

Development of Legislation on the Right to the Name of the Place of Origin of Goods

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Abstract

This article comprehensively analyzes the place of the right to the name of the place of origin of goods in the system of civil law objects. The article discusses the legal mechanisms for the protection of trade names based on geographical indications, as well as the importance of such rights in the framework of civil law and their application at the national and international level. The author of the study highlights the specific features of the rights to the name of the place of origin, including their economic and cultural importance, and the benefits they bring to consumers and producers. The article also considers practical issues related to the registration, protection and use of the names of place of origin. In doing so, the author evaluates the role of this legal institution in the world economy and its development prospects, and at the same time critically analyzes the shortcomings in the existing legislation and practice.

Keywords: place of origin, globalization, consumers, interest, product quality, environmental friendliness, marketing strategies

Introduction

The legal status of intellectual property objects and the legislation regulating the relations related to them do not have a long historical past like property law and the law of obligation, which are traditional institutions of civil law. In addition, copyright, which are considered the main objects of intellectual property, legal bases of industrial property objects were created at the end of the 19th century, while the past of means of personalization of civil transactions was created from the second half of the 20th century.

However, it should not be forgotten that TKChJN, i.e. determining the specific quality and characteristics of goods depending on which region, country or place they were made, existed even in ancient times. In particular, according to S.A. Gorlenko, there is a lot of information about the fact that from ancient times to the present, manufacturers widely used signs indicating their location, the place of origin of the goods. For example, in Greece in the 4th century BC, in relation to wine products - Corinthian, Icarus, Corsair, Naxos, Rhodes wines, as well as Naxos almonds, Corinthian quinces, Sicilian honey, Desim vinegar, Paros marble - were used, but during the reign of Augustus Falerna wine, Thassos island nuts, Egyptian dates, Corinthian bronze, and Carrac marble were popular in the Roman Empire. An example of the use of TKChJN in later periods can

also be given. In particular, many of the names in the 1712 Treaty of Export Commerce were used to describe the product, including: Brittany, Normandy, Cote-de-Gene chestnuts, Burgundy, Champagne, Bordeaux, Orléans, Touraine, Blazois, Anjou, Nantes, Languedoc, Provence wines. , Cognac and Anjou spirits, olive oils from Provence, Lyon, Tours, Messina, Italian, Syrian, Persian, Chinese silks, Ghent, Gambre, Malin, Brittany, Normandy, Rouen fabrics, Languedoc textile products [1].

Of course, TKChJNs have been used in the past directly from the point of view of the product's qualitative and comprehensive response to consumer demand. After all, in the past, the fact that a certain product was prepared in a relevant geographical object or grown in this area provided information for consumers about its natural climatic conditions and the human factor in that area. In particular, along with the above-recognized TKChJN, the following can be mentioned according to the place of origin of the goods: Brittany, Normandy, Somers, Devon ciders, Alsace, Belgium, Holland, Denmark, Bavarian beers, Scotch whiskey, Jamaican rum, Russian vodka, China, Ceylon, Assam, Darjeeling tea, Colombia, Brazilian coffee, Bourbon Island coffee, Arabian macko coffee, Pemont, Camargue, Thailand, Iron rice, Plugastel strawberry, Kavayan melon, Spain, Morocco, South African oranges, Iran, Caucasus, China, Turkmenistan and Pakistani carpets[2].

It should be noted that these brand names are not used to designate products under the influence of economic changes and the evolution of tastes and habits. Some of them can be used even today.

It can be seen that for a long time, when determining the quality of goods and determining their special features, the effect of the special features of the geographical object was taken into account, and certain goods were evaluated based on the characteristics of this geographical object. In this case, the signs testifying to the high quality of the goods ensured the popularity of the goods and led to the personalization of the product of a person's labor with the help of a geographical object.

In particular, the targeted use of geographical indications has been known since the Middle Ages in France. It was during this period that the signs and names that are still used today appeared. Many of these names are related to the agricultural sector, which was the basis of the political power of the Capetian dynasty and the basis of the wealth of France, especially the vineyards of the Loire, Bordeaux, Burgundy valleys. The names of these places later became the names of very famous and high-quality wines, which are also popular abroad. Today, Bordeaux wine is world famous. Of course, geographical indications of goods that have come down to us from the era of slavery and feudalism can only be conditionally considered TKChHN.

Discussion

The transition from small-scale production to large-scale manufacturing, the emergence of a capitalist style of production, the formation of the world market along with the national market, the increase in demand for goods - all these factors created the need to mark goods.

As a result of the development of production forces and technical progress, specific technologies and production traditions were created based on certain natural conditions, which were preserved for a long time and passed from ancestors to generations. Over time, individual

producers or groups emerged in some regions. They specialize in the production of high-quality goods that have special characteristics and are unique to these goods. With the expansion of the markets, the demand for these goods increased, and as a result, the producers tried to preserve the originality, uniqueness, production secrets and existing traditions of their goods very carefully.

In order to distinguish the goods from similar goods made in other regions, but not having special characteristics, goods with the appropriate geographical indication have been released to the market. In order to limit the illegal use of such signs by other manufacturers, manufacturers tried to provide them with legal protection by entering them into special state registers. As a result of these actions, a legal concept called "the name of the place of origin of goods" was created.

Thus, the multiple release of one type of goods, the development of trade and the intensification of competition have led to the strengthening of the role of geographical signs representing the goods and showing their special features as a means of personalization and advertising [3].

Conclusion

According to the French legal literature, cases of falsification of geographical signs were recorded over time, and later these cases increased, and at the beginning of the 19th century, there was a need for legal regulation of social relations related to these expressions. The first steps in this direction were related to trademarks rather than the name of the place of origin of the product. This situation, in turn, caused confusion in the application of these concepts for a long time [4].

References

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