. Muallifning fikricha, bu vakolatlarning berilishi tovar belgilariga nisbatan sodir etilayotgan huquqbuzarliklarga qarshi kurashish samaradorligini oshirishga xizmat qiladi.

Dissertatsiyada O'zbekiston Respublikasida tovar belgilariga oid huquqbuzarliklar uchun jinoiy javobgarlik belgilanmaganligi tanqidiy tahlil qilingan. Xorijiy davlatlar, jumladan Germaniya, Fransiya tajribasi o'rganilib, Jinoyat kodeksiga "O'zganing tovar belgisidan, xizmat ko'rsatish belgisidan, geografik ko'rsatkichidan, tovar kelib chiqqan joy nomidan yoki firma nomidan qonunga xilof ravishda foydalanish" deb nomlangan 149¹-modda kiritish taklif etilgan. Muallif jinoiy javobgarlikning kiritilishi tovar belgisi egalarining huquqlarini kuchliroq himoya qilish va huquqbuzarliklarning oldini olishga xizmat qilishini asoslab bergan.

Muallif tomonidan O'zbekiston Respublikasi bojxona organlari tomonidan import va eksport operatsiyalarida tovar belgilariga bo'lgan huquqlarning himoya qilishning o'ziga xosligi masalalari tadqiq etilgan. Jumladan, bojxona organlari tomonidan intellektual mulk obyektlariga bo'lgan huquqlarni himoya qilish sohasida axborot-kommunikatsiya texnologiyalaridan foydalanish imkoniyatlari o'rganilgan. Xususan, "Intellektual mulk obyekti bojxona reyestri"ni bojxona organlarining mavjud elektron dasturiy ta'minotlari bilan integratsiya qilish orqali bojxona rasmiylashtiruvi jarayonida mantiqiy nazorat o'rnatish taklif etilgan.

Tadqiqotda kontrafakt tovarlar va parallel import muammolarini hal qilish istiqbollari hamda innovatsion usullari chuqur tahlil qilingan. Muallif "parallel import" tushunchasiga ilmiy-nazariy jihatdan yondashib, uni "tovar belgisi egasining roziligisiz, ammo uning ruxsati bilan boshqa mamlakatda muomalaga chiqarilgan original tovarlarni O'zbekiston Respublikasi hududiga olib kirish" deb ta'riflagan. Shuningdek, Bojxona kodeksiga "Parallel importni amalga oshirish tartibi" deb nomlangan 23¹-modda kiritish taklif etilgan. Ushbu moddada parallel importni amalga oshirish shartlari, tovar belgisi egasining huquqlari va majburiyatlari, shuningdek davlat organlarining vakolatlari batafsil belgilangan.

Dissertatsiyada tovar belgilarini baholash tizimini takomillashtirish masalasiga alohida e'tibor qaratilgan. Germaniya tajribasi, xususan DIN 77100 standarti o'rganilib, bojxona va adliya organlari tomonidan tovar belgilarini iqtisodiy baholash metodologiyasini ishlab chiqish va joriy etish taklifi ilgari surilgan. Muallifning fikricha, bu tovar belgilarining haqiqiy qiymatini aniqlash va iqtisodiy nizolarni hal qilish imkonini yaratadi.

Shuningdek, Fuqarolik kodeksining 1107¹-moddasi va "Tovar belgilari, xizmat ko'rsatish belgilari va tovar kelib chiqqan joy nomlari to'g'risida"gi Qonunning 26-moddasida tovar belgisining fuqarolik muomalasiga kiritilishi bilan bog'liq normalarni takomillashtirish zarurligi asoslab berilgan. Xususan, tovar belgisi ishlab chiqarilgan hududda yoki olib kirilgan (import qilingan) hududda fuqarolik muomalasiga

kiritilgan bo'lsa, qaysi holatda mutlaq huquqi buzilmagan deb hisoblanishiga aniqlik kiritish taklif etilgan.

Tadqiqot natijasida muallif quyidagi asosiy ilmiy xulosalarga kelgan:

Birinchi, tovar belgilari bilan bog'liq huquqbuzarliklarni aniqlash va ularga nisbatan ma'muriy bayonnoma tuzish vakolatini Adliya vazirligi va Davlat bojxona qo'mitasiga berish lozim. Buning uchun Ma'muriy javobgarlik to'g'risidagi kodeksning 245² va 262-moddalariga tegishli o'zgartirishlar kiritish kerak.

Ikkinchi, Bojxona kodeksiga "parallel import" tushunchasini kiritish va uni tartibga solish mexanizmlarini ishlab chiqish lozim. Buning uchun kodeksga yangi 23¹-modda kiritish taklif etilgan.

Uchinchi, tovar belgilarini baholash tizimini takomillashtirish zarur. Buning uchun bojxona va adliya organlari tomonidan tovar belgilarini iqtisodiy baholash metodologiyasini ishlab chiqish va joriy etish kerak.

Muallifning fikricha, yuqoridagi takliflarning amaliyotga joriy etilishi O'zbekistonda tovar belgilariga bo'lgan huquqlarni samarali himoya qilish, huquqbuzarliklarning oldini olish va sohada qonun ustuvorligini ta'minlashga xizmat qiladi.

XULOSA

"O'zbekiston Respublikasi bojxona organlari tomonidan tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini takomillashtirish" mavzusida o'tkazilgan tadqiqot natijasida quyidagi xulosa va takliflar ishlab chiqildi:

I. Tadqiqot natijasida ishlab chiqilgan ilmiy-nazariy xulosalar

1. Tovar belgisiga bo'lgan huquqni himoya qilish Konstitutsiya bilan kafolatlangan ilmiy, texnikaviy va badiiy ijod erkinligi hamda iqtisodiy faoliyat erkinligining muhim elementi ekanligi asoslab berildi. O'zbekiston Respublikasi Konstitutsiyasida belgilab berilgan konstitutsiyaviy norma intellektual mulkning muhimligini ko'rsatib va uning himoyasini konstitutsiyaviy darajaga ko'taradi, bu esa O'zbekistonda innovatsiyalarni rag'batlantiradi va iqtisodiy rivojlanishga hissa qo'shishi asoslab berildi.

2. Tovar belgisi tushunchasiga **mualliflik ta'rifi ishlab chiqildi**. Qayd etish zarurki, milliy qonunchilikda tovar belgisini zamonaviy tushunishga qaratilgan ta'rifi mavjud emas. O'zbekiston Respublikasining qonunchiligi tovar belgisini faqat tovarlarni farqlash uchun xizmat qiladigan vositasi sifatida ko'rsatgan bo'lib, unda uning inson **tafakkuri** asosida yaratilganligi va u moddiy jihatdan **foyda keltiruvchi** vosita sifatida belgilari aks etmagan. Bugungi iqtisodiy rivojlanish va xalqaro savdo munosabatlarida ushbu belgilar juda muhim sanaladi.

Bizningcha, O'zbekiston Respublikasi "Tovar belgilari, xizmat ko'rsatish belgilari va tovar kelib chiqqan joy nomlari to'g'risida"gi qonunining 3-moddasi mualliflik ta'rifi sifatida quyidagi ta'rifni kiritish taklif etiladi: "*Tovar belgisi – bu bir yoki bir necha shaxslarning ong va tafakkuri asosida moddiy tovar boyliklarni himoya qilish, ulardan foyda olish maqsadida yaratilgan hamda belgilangan*

tartibda ro'yxatdan o'tgan so'zli, harfli, raqamli, tasviriy ko'rinishdagi maxsus belgilar"dir.

3. Bugungi kunda bojxona organlari tomonidan tovar belgilariga bo'lgan huquqlarning ommaviy-huquqiy himoyasini ta'minlash, ushbu sohani takomillashtirishga qaratilgan "tovar belgilarining ommaviy-huquqiy himoyasi" konsepsiyasi; "intelektual mulk bojxona xavfsizligi" konsepsiyasi; "tovar belgilarini himoya qilishda "davlat-xususiy sheriklik" modelini rivojlantirish konsepsiyasi; "Bojxona organlarining preventiv funksiyasi" konsepsiyalari tahlil qilinib, ularda ko'rsatilgan asosiy g'oyalar va olimlarning doktrinalari o'rganilgan.

