



THE ROLE AND SIGNIFICANCE OF NATIONAL AND UNIVERSAL VALUES IN THE SPIRITUAL DEVELOPMENT OF YOUNG PEOPLE

Vakhobjonov Dilmurod Dilshodbek o'g'li
Independent Researcher at the Academy of
Justice of the Republic of Uzbekistan
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Abstract: This article analyzes the problems related to the exercise of personal non-pecuniary rights to an invention in civil law. Specifically, it examines the legal gaps in ensuring the inventor's right of authorship, the right to be named, and other non-pecuniary rights, as well as the problems encountered in practice. Additionally, proposals are put forward to improve legislation and enhance law enforcement practices in this field.

Keywords: invention, personal non-pecuniary rights, civil law, right of authorship, intellectual property, patent, legal protection, exercise of rights, legal challenges, innovation

Today, the role of inventions in shaping an innovative economy and accelerating scientific and technological progress is invaluable. Encouraging the activities of inventors and reliably protecting their rights is one of the important directions of state policy. In particular, personal non-pecuniary rights to an invention—such as the right to be recognized as the author, the right to be named, and the right to protect one's reputation—are of great importance in securing the personal interests of the inventor.

At the same time, there are a number of practical problems in the process of exercising these rights, which are related to inadequately developed legal regulation, shortcomings in law enforcement practice, and, in some cases, the low legal awareness of inventors. This article analyzes the theoretical and practical aspects of exercising personal non-pecuniary rights to an invention in civil law and puts forward scholarly proposals and conclusions aimed at eliminating the existing problems.

The Civil Code of the Republic of Uzbekistan has established the principle of the good faith exercise of civil rights, thereby stipulating the inadmissibility of the abuse of rights. If we consider the situation concerning subjects exercising their subjective rights and interests, we can see that the abuse of rights is observed in constitutional, family, labor, civil, and other types of legal activities.

According to Article 9 of the Civil Code, the exercise of civil rights solely for the purpose of causing harm to another person, actions to circumvent the law for an illegal purpose, as well as the knowingly unconscionable exercise of civil rights—that is, in essence, the abuse of rights—is prohibited.

Clause 4 of Section II, "Improvement of Basic Civil-Legal Institutions," of the "Concept for the Improvement of the Civil Legislation of the Republic of Uzbekistan," approved by Decree of the President of the Republic of Uzbekistan No. F-5464 dated April 5, 2019, sets the task of strengthening the compensatory function of civil legislation by introducing a procedure for calculating moral and material damages and losses.

A. A. Pilenko, in his work "The Inventor's Right," states: "The legislator, by granting patents, encourages the development of industry, because the creative genius finds the

motivation to work in the promise of worthy remuneration. Therefore, the fundamental principles of patent law lie outside the scope of moral requirements."

The rule recognizing the exclusive rights of the patent holder to use the patented object means that only the patent holder has the right to manufacture, use, import, offer for sale, sell, or otherwise introduce the protected object into civil circulation (commercial turnover). Any infringement of rights protected by contract or law must be prevented, and the infringer shall be held liable in the manner prescribed by law.

However, the "privileges" granted by law to the right holder are not unlimited. Restrictions on exclusive rights arise mainly from the need to combat emergency situations, ensure the national security of the country, and the social needs of the population, as detailed in Article 12 of the Law of the Republic of Uzbekistan No. 397-II dated August 29, 2002, "On Inventions, Utility Models, and Industrial Designs." In particular, according to it, the following cases are not recognized as a violation of the exclusive right of the patent holder:

- the use of devices consisting of industrial property objects protected in the Republic of Uzbekistan in a vehicle of another state that is a party to the Paris Convention for the Protection of Industrial Property during the temporary or incidental stay of said vehicle on the territory of the Republic of Uzbekistan, provided that these devices are used only for the needs of said vehicle;

- conducting scientific research or experiments on means consisting of industrial property objects protected by patents;

- the use of means consisting of industrial property objects protected by patents in natural disasters, catastrophes, epidemics, and other emergency situations;

- the use of means consisting of industrial property objects protected by patents, if these means have been lawfully introduced into civil circulation;

- the use of assets consisting of industrial property objects protected by patents for personal purposes without generating income;

- single-use preparation of medicines according to a doctor's prescription in pharmacies.

Such restrictions are considered the second rule of patent law. It can also be called the principle of maintaining a balance between the interests of the patent owner and the public.

The third rule is the requirements for the protection and state registration of the structural element of patent rights objects. Unlike copyright, which protects the form of a work, patent law protects an important element of the results of intellectual activity in the field of science and technology.

According to N.F. Imomov, the function of civil law encompasses not only regulation and protection but also the determination of the legal status and specific rules of conduct and the legal order[2]. Agreeing with these opinions, it is necessary to have a special procedure for the exercise of rights to an invention and the protection of rights.

