



THE ROLE OF INTELLECTUAL PROPERTY RIGHTS UNDER THE  
WTO AND ITS LEGAL ADAPTATION IN UZBEKISTAN

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**Abstract:** *This thesis explores the significance of intellectual property rights (IPRs) under the World Trade Organization (WTO) legal framework and critically analyzes Uzbekistan's current legal mechanisms in light of these international obligations. The research identifies gaps in domestic IP law, proposes tailored reforms, and emphasizes the legal, economic, and institutional importance of aligning national policies with the TRIPS Agreement. Using international comparative approaches and empirical data, the thesis offers a roadmap for enhancing legal coherence and fostering innovation.*

**Key words:** *WTO, TRIPS, Uzbekistan, intellectual property rights, comparative law, legal reform, enforcement, patents, trademarks*

**Introduction** Uzbekistan's aspiration to join the World Trade Organization (WTO) has prompted significant legal reforms. Among the most sensitive areas requiring reform is the regulation of intellectual property rights (IPRs). The WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) mandates a high level of protection and enforcement of IPRs, which member states must incorporate into their domestic legal systems. For a transition economy like Uzbekistan, reconciling national development goals with TRIPS requirements necessitates a careful examination of its existing IP regime, institutional capacities,



and enforcement mechanisms. This thesis aims to provide a thorough legal analysis of IPR obligations under the WTO and evaluate the extent of Uzbekistan's alignment with those standards, offering recommendations for effective legal harmonization.

### **International Legal Framework of Intellectual Property Rights under the WTO**

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), annexed to the Marrakesh Agreement establishing the World Trade Organization in 1995, serves as the cornerstone of international rules governing intellectual property rights (IPRs). It establishes a unified legal framework that sets minimum standards for the protection and enforcement of IPRs across all WTO member states. The agreement covers a wide range of intellectual property categories, including patents, trademarks, copyrights, geographical indications, industrial designs, layout designs of integrated circuits, and undisclosed information.

TRIPS places several core obligations on member countries:

- **National Treatment (Article 3):** Countries must treat foreign rights holders no less favorably than their own nationals with respect to intellectual property protection.
- **Most-Favoured-Nation Treatment (Article 4):** Any advantage, favor, or privilege granted to nationals of one WTO member must be extended to nationals of all other members.
- **Minimum Standards of Protection (Articles 9–40):** Domestic laws must conform to substantive obligations drawn from earlier international treaties, such as the Berne Convention (for copyrights) and the Paris Convention (for industrial property).
- **Enforcement (Articles 41–61):** Members are required to implement effective legal mechanisms—civil, criminal, and border-related—to prevent and address intellectual property violations.

In practice, TRIPS has had a significant impact on national legal systems, particularly in developing countries that were required to amend their existing laws to meet its standards. A notable example is India, which introduced substantial



changes to its patent law through the Patent (Amendment) Act of 2005 to bring it into alignment with TRIPS obligations.[1]

### **Comparative Legal Experiences: Selected WTO Members**

Georgia provides a relevant example in this context, having joined the WTO in 2000. As part of its accession process, the country adopted comprehensive legislation, including the Law on Patents and the Law on Copyright and Related Rights. These reforms brought Georgia's legal framework in line with the standards set by the TRIPS Agreement and the World Intellectual Property Organization (WIPO). In addition to legal harmonization, Georgia took significant steps to improve enforcement by establishing specialized intellectual property (IP) courts and launching public awareness initiatives aimed at fostering respect for IP rights.

Vietnam's experience, particularly prior to its WTO accession in 2007, offers further insights. Facing structural challenges similar to those encountered by Uzbekistan, Vietnam responded with a unified Intellectual Property Law in 2005. This legal consolidation was accompanied by the creation of the National Office of Intellectual Property (NOIP), which became a central institution for IP management and policy. Vietnam also engaged in strategic partnerships with the private sector to strengthen enforcement and benefitted from technical assistance and capacity-building programs supported by international donors and the WTO itself.

Kyrgyzstan, another post-Soviet country with a civil law system resembling Uzbekistan's, joined the WTO in 1998. It introduced TRIPS-compliant legislation covering patents and copyrights, marking a notable legal achievement. However, effective enforcement has remained a persistent challenge, largely due to limited financial resources and ongoing issues with corruption. [10]

### **Current Legal Framework of Intellectual Property in Uzbekistan.**

Uzbekistan's current legal framework for intellectual property rights (IPRs) is built on several core legislative acts. These include the Law on Copyright and Related Rights (adopted in 2006 and amended in 2021), the Law on Inventions, Utility Models, and Industrial Designs (2002), and the Law on Trademarks, Service Marks, and Appellations of Origin (2001). Additionally, Part Four of the Civil Code,





adopted in 1996, provides the general legal basis for obligations and intellectual property protections.