Zamonaviy sharoitlar va raqamli iqtisodiyotni rivojlanishi kelgusida nafaqat O'zbekistonda balki jahonda ham boshqa yo'nalishlarda ilmiy konsepsiyalarni rivojlanishiga turtki bo'lishi mumkin deb hisoblaymiz. Bizningcha **"raqamli bojxona nazorati" konsepsiyasi** va **"transchegaraviy intellektual mulk huquqi" konsepsiyasi** ushbu sohada yangi yo'nalish sifatida ko'rib chiqilishi mumkinligi asoslab berilgan.

4. Tovar belgilarini himoya qilishda **mutanosiblik prinsipini** joriy etish taklif qilinadi. Ushbu taklif huquq egalari va jamiyat manfaatlari o'rtasida muvozanatni ta'minlashga, sog'lom raqobatni rag'batlantirishga, jamiyatda va tadbirkorlar orasida innovatsiyalar va ijodkorlikni qo'llab-quvvatlashga xizmat qiladi.

5. O'zbekistonda parallel importga oid qonunchilikni takomillashtirish, xususan "parallel import" tushunchasini qonunchilikka kiritish va uni tartibga solish mexanizmlarini ishlab chiqish taklifi asoslab berildi. Bizningcha *"parallel import — tovar belgisi egasining roziligisiz, ammo uning ruxsati bilan boshqa mamlakatda muomalaga chiqarilgan original tovarlarni O'zbekiston Respublikasi hududiga olib kirish"* dir.»

6. O'zbekistonda tovar belgilarini himoya qilish va kontrafakt mahsulotlarga qarshi kurashda jamoatchilik nazoratini kuchaytirish taklif qilinadi. AQShning "STOPfakes.gov" tajribasi asosida O'zbekistonda ham jamoatchilik nazoratini kuchaytirish orqali kontrafakt mahsulotlarni aniqlash imkoniyatlarini kengaytirish mumkin. Bu huquqbuzarliklarga qarshi kurashda jamiyat fuqarolar va nodavlat notijorat tashkilotlarning faol ishtirokini ta'minlaydi. Natijada, O'zbekistonda ham tovar belgisi egalari va iste'molchilar uchun kontrafakt mahsulotlar haqida xabar berish mexanizmi yaratiladi.

II. Normativ-huquqiy hujjatlarni va huquqni qo'llash amaliyotini takomillashtirishga qaratilgan takliflar

7. Singapurning IP2SG portali tajribasidan kelib chiqib O'zbekistonda tovar belgilarini ro'yxatdan o'tkazish jarayonini soddalashtirish va tezlashtirish maqsadida "Yagona darcha" bojxona axborot tizimi negizida sun'iy intellekt va blokcheyn texnologiyalaridan foydalangan holda kontrafakt mahsulotlarni aniqlash tizimini yaratish taklif qilinadi. Ushbu taklifni amalga oshirilishi tovar belgilarini huquqiy himoyasini tezkorlik bilan ta'minlashga, kontrafakt mahsulotlarni aniqlash imkoniyatlarini tezlashtirishga va ma'muriy yukni kamaytirishga, davlat bojxona xodimlari faoliyati samaradorligini yanada oshishiga xizmat qiladi.

8. Intellektual mulk obyektlariga bo‘lgan huquqlarni himoya qilish maqsadida Bojxona organlariga Intellektual mulk agentligiga elektron so‘rov yuborish orqali tovar belgisining huquq egasi to‘g‘risidagi ma‘lumotlarni olish vakolatini berish taklif qilinadi.

Bojxona organlariga Intellektual mulk agentligiga elektron so‘rov yuborish imkoniyatini yaratish ushbu sohada ma‘lumot almashinuvini tezlashuvini ta‘minlaydi. Bu tovar belgisi huquq egalarining manfaatlarini samaraliroq himoya qilish imkonini beradi. Shuningdek, bu kontrafakt mahsulotlarga qarshi kurashishda muhim ahamiyatga ega.

9. O‘zbekistondagi mavjud tizim asosan an’anaviy tovar belgilariga mo‘ljallanganligi tadqiq qilinib, xalqaro tajriba asosida **noan’anaviy tovar belgilarini** ro‘yxatdan o‘tkazish imkoniyatini yaratish taklif qilinadi. Bu O‘zbekistonda innovatsion marketing strategiyasini qo‘llab-quvvatlashga xizmat qiladi. Bu kompaniyalarga o‘z mahsulotlarini yanada samarali ajratib ko‘rsatish imkonini beradi.

Shu bois, O‘zbekiston Respublikasining 2001-yil 30-avgustdagi 267-II-sonli “Tovar belgilari, xizmat ko‘rsatish belgilari va tovar kelib chiqqan joy nomlari to‘g‘risida”gi Qonuniga tovar belgilarini tartibga solishga qaratilgan milliy qonunchilikka noan’anaviy tovar belgilari (tovush, harakat, hid va boshqalar)ni ro‘yxatdan o‘tkazish imkoniyatini beruvchi tegishli o‘zgartirish va qo‘shimchalarni kiritish zarur (qonun loyihasi ilova qilinadi).

10. O‘zbekiston Respublikasi Prezidentining 2018-yil 13-apreldagi **“O‘zbekiston Respublikasi Adliya vazirligi faoliyatini yanada takomillashtirishga doir tashkiliy chora-tadbirlar to‘g‘risida”** qarori bilan tasdiqlangan Adliya vazirligi to‘g‘risidagi Nizomga muvofiq Adliya vazirligining asosiy vazifalaridan biri intellektual mulk sohasida yagona davlat siyosatini ishlab chiqish hamda ixtirolar, tovar belgilari, mualliflik huquqi va boshqa intellektual mulk obyektlariga bo‘lgan **huquqlarni himoya qilish** deb belgilangan.

Shundan kelib chiqib va amaliyotni tahlili asosida O‘zbekiston Respublikasi Adliya vazirligi va Davlat bojxona organlariga Ma‘muriy javobgarlik to‘g‘risidagi kodeksning 177-177²moddalarida nazarda tutilgan huquqbuzarliklar bo‘yicha ma‘muriy bayonnoma tuzish vakolatini berish taklif qilinadi (taqqoslama jadval ilova qilinadi).

O‘zbekiston Respublikasi Adliya vazirligi va Davlat bojxona organlariga tovar belgisiga oid sodir etilgan huquqbuzarliklar bo‘yicha ma‘muriy bayonnoma tuzish vakolatini berish huquqbuzarliklarga qarshi kurashni samaradorligiga, tovar belgilari egalarini huquqlarini himoya qilish mexanizmlarini yaratishga xizmat qiladi.

11. Xalqaro tajribada tovar belgilariga bo‘lgan huquqlar buzilganda jinoiy javobgarlik masalasi tahlil ishlari olib borilgan va tahlil natijasi bo‘yicha O‘zbekiston Respublikasi Jinoyat kodeksiga tegishli norma kiritish bo‘yicha taklif ishlab chiqilgan (taqqoslama jadval ilova qilinadi).

12. Kontrafakt mahsulotlarning katta qismi xorijiy davlatlardan kirib kelishini inobatga olgan holda bojxona nazorati va rasmiylashtiruv jarayonida tovarlar

intellektual mulk huquqiga rioya etilayotganligi to'g'risida ekspertiza o'tkazish bo'yicha tartib ishlab chiqish maqsadga muvofiq hisoblanadi. Bu bojxona organ xodimlarining mutaxassislik bilimlaridan samarali foydalanish imkonini beradi. Natijada, kontrafakt mahsulotlarga qarshi kurashish tadbirlarini samaradorligini oshiradi.

13. Bojxona organlarida intellektual mulk obyektlarini himoya qilish bo'yicha "ex officio" tizimini takomillashtirish maqsadga muvofiqligi asoslab berildi. "Ex officio" tamoyilini yana kengroq joriy etish bojxona organlariga mustaqil ravishda harakat qilish imkonini beradi. Bu kontrafakt mahsulotlarni aniqlash va to'xtatib qolish samaradorligini oshiradi.

