



## LEGAL FOUNDATIONS OF CIVIL LIABILITY FOR INFRINGEMENT OF THE RIGHT TO USE GEOGRAPHICAL INDICATIONS IN UZBEKISTAN

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### ABSTRACT

*This article analyzes the legal grounds for applying civil liability for the infringement of the right to use geographical indications in the Republic of Uzbekistan. The article reviews the key legislative acts of the Republic of Uzbekistan related to this issue. It discusses the concept of geographical indications, the existing grounds for civil liability, the legal measures that can be applied, and the importance of their practical implementation. The conclusion of the article highlights the existence of legal mechanisms for the protection of geographical indications but emphasizes the need for further improvement to ensure their effective application.*

**Introduction.** Geographical indications are signs that indicate that certain goods have a specific quality, reputation, or other characteristics primarily due to their geographical origin [1]. Such indications not only enable producers to distinguish their products and enhance their value but also help consumers in selecting goods with particular qualities and characteristics. The legal protection of geographical indications plays a crucial economic and social role, including promoting regional development, supporting local producers, and preserving traditional knowledge and cultural heritage. Protecting these rights helps prevent unfair competition, avoids consumer deception, and maintains the value of geographical indications.

In the Republic of Uzbekistan, a general system for the protection of intellectual property is in place, within which geographical indications are also safeguarded. The primary legislative acts in this field include the Civil Code of the Republic of Uzbekistan and the Law «On Geographical Indications.» A designated state authority is responsible for the registration and protection of geographical indications. The adoption of a separate law on geographical indications demonstrates Uzbekistan's firm approach to protecting this category of intellectual property.

**Discussion.** According to Article 3 of the Law «On Geographical Indications,» a geographical indication refers to a sign that identifies a specific geographical area (place, region, or country) as the origin of a product and indicates that its quality, reputation, or other characteristics are primarily linked to that geographical location [1]. This definition



emphasizes the strong connection between a product and its place of origin, where the geographical factor plays a crucial role in the product's characteristics and consumer perception. Under Uzbek legislation, geographical indications are recognized as objects of intellectual property rights, and the right to use them is granted to individuals or entities that meet specific criteria. To ensure legal protection, geographical indications must be registered with the designated state authority [3]. The right to use a registered geographical indication is granted to the certificate holder, provided that the goods they produce meet the characteristics specified in the registration.

Although the Civil Code of the Republic of Uzbekistan does not contain specific provisions directly related to geographical indications, the general principles of civil liability for intellectual property rights infringement can also be applied to the protection of geographical indications. Chapter 57 of the Civil Code (Article 985 and subsequent articles) establishes liability for damages [5]. Claims for compensation for damages caused to the rights holder due to the unauthorized use of a geographical indication may be based on these provisions. Additionally, Chapter 58 of the Civil Code (Article 1023 and subsequent articles) regulates unjust enrichment. If an individual unlawfully benefits from the unauthorized use of a protected geographical indication, the rights holder has the right to demand the return of the gained profits.

The Civil Code also recognizes other intellectual property objects, such as trademarks (Articles 1102–1107) and appellations of origin (Articles 1108–1111) [5]. An appellation of origin is a type of geographical indication in which the product's quality and characteristics are directly linked to the geographical location. Article 1111 of the Civil Code establishes liability for the unauthorized use of an appellation of origin [4]. According to this article, a person who does not have the right to use an appellation of origin may be required to cease its use and compensate for any damages caused. This provision provides a legal basis for protecting certain types of geographical indications and was particularly significant before the adoption of the Law «On Geographical Indications.»

Article 33 of the Law «On Geographical Indications» explicitly states that individuals found guilty of violating geographical indication legislation will be held liable in accordance with the established procedures [1]. Article 5 of the Law clearly defines who has the right to use a geographical indication, which helps in identifying cases of unauthorized use [1]. In particular, the use of a registered geographical indication by an unauthorized person is considered illegal, even if the actual place of production is correctly indicated. Furthermore, if authorized users of a registered geographical indication apply it to goods that do not meet the characteristics listed in the register, it also constitutes an infringement [1]. Additionally, the use of a sign similar to a registered geographical indication in a way that misleads consumers about the place of production or the product's characteristics is also considered unlawful.

Although Article 33 of the Law provides for liability, it does not specify concrete civil-law measures. Nevertheless, in accordance with the general principles of the Civil Code, measures such as claiming compensation for damages caused by the unauthorized use of geographical indications, seizing and destroying illegal products, and filing lawsuits to stop infringements can be applied [5]. Together with the Civil Code, the Law «On Geographical



Indications» establishes the necessary legal framework for protecting geographical indications and combating their unauthorized use.

An analysis of scientific literature on the protection of geographical indications in Uzbekistan indicates that research is being conducted on this topic. However, there is a lack of in-depth academic studies on the specific mechanisms for applying civil liability and on judicial practice in this area [6].

The application of civil liability for the infringement of geographical indications in Uzbekistan remains a relevant and important issue. Existing challenges include the lack of sufficient awareness among the public and business entities about geographical indications, the complexity of proving the link between a product's characteristics and its geographical origin, as well as practical difficulties in identifying and addressing violations. To overcome these challenges, the following measures can be proposed:

- Conduct awareness campaigns among the public about geographical indications and their importance for protection.
- Develop clear criteria and standards to confirm a product's geographical origin and its characteristics.
- Enhance the knowledge and skills of judicial and law enforcement personnel in the field of intellectual property rights, particularly regarding the protection of geographical indications.
- Consider introducing amendments to the Law «On Geographical Indications» to specify concrete civil liability measures.
- Establishing an effective system for protecting geographical indications can contribute to regional economic development, promote tourism, preserve cultural heritage, and safeguard consumer rights.

## Conclusion

The legal foundations for applying civil liability for the infringement of the right to use geographical indications in the Republic of Uzbekistan are reflected in the Civil Code and the Law «On Geographical Indications.» The legislation clearly defines the concept of geographical indications, outlines the registration process, and identifies cases of unlawful use. The general principles of civil liability in the Civil Code, along with specific provisions regarding appellations of origin, play a crucial role in protecting geographical indications. However, improving law enforcement practices, increasing awareness among the public and businesses, and further refining legislation can enhance the efficiency of the geographical indication protection system. The prospects for strengthening the protection of geographical indications can significantly contribute to Uzbekistan's economic and cultural development.

## References:

1. Law No. O'RQ-757 «On Geographical Indications» - LEX.UZ, <https://lex.uz/docs/-5889882>
2. 21.12.1995. The Civil code of the Republic of Uzbekistan (Part One) - LEX.UZ, <https://lex.uz/docs/-111189?otherlang=1>



3. No. 385, 13.07.2022. On the approval of the administrative regulation for the provision of the state service for the registration of geographical indications - LEX.UZ, <https://lex.uz/docs/-6110887?ONDATE=07.05.2024%2000>
4. Tovar chiqarilgan joy nomi - Advice.uz, <https://advice.uz/oz/document/3310>
5. 29.08.1996. The Civil code of the Republic of Uzbekistan, <https://lex.uz/docs/-180552>
6. PQ-3666, 13.04.2018. On organizational measures for the further improvement of the activities of the Ministry of Justice of the Republic of Uzbekistan - LEX.UZ, <https://lex.uz/docs/-3681790?ONDATE=18.03.2022%2000>