According to J. Boboev, ordinary (normal) civil relations are significant not because the subject has certain rights, but because they are reliably protected. As a general rule, the protection of civil rights is understood as a set of measures ensuring the normal exercise of rights[3]. It includes not only legal but also economic, political, and other measures aimed at creating the conditions and environment necessary for the realization of subjective rights. Legal measures for the protection of rights include all measures that contribute to ensuring the normal, undisturbed development of civil commerce. For example, strengthening the civil legal

capacity of subjects, establishing obligations, restoring violated rights, or restoring impaired rights and legitimate interests[4].

K. Rashidov interprets the doctrine in a broad and narrow sense. According to him, the doctrine of law, legal doctrine, legal doctrine in a broad sense means the ideology of law, the concept of law, or novelistic scientific ideas about law. They are formed as a result of conducting research aimed at understanding the essence of legal phenomena and the practice of improving law. Special legislation of the Republic of Uzbekistan defines the doctrine as state policy[5].

Civil law mainly includes authoritative norms that give the subject a certain freedom in choosing rights. However, in addition to authoritative norms, civil law also contains prohibitive norms. In this case, subjective right can be considered a permissible measure of behavior provided by the state, carried out in the form of certain actions. Such actions are often carried out to achieve certain socio-economic or legal goals and are voluntary and conscious. Subjective law grants a competent subject the freedom to choose the appropriate law; therefore, subjective rights are exercised through the subject's own legally significant active actions.

At the current stage, there are many different definitions of subjective civil law in legal literature. The main elements of the modern definition of subjective civil law are:

1. Most authors define the essence of subjective civil law as a measure of permissible behavior of an authorized person.
2. Subjective law itself cannot exist outside of legal relations.
3. The main structural element of subjective law is a set of powers that are combined in various cases.
4. The objective pursued by subjective civil law is interest. In this case, the subject of civil law consists of a system of valid, mutually conditioned, quantitative oppositions between the subject of law and the object of law operating in the established legal system: legal capacity and legal capacity [6].

The contribution of Paul regarding the limits of the exercise of law is of particular importance. He made a clear distinction between going against the law and going around the law. Paul specifically emphasized instances of violating the meaning of the law while preserving its word, and he evaluated this situation as circumvention of the law. In Roman law, attention was paid not only to the boundaries of the exercise of law but also to the distinction between offenses and violations of the boundaries of the exercise of law. This, in turn, plays an important role in the implementation and protection of rights to the invention.

The question of the essence of subjective civil rights and the limits of their implementation occupies an important place in the theory of civil law. In particular, V.P. Gribanov, in his work "Limits of Implementation and Protection of Civil Rights" (1972), deeply studied the issue of the limits of the realization of subjective civil rights. It emphasizes that the interests of the right holder and the mechanisms for protecting these interests are of great importance in the exercise of subjective civil rights. At the same time, the interests of the right holder must be within the framework of the law, must not violate the rights and interests of other persons, and must not contradict public interests. Analyzing the role and significance of interests in the realization of subjective rights, V.P. Gribanov demonstrates the dialectical connection between subjective rights and interests. According to him, a subjective right is a legally protected interest through which the right holder has the opportunity to satisfy their interests[7].



The scientific results of V.P. Griбанov's research on the most complex direction of civil law science—the implementation and protection of civil rights—form one of the main peaks in the scientist's creative activity. The author created a holistic concept of this direction based on the analysis of the following theoretical problems:

- a) the doctrine of subjective rights;
- b) the concept, principles, and methods of exercising civil rights;
- c) deadlines for the exercise of civil rights;
- d) the limits of the exercise of civil rights;
- d) the exercise of the right to defense by the authorized person[8].

Without completely denying the merits of V.P. Griбанov in the science of civil law, it is appropriate to point out controversial cases: the "holistic concept" created by the author is actually a developed form of ideas formed during the period of Roman law; the list of presented theoretical problems is incomplete, it omits such important issues as the economic foundations of the implementation of civil rights, social significance, connection with other branches of law; the issue of the exercise of the right to defense by an authorized person can be studied not only within the framework of civil law, but also in the field of procedural law; it is advisable to consider the issue of the timing of the implementation of civil rights not as a separate direction, but as an element of the methods of exercising rights.

V.A. Ryasentsev emphasized that although the exercise of subjective rights is aimed at achieving a specific goal permitted by law, it is not limited to this alone[9]. The exercise of a right also includes using a particular method for its implementation, employing specific means of self-defense of the right, and finally, applying to competent authorities with a demand for its compulsory enforcement and protection.

T.V. Deryugina states that "the freedom to exercise citizens' rights is linked to establishing the limits for the exercise of these rights. The exercise of every individual's rights is limited only by the boundaries that allow other members of society to enjoy the same rights"[10]. She indicates the methods by which limits are defined:

1. The formation of the limits of the subject's own internal consciousness (perceptions of justice, reasonableness, and similar concepts);
2. The formation of external limits, meaning that freedom is restricted by law (referring to the norms of objective law) in order to ensure the rights and freedoms of all subjects of law and the interests of society

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