14. Yevropa Ittifoqining "Tmview" va Yaponiyaning "JplatPat" tizimi tajribasi asosida O'zbekistonda tovar belgilarini himoya qilish bo'yicha davlat organlari o'rtasidagi hamkorlikni kuchaytirishda tovar belgilari bo'yicha **yagona elektron ma'lumotlar bazasini** yaratish taklif qilinadi. Bu elektron baza tovar belgilarini himoya qilish bo'yicha qarorlar qabul qilish jarayonini samaradorligi va tezkorligini oshiradi. Shuningdek, bu tizim davlat organlari faoliyatini muvofiqlashtirishni ta'minlashga xizmat qiladi.

15. Parallel import masalasi O'zbekiston qonunchiligida yetarli darajada tartibga solinmaganligi asoslab berildi. Shu bois, O'zbekistonda parallel importga oid qonunchilikni takomillashtirish, xususan "parallel import" tushunchasini qonunchilikka kiritish va uni tartibga solish mexanizmlarini ishlab chiqish taklifi asoslab berildi. O'zbekiston Respublikasi Bojxona kodeksiga **parallel importni amalga oshirishga qaratilgan qonunchilik takliflari ishlab chiqildi** (taqqoslama jadval ilova qilinadi).

15. Tovar belgilarini ommaviy-huquqiy muhofazasini ta'minlash bo'yicha soha vakillariga malakani oshirish va treninglar tashkil qilish taklif qilinadi. Janubiy Koreyaning KIPO (Korean Intellectual Property Office) tajribasi asosida tovar belgilari bo'yicha muntazam ravishda **onlayn va oflayn treninglar o'tkazish**, uni nafaqat davlat xodimlari, balki biznes vakillari uchun ham ochiq shaklda tashkil qilish taklif qilinadi. Bizningcha, Bojxona xodimlari uchun intellektual mulk huquqlari bo'yicha maxsus o'quv dasturlarini ishlab chiqish, sudyalarda va huquqni muhofaza qiluvchi organlar xodimlari uchun tovar belgilari bo'yicha malaka oshirish kurslarini tashkil etish maqsadga muvofiq sanaladi.

16. Bugungi kunda amaliyot tahlili shuni ko'rsatadiki, O'zbekistonda mavjud amaliyot tovar belgilarini iqtisodiy baholash metodologiyasi yetarli darajada rivojlanmagan. Germaniyada DIN 77100 standarti asosida Davlat bojxona organlari va intellektual mulk agentligi tomonidan tovar belgilarini iqtisodiy baholash metodologiyasini ishlab chiqish va joriy etish taklif qilinadi. Baholash tizimini takomillashtirish orqali tovar belgilarining haqiqiy qiymatini aniqlash va iqtisodiy nizolarni hal qilish imkonini yaratish mumkin.

17. Bojxona kodeksining 56-bobida intellektual mulk obyekti huquqlariga rioya qilinishi va "Intellektual mulk obyekti" reestrini yuritish O'zbekiston Respublikasi Davlat bojxona qo'mitasi tomonidan amalga oshirilishi belgilangan. Amaliyot tahlili va tovar belgilari huquqlarini himoya qilish maqsadida Bojxona

kodeksining 56-bobidagi “*Davlat bojxona qo‘mitasi*” so‘zlarini “**bojxona organlariga**” so‘ziga o‘zgartirish maqsadga muvofiq sanaladi.

19. O‘z navbatida Bojxona kodeksida intellektual mulk obyektlarini Reyestrda kiritish va undan chiqarish tartiblari belgilangan bo‘lsa-da, reyestrda mavjud bo‘lgan intellektual mulk obyektining muddatini uzaytirish jarayoni belgilanmagan. Shu bois, Bojxona kodeksining 387-moddasini to‘rtinchi va beshinchi qismlariga o‘zgartirish va qo‘shimchalar kiritish taklif qilinadi (taqqoslama jadval ilova qilinadi).

20. O‘zbekiston Respublikasi Fuqarolik kodeksining 1107¹-moddasi va “Tovar belgilari, xizmat ko‘rsatish belgilari va tovar kelib chiqqan joy nomlari to‘g‘risida”gi qonunining 26-moddasida bevosita tovar belgisining egasi tomonidan yoki uning roziligi bilan **fuqarolik muomalasiga qonuniy tarzda kiritilgan** so‘zlariga, tovar belgisi ishlab chiqarilgan hududda yoki olib kirilgan (import qilingan) hududda fuqarolik muomalasiga kiritilgan bo‘lsa, ya‘ni qaysi holatda mutlaq huquqi buzilmagan deb hisoblanishiga aniqlik kiritish lozim.

**AT THE TASHKENT STATE UNIVERSITY OF LAW
SCIENTIFIC COUNCIL AWARDING SCIENTIFIC DEGREES
DSc.07/2025.27.12.Yu.01.02**

TASHKENT STATE UNIVERSITY OF LAW

RUZIYEV BEHZOD RUSTAMOVICH

**IMPROVING PUBLIC LEGAL PROTECTION OF TRADEMARK
RIGHTS BY CUSTOMS AUTHORITIES OF THE REPUBLIC OF
UZBEKISTAN**

12.00.02. - Constitutional Law. Administrative Law.
Financial and Customs Law

**Dissertation for the Doctor of Philosophy (PhD) in Legal Sciences
ABSTRACT**

Tashkent - 2026

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The dissertation can be accessed at the Information Resource Center of Tashkent State University of Law (registered under No. 1478). (Address: 35 Sayilgoh Street, Tashkent 100047. Tel.: (99871) 233-66-36).

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INTRODUCTION (DISSERTATION ABSTRACT)

Relevance and necessity of the dissertation topic. Globally, the organization of trademark protection and its public-legal safeguarding, the unification of legislation in this field, and ensuring its legal protection as an object of trade are gaining crucial importance as a means of stimulating the investment climate of countries. The World Trade Organization (hereinafter referred to as WTO) has recognized the trade of counterfeit products as the greatest economic threat devaluing trademarks. According to the European Union Intellectual Property Office, the trade of counterfeit products detected by customs authorities worldwide amounts to 460 billion euros annually, which constitutes 3.4% of global trade. In the European Union, counterfeit products account for nearly 6.8% of all imports, or 121 billion euros per year¹. These figures demonstrate the necessity of organizing trademark protection and its public-legal safeguarding, as well as improving this field based on international standards.

In the world issues related to developing universal procedures for trademark registration worldwide, regulating the circulation of trademarks in parallel imports, developing criteria for detecting counterfeit goods by customs authorities, improving the public-legal framework for protecting trademark owners' rights, and unifying the foundations for recognition and protection of trademark rights by customs authorities are being studied as important research directions..

In our country, consistent measures are being implemented to establish a healthy competitive environment that meets WTO requirements in the economy and production, to prevent the trade in counterfeit goods by customs authorities, to create conditions aimed at developing active entrepreneurship and innovative activities, and to ensure reliable legal protection of intellectual property. «Developing appropriate proposals for harmonizing national legislation in the field of intellectual property protection with the requirements of World Trade Organization agreements»² and «Improving mechanisms for introducing innovations into the country's economic sectors and ensuring its competitiveness»³ have been designated as priority tasks, which make the improvement of legislation in this field urgent. Today, analysis of law enforcement practice shows that the inadequate performance of work by customs authorities in timely detecting and preventing violations in the field of intellectual property, the inefficiency of the public service system in this field, the absence of strong interagency cooperation, the shortage of qualified personnel in the field of intellectual property in customs authorities, as well as the high level of patent fees and payments are negatively affecting the development of this field. These circumstances make the study of this topic urgent.