Institutionally, the Intellectual Property Agency operating under the Ministry of Justice is responsible for registering IPRs and shaping national IP policy. On the international level, Uzbekistan has joined major WIPO-administered treaties, including the Paris Convention in 1991, the Berne Convention in 2005, and the Patent Cooperation Treaty in 2009. However, despite these formal commitments, the domestic legislation remains only partially aligned with the WTO's TRIPS Agreement, particularly in relation to enforcement mechanisms and the protection of undisclosed information.

There are several notable deficiencies in the current IP system. For example, Uzbekistan lacks specialized courts to handle IP disputes, and there is no systematic training for judges, prosecutors, or customs officials in this legal field. Border enforcement procedures are vague, and customs authorities do not possess ex officio powers to act against suspected infringements without a formal complaint, which contradicts the requirements of TRIPS Article 58. The legal framework also does not offer an effective and enforceable mechanism for the protection of trade secrets and confidential business information.

Another major challenge lies in the structure and clarity of the laws themselves. Many IPR laws in Uzbekistan contain overly broad or non-specific language. The Civil Code, for instance, fails to provide clear definitions of infringement types, particularly regarding violations in digital environments. As a result, courts often issue inconsistent or unpredictable rulings due to limited specialization in IP matters. This inconsistency is exacerbated by the lack of continuing legal education for practitioners and judges in the field of intellectual property.

Enforcement of IP rights remains weak. Although some civil and administrative penalties exist, criminal sanctions are rarely applied. Customs officers are unable to initiate investigations independently, which limits their ability to combat counterfeit goods at the border. Public awareness of IP rights is also



limited, contributing to high levels of piracy. According to the Business Software Alliance (BSA), software piracy in Uzbekistan has remained above 83% in recent years, indicating systemic enforcement and educational shortcomings.

Furthermore, institutional fragmentation adds to the problem. IP responsibilities are spread across several agencies, including the Ministry of Justice, the State Tax Committee, and the Anti-Monopoly Agency. However, coordination between these bodies is limited, weakening the overall effectiveness of the IP enforcement system.

These issues point to a clear and urgent need for comprehensive reform of Uzbekistan's IP regime. This reform is not only essential for the country's accession to the WTO but also critical for broader legal modernization and economic growth. Under TRIPS Article 1.1, member states have flexibility in how they implement obligations, but they must still comply fully with minimum standards. Without aligning its laws with TRIPS requirements, Uzbekistan risks facing WTO dispute settlement actions and weakening the confidence of foreign investors.

Beyond legal compliance, strengthening IP protection has proven economic advantages. Robust IPR enforcement is closely linked to foreign direct investment, particularly in knowledge-based and high-technology industries. According to UNCTAD, countries that enhance IP enforcement typically experience a 9–14% increase in investment from patent-intensive sectors. Moreover, stronger IP regimes support domestic innovation. A 2021 WIPO report found that countries with comprehensive patent systems generate up to five times more domestic patent applications per capita. In Uzbekistan, fewer than 100 patents are filed annually by domestic inventors, signaling a significant underutilization of innovative potential.

Legal predictability and harmonization are also crucial. The creation of specialized IP courts and the introduction of clear procedural rules would strengthen the rule of law and fulfill TRIPS Article 41, which obligates member states to provide effective and deterrent enforcement measures. Education and institutional capacity-building should accompany these legal reforms. IP law needs to be integrated into the core legal curriculum of universities, and judicial certification



programs must be developed to ensure specialization in this field. Public awareness campaigns and outreach programs can further improve respect for IP rights and reduce infringement.

**Conclusion and Recommendations** Uzbekistan's legal adaptation to WTO IPR standards is not merely a formality for accession but a foundation for legal modernization and economic growth. This thesis has identified several legal and institutional gaps that hinder effective TRIPS implementation. Drawing on comparative experiences, the following recommendations are proposed:

- Amend all core IP legislation to explicitly reflect TRIPS standards, particularly in enforcement, undisclosed information, and border measures.
- Establish a specialized IP Court under the Supreme Judicial Council.
- Create national IP training programs for judges, prosecutors, and lawyers.
- Authorize customs authorities to initiate investigations without complaint.
- Increase public outreach through school education, media, and business forums.
- Introduce legal clinics for IP rights at major law faculties.

These reforms will not only facilitate WTO accession but also elevate Uzbekistan's legal and innovation ecosystem.

## REFERENCES:

1. WTO, Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1995, Articles 1–61.
2. WIPO, World Intellectual Property Report, 2021, pp. 19–43.
3. UNCTAD, World Investment Report, 2022, Chapter 4, pp. 112–135.
4. Georgian Law on Copyright and Related Rights, 1999 (as amended), Arts. 2–18.
5. Vietnam Law on Intellectual Property, No. 50/2005/QH11, Arts. 3–129.
6. Law of the Republic of Uzbekistan on Copyright and Related Rights, 2006, Art. 7.





7. Law of the Republic of Uzbekistan on Inventions, Utility Models and Industrial Designs, 2002.
8. Civil Code of Uzbekistan (Part IV), 1996.
9. Business Software Alliance, Piracy Rates by Country, 2020, p. 67.
10. WTO, Trade Policy Review: Kyrgyz Republic, 2007, pp. 91–103.