This dissertation research contributes, to a certain extent, to the implementation of priority tasks defined in the Civil Code of the Republic of Uzbekistan (1996), the Customs Code, the Laws «On Trademarks, Service Marks and Appellations of Origin of Goods» (2001), «On Competition» (2023), «On Firm Names» (2006), «On

¹ European Union Intellectual Property Office (EUIPO) (2024), Trends in Trade in Counterfeit and Pirated Goods, available at: <https://www.euiipo.europa.eu/en/news/observatory/counterfeit-goods-cost-eu-industries-billions-of-euros-and-thousands-of-jobs-annually>

² Decree of the President of the Republic of Uzbekistan dated January 28, 2022 No. UP-60 "On the Development Strategy of New Uzbekistan for 2022-2026" // National Database of Legislation, January 29, 2022, No. 06/22/60/0082

³ Decree of the President of the Republic of Uzbekistan dated January 28, 2022 No. UP-60 "On the Development Strategy of New Uzbekistan for 2022-2026" // National Database of Legislation, January 29, 2022, No. 06/22/60/0082

the State Customs Service» (2018), the Decree of the President of the Republic of Uzbekistan «On the Development Strategy of New Uzbekistan for 2022-2026» (2022), the Resolutions of the President of the Republic of Uzbekistan «On Measures to Improve Public Administration in the Field of Intellectual Property» (2019), «On Measures to Improve the System of Protection of Intellectual Property Objects» (2021), and «On Additional Measures for the Further Development of the Intellectual Property Sector» (2022), as well as in other legislative acts related to the topic.

Correspondence of the research to the priority directions of science and technology development of the republic. This dissertation was carried out in accordance with the priority direction I of the republic's science and technology development: «Formation of a system of innovative ideas and ways of their implementation in the social, legal, economic, cultural, spiritual and educational development of an information society and a democratic state.»

The extent of research on the problem. Certain tasks and functions of the customs authorities of the Republic of Uzbekistan, issues related to improving their activities, and their role in organizing public-legal protection of trademark rights have been studied by several national scientists, including S.A. Alimbaev, O.Z. Zainiddinov, R.A. Turapov, and E. Rakhmatov. Furthermore, the position of customs authorities within the system of state administration bodies and the directions of their activities have been examined by A. Tursunov, K. Berdimuratov, S. Gulyamov, T. Rakhmonov, O. Zhidkova, A. Zhuraev, S. Isamukhamedova, G. Safarov, and other scholars.

Various aspects of civil law issues concerning trademarks have been addressed to some extent in the scientific works of our country's scientists and researchers, including Kh.A. Rakhmonkulov, I.B. Zokirov, O. Okyulov, N.F. Imomov, I.I. Nasriev, Z.K. Babakulov, D.A. Ogay, B.U. Akhmadjonov, S.M. Safoeva, Z.S. Akramkhodzhaeva, T. Pardaev, L. Pulatova, A. Shadmankulov, A. Ibragimov, K. Akhmedjanov, B. Khamdamov, N. Karimov, Sh. Azizov, S. Alimbaev, S. Aripov, R. Turapov, and others⁴.

In recent years, foreign researchers have conducted studies on trademarks as objects of intellectual property and their legal protection. These include Lawrence Lessig (Harvard Law School), Lionel Bentley (University of Cambridge), Christopher Sprigman (NYU School of Law), Martin Senftleben (VU University Amsterdam), Susan Scafidi (Fordham University), Baron Phillips (Queen Mary University of London), Graeme Dinwoodie (University of Oxford), Peter Yu (Drake University Law School), Jeremy Phillips (University College London), Irene Calboli (University of Copenhagen), Frederick Mostert (King's College London), Daniel Gervais (Vanderbilt University), David Hal Bernstein (USA, New York University), A. Nicholas Falkides (USA, University of Pennsylvania), Mark P. McKenna (USA, California, Berkeley Universities), Dirk Visser (Netherlands, Leiden University), Phan Ngoc Tam (Sweden, Lund University), Ozgur Arican, Dima Basma (Great Britain, University of Manchester). CIS scholars such as A. Agrashenkov, M.N. Blinov, V.N. Ivanov, A.F. Nozdrachev, A.A. Gravina, P.S. Tishkovsky, Yu. Petrov, E.P. Gavrilov, V.S. Nikulina, and K. Ramazanova have also explored issues related to the legal protection of trademarks and the role of customs authorities in this field⁵.

⁴ The full titles of these scientific works are listed in the bibliography.

⁵ The full titles of these scientific works are listed in the bibliography.

Although the aforementioned researchers focused on analyzing the specific features of exclusive rights to trademarks as a distinct object of intellectual property and the general legal regulation of related relations, the issues of public-legal protection of trademark rights by customs authorities have not been comprehensively studied. Therefore, examining this topic from this perspective is of current importance.

Connection of the dissertation topic with the research work plans of the higher educational or research institution where the dissertation was conducted. The research topic was included in the research work plan of Tashkent State University of Law and was carried out within the framework of the project «Main directions of further liberalization of public administration in the context of deepening democratic reforms.»

Research objective. The comprehensive improvement of public-legal protection of trademark rights by the customs authorities of the Republic of Uzbekistan, particularly based on law enforcement practice, involves analyzing and substantiating the scientific and theoretical issues of public-legal protection of trademarks, developing a mechanism for implementing relevant international document provisions into national legislation, and submitting proposals.

Research objectives:

to conduct an analysis of the legal nature of trademark rights and their protection, as well as doctrinal views in this field;

Research on public-legal aspects of trademark rights protection;

Analysis of the development of organizational and legal frameworks for ensuring public-legal protection of trademarks in Uzbekistan;

Study of foreign countries' experience in legal protection of trademarks and, based on this, development of proposals for national legislation;

Examination of the specific features of public-legal protection of trademark rights by customs authorities in foreign countries and development of proposals for its further improvement;

Development of proposals for improving legal measures to combat trademark rights infringement in the Republic of Uzbekistan;

Legal assessment of the specific aspects of trademark rights protection in import and export operations by the customs authorities of the Republic of Uzbekistan;

Development of proposals and recommendations on prospects and innovative methods for addressing issues of counterfeit goods and parallel imports.

The object of the research is the system of relations associated with improving the public-legal protection of trademark rights by the customs authorities of the Republic of Uzbekistan.

The subject of the research encompasses the relations associated with the organization of public-legal protection of trademark rights by the customs authorities of the Republic of Uzbekistan, the regulatory legal acts governing them, law enforcement practices, legislation of foreign countries and international documents, conceptual doctrines in legal science, scientific and theoretical views, and legal categories.

Research Methods. The study employed methods such as historical, systemic-structural, comparative legal, logical, induction and deduction, comprehensive analysis of scientific sources, and statistical data analysis.

The scientific novelty of the research consists of the following:

The necessity of granting customs service authorities the right to notify rights holders on their own initiative in case of detecting infringements on trademarks included in the «Customs Register of Intellectual Property Objects» has been substantiated;

The need to digitize the processes of submitting and receiving applications for the inclusion of intellectual property objects in the Register through the «Single Window» customs information system has been justified;

The necessity of entrusting customs authorities with the task of protecting the legitimate interests of intellectual property rights holders during the process of customs control and clearance at customs posts for foreign economic activity has been substantiated;

It is substantiated that customs authorities can send an electronic inquiry to the authorized state body in the field of intellectual property rights protection in the Republic of Uzbekistan to clarify information about the trademark owner, in order to protect the rights to intellectual property objects.

Practical results of the research.

It is justified that customs authorities must take all necessary measures within twenty-four hours to determine the address of the rights holder or their authorized representative and notify them;

Proposals have been developed by customs authorities to prevent counterfeit goods and parallel imports;

In case information about the intellectual property rights holder in the Republic of Uzbekistan or their authorized representative is identified, they are notified, and the release of goods is suspended for three working days;

Criteria for legal protection eligibility and protection conditions for trademarks will be developed to simplify the trademark registration process in Uzbekistan;

The public-legal basis for exercising exclusive rights to trademarks has been studied, and proposals for its improvement have been developed;

Issues of trademark protection against unfair competition have been examined, and proposals for amendments and additions to the relevant legislation have been developed;

The specific limits and scope of legal liability for the illegal use of trademarks have been established.

Reliability of research results. The research results are based on international and national legislative norms, the experience of developed countries, and law enforcement practices. Social surveys are founded on questionnaires and expert interviews, while the results of statistical data analysis are summarized and formalized with relevant documents. Conclusions, proposals, and recommendations have undergone testing, and their results have been published in leading national and international publications. The obtained results have been approved by authorized bodies and implemented in practice.

Scientific and practical significance of the research results. The scientific and practical significance of the research results is determined by the fact that its scientific and theoretical conclusions and proposals can be used in future scientific activities, legislative processes, law enforcement practices, interpretation of relevant provisions of public and civil legislation, improvement of national legislation, as well as the theoretical enrichment of civil law, business law, intellectual property law, private international law, administrative law, and international law. The research results can be utilized in conducting new scientific research.

Implementation of the research results. Based on the scientific findings obtained regarding the improvement of public-legal protection of trademark rights by the customs authorities of the Republic of Uzbekistan:

The proposal to grant customs authorities the right to notify rights holders on their own initiative when violations of trademarks listed in the customs register of intellectual property objects are detected was taken into account in the development of paragraph 2 of the Resolution of the President of the Republic of Uzbekistan No. PP-221 «On additional measures for the further development of the intellectual property sector» dated April 26, 2022 (Reference No. 27/1-149/8 of the Ministry of Justice of the Republic of Uzbekistan dated March 1, 2023). The implementation of this proposal has served to define the powers of customs authorities in the legal protection of trademarks and to effectively combat offenses in this area.

The proposal to digitize the processes of submitting and receiving applications for including intellectual property objects in the «Customs Register of Intellectual Property Objects» through the «Single Window» customs information system was taken into account in developing paragraph 4 of the Decree of the President of the Republic of Uzbekistan No. PP-221 dated April 26, 2022, «On additional measures for further development of the intellectual property sector» (Reference No. 16/05-23-00068 dated May 27, 2023, from the Customs Committee under the Ministry of Economy and Finance of the Republic of Uzbekistan). The implementation of this proposal has served to digitize the activities of customs authorities regarding the legal protection of trademarks and to ensure effective legal protection of trademark rights.

The proposal to grant customs authorities the right to protect the legitimate interests of intellectual property rights holders during customs control and clearance procedures at foreign economic activity customs posts was taken into account in developing paragraph 4 of the Decree of the President of the Republic of Uzbekistan No. PP-221 «On additional measures for further development of the intellectual property sphere» dated April 26, 2022 (as per the reference No. 16/05-23-00068 dated May 27, 2023, from the Customs Committee under the Ministry of Economy and Finance of the Republic of Uzbekistan). The implementation of this proposal has served to expand the powers of customs authorities regarding the legal protection of trademarks.

The proposal regarding the necessity for customs authorities to send an electronic inquiry to the authorized state body in the field of intellectual property rights protection in the Republic of Uzbekistan, in order to clarify information about trademark rights holders for the purpose of protecting intellectual property objects, was taken into account in the development of paragraph 40 of Article 1 of the Law of the Republic of Uzbekistan No. ZRU-913 dated February 27, 2024 «On amendments and additions to the Customs Code of the Republic of Uzbekistan aimed at further improving customs procedures» (as per the certificate of the Customs Committee under the Ministry of Economy and Finance of the Republic of Uzbekistan No. 15/05-24-00436 dated March 21, 2024). The implementation of this proposal has served to ensure collaboration between customs authorities and authorized state bodies in the field of intellectual property rights protection regarding the legal protection of trademarks.

Approbation of the research results. The results of this dissertation were discussed at 5 scientific conferences, including 2 international and 3 republican scientific and practical conferences.

Publication of research results. A total of 11 scientific works have been published on the topic of the dissertation, including 6 articles (1 in foreign publications).

Structure and volume of the dissertation. The dissertation consists of an introduction, 3 chapters comprising 9 paragraphs, a conclusion, a list of references, and appendices. The dissertation is 144 pages long.

MAIN CONTENT OF THE DISSERTATION

The introduction of the dissertation addresses the relevance and necessity of the topic, the alignment of the research with the main priority areas of scientific and technological development in the republic, the extent to which the problem has been studied, the connection between the dissertation and the research plan of the higher education institution, the goals and objectives of the research, its object and subject, methods, scientific novelty and practical results, the reliability of these results, the scientific and practical significance of the research, its implementation, approbation and publication of results, as well as the volume and structure of the dissertation.

The first chapter of the dissertation, entitled «**General characteristics of public law protection of trademark rights,**» examines the legal nature of trademark rights and their protection, analyzes doctrinal views in this field, explores the public law aspects of trademark rights protection, and investigates the organizational and legal foundations for ensuring public law protection of trademarks in Uzbekistan.

In this chapter, the researcher thoroughly studied issues related to the constitutional and legal protection of intellectual property objects, in particular, trademarks. Based on a comparative analysis of the mechanisms for protecting trademarks in the constitutions of some foreign countries, the researcher has submitted proposals for implementing their positive aspects into national legislation. Furthermore, the author has explained the rationale behind the fundamental provision on intellectual property and its protection included in the Constitution of the Republic of Uzbekistan.

In addition, the dissertation author analyzed the legal nature of the trademark and presented his own scientific definition. According to this, «*a trademark is a special sign in the form of words, letters, numbers, or images, created on the basis of the consciousness and thinking of one or more persons for the purpose of protecting material commodity values, obtaining profit from them, and registered in the prescribed manner.*» This author's definition reflects the fact that the trademark is a product of creativity, its economic significance, and the need for legal protection.

During the study, a comprehensive analysis of the legal nature of the concepts «protection,» «defense,» and «ensuring» was conducted. It was scientifically substantiated that the term «defense» of trademarks implies actions and measures aimed at preventing or stopping the illegal use of a trademark or the violation of this right. The term «protection» refers to measures aimed at safeguarding the trademark and preventing its illegal use. Additionally, the term «ensuring» was shown to mean creating the necessary conditions for effective defense and protection of trademark rights.

The author systematically analyzed existing scientific doctrines in the field of trademark protection and put forward new conceptual views. In particular, the advantages of concepts such as «public-legal protection of trademarks,»

«intellectual property customs security,» and «public-private partnership» model development were demonstrated. Furthermore, the author conducted in-depth research on concepts such as the theory of «preventive function of customs authorities» and the theory of «limits of customs authorities' powers.»

The scientific work proposes the development of a «public-private partnership» model in the field of trademark protection. The author demonstrates the advantages of this model and substantiates that it serves to increase efficiency, reduce costs, and stimulate innovative approaches by combining resources of the public and private sectors.

As a result of the research, the scientific basis for the expediency of applying the concept of «public legal protection» in the context of Uzbekistan is provided. According to the dissertation author, this concept emphasizes the importance of trademarks not only as objects of private law but also as means of protecting societal interests.

In addition to the above, the researcher, in light of modern conditions and the development of the digital economy, has put forward the concepts of «digital customs control» and «cross-border intellectual property rights» as new directions. The essence, advantages, and implementation mechanisms of these concepts are described in detail.

The author advocates for the development of a «digital customs control» concept. This concept aims to optimize and enhance the efficiency of customs processes using modern technologies. Its main advantages are highlighted as rapid and accurate information exchange, the ability to identify risks in advance, reduction of corruption risks, and cost-cutting opportunities.

The author provides scientific justification for the necessity of implementing the principle of proportionality in trademark protection. It is emphasized that this principle serves to ensure a balance between the rights of trademark owners and societal interests, as well as to prevent the abuse of rights and promote fair competition.

The author emphasizes the importance of the principle of proportionality in trademark protection and elaborates on its four aspects: proportionality of impact measures, proportionality of protective measures, consideration of public interests, and flexibility and contextual relevance. Specific proposals have been developed regarding the mechanisms for implementing this principle in practice.

Based on the study of international experience, the researcher proposed specific amendments and additions to the Law «On Trademarks, Service Marks and Appellations of Origin of Goods» to enable the registration of non-traditional trademarks (sound, movement, smell, and others). Specifically, it was proposed to supplement the law with Article 101, which would define the distinct features of registering non-traditional trademarks. The researcher substantiated that the implementation of this proposal would serve to align national legislation with international standards.

The author justified the need for complete digitalization of the trademark registration process and the implementation of a «Single Window» system. This proposal was taken into consideration in the development of the Decree of the President of the Republic of Uzbekistan No. PP-221 dated April 26, 2022. The researcher demonstrated the significance of this innovation in reducing bureaucratic barriers and enhancing the efficiency of the process.

The study analyzes the organizational and legal foundations for ensuring the public-legal protection of trademarks from a historical development perspective.

The author systematically illuminates the stages of formation of the trademark protection system in Uzbekistan, the evolution of its legal framework, and the institutional changes in this field.

The author substantiates the necessity of strengthening the role of customs authorities in trademark protection. It is proposed to enhance not only the control function of customs authorities but also their function in preventing violations. Additionally, specific proposals have been developed to further improve cooperation between customs authorities and intellectual property agencies.

The author also pays special attention to the development of international cooperation in the field of trademarks. The significance of international treaties and agreements, mechanisms for their implementation into national legislation, and ways to incorporate international experience are described in detail.

The second chapter of the dissertation is dedicated to «**The experience of foreign countries in organizing public-legal protection of trademark rights**», which provides a general overview of some foreign countries' experiences in legal protection of trademarks and examines the specific features of how customs authorities in foreign countries organize public-legal protection of trademark rights.

In the second chapter, the author conducts an in-depth analysis of foreign countries' experiences in organizing public-legal protection of trademark rights. The following important scientific results were achieved in the study.

For the first time, based on a systematic analysis of international experience, the author has identified four main forms of trademark protection: the issuance of a protection document by an authorized state body, pre-trial mutual agreement, judicial protection, and administrative measures through the forces and means of relevant state bodies. The researcher has scientifically substantiated that these forms should function as a harmonious and mutually complementary system.

The study thoroughly examines modern international experience in combating counterfeit products. In particular, the statistical data of the Organization for Economic Cooperation and Development for 2023 were analyzed, and it was scientifically substantiated that 75 percent of counterfeit goods originate from Asian countries, which demonstrates the necessity to improve mechanisms for combating counterfeit products in the region.

The researcher, having conducted an in-depth analysis of the European Union's experience, has highlighted the advantages of the trademark protection system based on regional procedures. The author positively assessed the EU practice of protecting trademarks based on the «all or nothing» principle, meaning that if a trademark is invalidated in one member state of the union, legal protection is terminated in all member states.

Based on the study of the US experience, the author revealed the advantages of the federal trademark registration system. It has been established that in the USA, the rights of distributors and importers regarding trademarks are limited; they have the right to use the trademark only on the basis of an agreement concluded with the rights holder. Additionally, in the USA, the practice of using certified marks to distinguish the territorial origin, method of production, and other characteristics of products has been positively assessed.

The researcher analyzed the German experience and revealed the positive aspects of the practice of registering non-traditional trademarks. It is substantiated

that since 2019, Germany has created the possibility of registering video scene appearances, motion marks, sound audio files, holograms, and scented products as trademarks, which serves to improve the trademark protection system.

Based on the study of the Chinese experience, the author scientifically substantiated the need for a comprehensive approach to combating counterfeit products. The application of effective measures in China, such as the destruction of counterfeit products, preventing the resale of trademarks for commercial purposes, and the unconditional destruction of equipment used in the manufacture of counterfeit products, was positively assessed.

Based on the analysis of Russian experience, the author reveals the significance of the «ex-officio» principle. It is substantiated that this principle grants customs authorities the power to suspend the release of goods that infringe on intellectual property rights, even for objects not included in the register. This serves to enhance the effectiveness of the trademark protection system.

The researcher has scientifically justified the need to strengthen the role of customs authorities in trademark protection. Specific proposals have been developed for implementing the «digital customs» concept, utilizing artificial intelligence and machine learning technologies, and enhancing international cooperation in combating trademark counterfeiting.

Based on the study of foreign experience, the author has put forward the following proposals to strengthen the role of customs authorities in trademark protection: firstly, expanding the powers of customs authorities in trademark protection; secondly, strengthening cooperation between customs authorities and intellectual property agencies; thirdly, developing international cooperation in the fight against counterfeit products; fourthly, introducing mechanisms for the widespread use of digital technologies in customs control.

It can be concluded that in the second chapter, the author conducted an in-depth analysis of advanced foreign experience in trademark protection and developed scientifically grounded proposals for its implementation in national practice. The ideas and suggestions put forward in this part of the research can make a significant contribution to improving the trademark protection system.

The third chapter of the dissertation is titled «**Improving the protection of trademark rights by customs authorities in Uzbekistan**». This chapter examines the enhancement of legal measures to combat trademark infringement in the Republic of Uzbekistan, the specifics of protecting trademark rights in import and export operations by the customs authorities of the Republic of Uzbekistan, and prospects and innovative methods for addressing the issues of counterfeit goods and parallel imports.

In the third chapter, the author comprehensively investigates the issues of improving the protection of trademark rights by customs authorities in Uzbekistan.

The author has conducted an in-depth study on improving legal measures to combat violations of trademark rights in the Republic of Uzbekistan. Specifically, analysis of statistical data revealed that the number of applications submitted for trademark registration has been increasing from 2021 to 2023, along with a rise in inquiries related to intellectual property. In particular, 6,389 applications were submitted in 2021, 7,222 in 2022, and 6,828 in 2023. Concurrently, the number of appeals sent to judicial bodies amounted to 767 in 2021, 841 in 2022, and 1,190 in 2023.

The researcher has substantiated the necessity of granting the authority to identify

trademark-related violations and draw up administrative reports against them to the Ministry of Justice and the State Customs Committee. To this end, it is proposed to make relevant amendments to Article 245² and Article 262 of the Code of Administrative Responsibility. In the author's opinion, granting these powers will serve to enhance the effectiveness of combating trademark infringements.

The dissertation critically analyzes the absence of criminal liability for trademark-related offenses in the Republic of Uzbekistan. After studying the experience of foreign countries, including Germany and France, it proposes to introduce Article 149¹ into the Criminal Code, entitled «Illegal use of another's trademark, service mark, geographical indication, name of place of origin of goods, or company name.» The author substantiates that the introduction of criminal liability will serve to strengthen the protection of trademark owners' rights and prevent violations.

The author investigates the specifics of protecting trademark rights in import and export operations by the customs authorities of the Republic of Uzbekistan. In particular, the possibilities of using information and communication technologies in the field of intellectual property rights protection by customs authorities were studied. Specifically, it is proposed to establish logical control in the customs clearance process by integrating the «Customs Register of Intellectual Property Objects» with the existing electronic software systems of customs authorities.

The study thoroughly analyzes the prospects and innovative methods for addressing the problems of counterfeit goods and parallel imports. The author approaches the concept of «parallel import» from a scientific and theoretical perspective, defining it as «the importation of original goods into the territory of the Republic of Uzbekistan that have been released into circulation in another country without the consent of the trademark owner, but with their permission.» It is also proposed to introduce Article 23¹ into the Customs Code, entitled «Procedure for Implementing Parallel Import.» This article details the conditions for carrying out parallel import, the rights and obligations of the trademark owner, as well as the powers of state bodies.

The dissertation pays special attention to the issue of improving the trademark valuation system. The German experience, particularly the DIN 77100 standard, was studied, and a proposal was put forward for the development and implementation of a methodology for the economic evaluation of trademarks by customs and justice authorities. In the author's opinion, this would enable the determination of the true value of trademarks and facilitate the resolution of economic disputes.

Furthermore, Article 1107¹ of the Civil Code and Article 26 of the Law «On Trademarks, Service Marks and Appellations of Origin of Goods» substantiate the necessity of improving the regulations related to the introduction of trademarks into civil circulation. Specifically, it is proposed to clarify under which circumstances the exclusive right of a trademark is considered not to be violated if it was put into civil circulation in the territory where it was produced or in the territory where it was imported.

As a result of the research, the author arrived at the following main scientific conclusions:

Firstly, it is necessary to grant the Ministry of Justice and the State Customs Committee the authority to identify violations related to trademarks and draw up administrative reports on them. To achieve this, appropriate amendments should be made to Articles 245² and 262 of the Code of Administrative Responsibility.

Secondly, it is essential to introduce the concept of «parallel import» into the

Customs Code and develop mechanisms for its regulation. For this purpose, it is proposed to add a new Article ²³¹ to the code.

Thirdly, it is necessary to improve the trademark valuation system. To accomplish this, customs and justice authorities need to develop and implement a methodology for the economic evaluation of trademarks.

According to the author, the implementation of the above proposals will serve to effectively protect trademark rights in Uzbekistan, prevent violations, and ensure the rule of law in this field.

CONCLUSION

As a result of the research conducted on the topic «Improving the public-legal protection of trademark rights by the customs authorities of the Republic of Uzbekistan,» the following conclusions and recommendations were developed:

I. Scientific and theoretical conclusions developed as a result of the research

1. It has been substantiated that the protection of trademark rights is an important element of the freedom of scientific, technical, and artistic creativity, as well as freedom of economic activity, guaranteed by the Constitution. The constitutional norm defined in the Constitution of the Republic of Uzbekistan demonstrates the importance of intellectual property and elevates its protection to the constitutional level, which has been shown to stimulate innovation in Uzbekistan and contribute to economic development.

2. **An author's definition of the concept of a trademark has been developed.** It should be noted that the national legislation does not contain a definition of a trademark that reflects its modern understanding. The legislation of the Republic of Uzbekistan defines a trademark only as a means of distinguishing goods, and it does not reflect the fact that it is created based on human **intellect** and that it is a materially **profitable** tool. These characteristics are considered very important in today's economic development and international trade relations.

In our opinion, we propose to introduce the following definition as the author's definition in Article 3 of the Law of the Republic of Uzbekistan «On Trademarks, Service Marks and Appellations of Origin of Goods»: *«A trademark is a special sign in verbal, alphabetical, numerical, or pictorial form, created based on the consciousness and intellect of one or more persons for the purpose of protecting material goods, deriving profit from them, and registered in the prescribed manner.»*

3. Today, the concepts of «public legal protection of trademarks,» aimed at ensuring the protection of trademark rights by customs authorities and improving this area; the concept of «customs security of intellectual property»; the concept of developing a «public-private partnership» model in trademark protection; and the concept of «preventive function of customs authorities» have been analyzed. The main ideas and doctrines of scholars indicated in these concepts have been studied. «concept for the development of the «public-private partnership» model in the protection of trademarks»;

We believe that modern conditions and the development of the digital economy may stimulate the development of scientific concepts in other areas in the future, not only in Uzbekistan but also globally. In our opinion, **the concept of «digital customs control»** and **the concept of «cross-border intellectual property rights»** can be considered as new directions in this field.

4. It is proposed to introduce **the principle of proportionality** in trademark protection. This proposal will serve to ensure a balance between the interests of rights holders and society, promote healthy competition, and support innovation and creativity in society and among entrepreneurs.

5. A proposal has been substantiated to improve legislation on parallel imports in Uzbekistan, specifically to introduce the concept of «parallel import» into the legal framework and develop mechanisms for its regulation. In our opinion, *«parallel import is the importation of original goods into the territory of the Republic of Uzbekistan that have been put into circulation in another country without the consent of the trademark owner, but with their permission.»*

6. It is proposed to strengthen public oversight in protecting trademarks and combating counterfeit products in Uzbekistan. Based on the US experience of «STOPfakes.gov,» it is possible to expand the capabilities for identifying counterfeit products in Uzbekistan by enhancing public oversight. This ensures the active participation of citizens and non-governmental non-profit organizations in the fight against these violations. As a result, a mechanism will be established in Uzbekistan for trademark owners and consumers to report counterfeit products.

II. Proposals aimed at improving regulatory legal acts and law enforcement practices

7. Based on the experience of Singapore's IP2SG portal, it is proposed to create a system for identifying counterfeit products using artificial intelligence and blockchain technologies within the «Single Window» customs information system to simplify and accelerate the process of trademark registration in Uzbekistan. The implementation of this proposal will serve to quickly ensure legal protection of trademarks, expedite the detection of counterfeit products, reduce administrative burden, and further increase the efficiency of state customs officers' activities.

8. To protect the rights to intellectual property objects, it is proposed to authorize customs authorities to obtain information about trademark rights holders by sending electronic inquiries to the Intellectual Property Agency.

Enabling customs authorities to send electronic inquiries to the Intellectual Property Agency will accelerate information exchange in this field. This will allow for more effective protection of trademark holders' interests. Additionally, this is crucial in the fight against counterfeit products.

9. The existing system in Uzbekistan is mainly designed for traditional trademarks. Based on international experience, it is proposed to create the possibility of registering **non-traditional trademarks**. This will serve to support innovative marketing strategies in Uzbekistan. It will allow companies to distinguish their products more effectively.

Therefore, it is necessary to introduce appropriate amendments and additions to the Law of the Republic of Uzbekistan No. 267-II «On Trademarks, Service Marks and Appellations of Origin of Goods» dated August 30, 2001, providing for the possibility of registering non-traditional trademarks (sound, movement, smell, etc.) in national legislation aimed at regulating trademarks (the draft law is attached).

10. In accordance with the Regulation on the Ministry of Justice, approved by the Resolution of the President of the Republic of Uzbekistan «**On Organizational Measures for Further Improvement of the Activities of the Ministry of Justice of the Republic of Uzbekistan**» dated April 13, 2018, one of the main tasks of the Ministry of Justice is defined as developing a unified state policy in the field of intellectual property and **protecting rights to** inventions, trademarks, copyrights, and other intellectual property objects. In accordance with the Regulation on the Ministry of Justice, approved by the Resolution of the President of the Republic of Uzbekistan dated April 13, 2018 «**On Organizational Measures for Further Improvement of the Activities of the Ministry of Justice of the Republic of Uzbekistan,**» one of the main tasks of the Ministry of Justice is defined as the development of a unified state policy in the field of intellectual property and **the protection of rights to** inventions, trademarks, copyrights, and other intellectual property objects.

Based on this and the analysis of practice, it is proposed to grant the Ministry of Justice and State Customs Authorities of the Republic of Uzbekistan the power to draw up administrative reports on offenses provided for in Articles 177-177² of the Code of Administrative Responsibility (a comparative table is attached).

Granting the Ministry of Justice of the Republic of Uzbekistan and state customs authorities the power to draw up administrative reports on trademark offenses will enhance the effectiveness of combating violations and create mechanisms for protecting the rights of trademark owners.

11. International practices regarding criminal liability for trademark rights violations have been analyzed, and based on the results, a proposal has been developed to introduce a corresponding provision into the Criminal Code of the Republic of Uzbekistan (a comparative table is attached).

12. Considering that a large portion of counterfeit products enters from foreign countries, it is advisable to develop a procedure for conducting an examination of intellectual property rights compliance during the customs control and clearance process. This will enable customs officers to effectively utilize their specialized knowledge. Consequently, it will increase the effectiveness of measures to combat counterfeit products.

13. The necessity of improving the «ex officio» system for the protection of intellectual property objects in customs authorities has been substantiated. Wider implementation of the «ex officio» principle will allow customs authorities to act independently. This will increase the efficiency of detecting and intercepting counterfeit products.

14. Based on the experience of the European Union's «Tmview» and Japan's «JplatPat» systems, it is proposed to create **a unified electronic database** on trademarks to strengthen cooperation between state bodies on trademark protection

in Uzbekistan. This electronic database will increase the efficiency and speed of the decision-making process for trademark protection. Additionally, this system will serve to ensure coordination of the activities of state bodies.

15. It has been substantiated that the issue of parallel imports is not sufficiently regulated in the legislation of Uzbekistan. In this regard, a proposal has been put forward to improve the legislation on parallel imports in Uzbekistan, particularly to introduce the concept of «parallel import» into legislation and to develop mechanisms for its regulation. Legislative proposals aimed at implementing parallel import have been developed for the Customs Code of the Republic of Uzbekistan (a comparative table is attached). To the Customs Code of the Republic of Uzbekistan legislative proposals aimed at parallel import (a comparative table is attached) have been developed.

15. It is proposed to organize professional development and training programs for industry representatives to ensure public-legal protection of trademarks. Based on the experience of South Korea's KIPO (Korean Intellectual Property Office), it is suggested to regularly **conduct online and offline training sessions on trademarks**, organizing them in an open format not only for government employees but also for business representatives. In our opinion, it is advisable to develop specialized training programs on intellectual property rights for customs officers and organize advanced training courses on trademarks for judges and law enforcement personnel.

16. Current practice analysis shows that the methodology for economic valuation of trademarks in Uzbekistan is not sufficiently developed. It is proposed to develop and implement a methodology for the economic valuation of trademarks by the State Customs Authorities and the Intellectual Property Agency, based on Germany's DIN 77100 standard. By improving the valuation system, it will be possible to determine the actual value of trademarks and resolve economic disputes.

17. Chapter 56 of the Customs Code stipulates that compliance with intellectual property rights and maintenance of the «Intellectual Property Object» register are carried out by the *State Customs Committee* of the Republic of Uzbekistan. Based on analysis of practice and to protect trademark rights, it is advisable to replace the words «*State Customs Committee*» in Chapter 56 of the Customs Code **with «customs authorities»** .

19. While the Customs Code defines procedures for including and excluding intellectual property objects from the Register, it does not specify the process for extending the term of an intellectual property object already in the Register. Therefore, it is proposed to amend and supplement parts four and five of Article 387 of the Customs Code (a comparative table is attached).

20. In Article ¹¹⁰⁷¹ of the Civil Code of the Republic of Uzbekistan and Article 26 of the Law «On Trademarks, Service Marks and Appellations of Origin of Goods,» it is necessary to clarify under which circumstances the exclusive right is not considered violated, specifically regarding **the words «legally introduced into civil circulation** by the trademark owner or with their consent» , if the trademark was introduced into civil circulation in the territory of its production or in the territory of import.

**НАУЧНЫЙ СОВЕТ DSc.07/2025.27.12.Yu.01.02 ПО ПРИСУЖДЕНИЮ
УЧЕНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

РУЗИЕВ БЕХЗОД РУСТАМОВИЧ

**СОВЕРШЕНСТВОВАНИЕ ПУБЛИЧНО-ПРАВОВОЙ ЗАЩИТЫ ПРАВ
НА ТОВАРНЫЕ ЗНАКИ ТАМОЖЕННЫМИ ОРГАНАМИ
РЕСПУБЛИКИ УЗБЕКИСТАН**

12.00.02 – Конституционное право. Административное право.
Финансовое и таможенное право.

АВТОРЕФЕРАТ
по диссертации доктора философии (PhD) юридическим наукам

Ташкент – 2026

Тема диссертации доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Министерстве высшего образования, науки и инноваций Республики Узбекистан под номером V2022.4.PhD/Yu851.

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Защита диссертации состоится «22» января 2026 года в 12:00 часов на заседании Научного совета DSc.07/2025.27.12.Yu.01.02 по присуждению ученых степеней при Ташкентском государственном юридическом университете (Адрес: 100047, г. Ташкент, ул. Сайилгох, 35. Тел.: (99871) 233-66-36; факс: (99871) 233-37-48, e-mail: info@tsul.uz).

С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрирована под № 1478). (Адрес: 100047, г. Ташкент, ул. Сайилгох, 35. Тел.: (99871) 233-66-36).

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ВВЕДЕНИЕ (Аннотация диссертации доктора философии (PhD))

Объектом исследования является система отношений, связанных с совершенствованием публично-правовой защиты прав на товарные знаки таможенными органами Республики Узбекистан.

Научная новизна исследования заключается в следующем:

обоснована необходимость предоставления органам таможенной службы права по собственной инициативе уведомлять правообладателя в случае выявления правонарушения по товарным знакам, включённым в «Таможенный реестр объектов интеллектуальной собственности»;

обоснована необходимость цифровизации процессов подачи и приёма заявлений о включении объектов интеллектуальной собственности в Реестр через таможенную информационную систему «Единое окно»;

обоснована необходимость возложения на таможенные органы обязанности по защите законных интересов правообладателей объектов интеллектуальной собственности в процессе таможенного контроля и оформления на таможенных постах внешнеэкономической деятельности;

обоснована возможность направления таможенными органами электронного запроса в уполномоченный государственный орган в сфере защиты прав на объекты интеллектуальной собственности в Республике Узбекистан для уточнения сведений о правообладателе товарного знака в целях защиты прав на объекты интеллектуальной собственности.

Внедрение результатов исследования. На основе научных результатов, полученных по совершенствованию публично-правовой защиты прав на товарные знаки таможенными органами Республики Узбекистан:

предложение о необходимости предоставления органам таможенной службы права по собственной инициативе уведомлять правообладателя в случае выявления правонарушения по товарным знакам, включённым в Таможенный реестр объектов интеллектуальной собственности, было учтено при разработке пункта 2 постановления Президента Республики Узбекистан от 26 апреля 2022 года № ПП–221 «О дополнительных мерах по дальнейшему развитию сферы интеллектуальной собственности» (справка Министерства юстиции Республики Узбекистан от 1 марта 2023 года № 27/1-149/8). Реализация данного предложения способствовала определению полномочий таможенных органов по правовой защите товарных знаков и эффективной борьбе с правонарушениями в этой сфере;

предложение о необходимости цифровизации процессов подачи и приёма заявлений о включении объектов интеллектуальной собственности в «Таможенный реестр объектов интеллектуальной собственности» через таможенную информационную систему «Единое окно» было учтено при разработке пункта 4 Постановления Президента Республики Узбекистан от 26 апреля 2022 года № ПП–221 «О дополнительных мерах по дальнейшему развитию сферы интеллектуальной собственности» (справка Таможенного комитета при Министерстве экономики и финансов Республики Узбекистан от 27 мая 2023 года № 16/05-23-00068). Реализация данного предложения

способствовала цифровизации деятельности таможенных органов по правовой защите товарных знаков и обеспечению эффективной правовой защиты прав на товарные знаки;

предложение о необходимости предоставления таможенным органам права на защиту законных интересов правообладателей объектов интеллектуальной собственности в процессе таможенного контроля и оформления на таможенных постах внешнеэкономической деятельности было учтено при разработке пункта 4 постановления Президента Республики Узбекистан от 26 апреля 2022 года № ПП–221 «О дополнительных мерах по дальнейшему развитию сферы интеллектуальной собственности» (справка Таможенного комитета при Министерстве экономики и финансов Республики Узбекистан от 27 мая 2023 года № 16/05-23-00068). Реализация данного предложения способствовала расширению полномочий таможенных органов по правовой защите товарных знаков;

предложение о необходимости направления таможенными органами электронного запроса в уполномоченный государственный орган в сфере защиты прав на объекты интеллектуальной собственности в Республике Узбекистан для уточнения сведений о правообладателе товарного знака в целях защиты прав на объекты интеллектуальной собственности было учтено при разработке пункта 40 статьи 1 Закона Республики Узбекистан от 27 февраля 2024 года № ЗРУ–913 «О внесении изменений и дополнений в Таможенный кодекс Республики Узбекистан, направленных на дальнейшее совершенствование таможенных процедур» (справка Таможенного комитета при Министерстве экономики и финансов Республики Узбекистан от 21 марта 2024 года № 15/05-24-00436). Реализация данного предложения способствовала обеспечению взаимодействия таможенных органов и уполномоченных государственных органов в сфере защиты прав на объекты интеллектуальной собственности по правовой защите товарных знаков.

Структура и объем диссертации. Диссертация состоит из введения, 3 глав, включающих 9 параграфов, заключения, списка использованной литературы, а также приложений. Объем диссертации составляет 144 страниц.

E'LON QILINGAN ISHLAR RO'YXATI
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ
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