

LEGAL PROTECTION OF SELECTION ACHIEVEMENTS AND ITS PRINCIPLES

Z. R. Allamberganova

3rd grade student of Karakalpak State
University named after Berdak, Faculty of Law

Abstract:

This article discusses the general concept and features of selection achievements, the conditions for the legal protection of selection achievements, the starting point of the legal protection of selection achievements, the principles of legal protection of selection achievements, patenting of selection achievements, the theories of scientists about selection achievements and selection rights of foreign countries, their features.

Keywords: selection achievements, patent, selection right protection, new variety, new breed, differentiation, novelty, author.

The market economy has created the need to pay special attention to every area of public life. From the first days of independence, the agricultural sector, like other sectors, received special attention. The goal of reforms and transformations in agriculture is to achieve high productivity, reduce the cost of agricultural products and preserve land fertility for a long time.

Breeding is a unique field of scientific research, based primarily on the method of creating new varieties and breeds through natural selection and selection. Selection comes from the Latin word *selego*, which means to sort, to collect. Selection is the mental activity of people carried out on living nature, living beings, and the success of selection is the success achieved as a result of this mental activity. Sorting, collecting plant varieties and animal breeds and their physiological, genetic and biological methods.

The achievement of selection is the creation of a new variety and breed as a result of crossing or reproduction by other means through scientific and creative activity. According to T. E. Kaudirov, Doctor of Legal Sciences of the Republic of Kazakhstan, selection is a unique type of creative activity, which is inextricably linked with living nature and therefore should consider the properties of the objects of the material world.



Legal protection of breeding achievements in the Republic of Uzbekistan is carried out mainly by the Civil Code of the Republic of Uzbekistan and the Law of the Republic of Uzbekistan "On Breeding Achievements" dated August 29, 2002.

According to its legal regulation, breeding achievements differ from inventions in the following features:

1) unlike the inventor who works on inanimate objects of nature, the author of the achievement of selection works on living objects of nature. This is your scientific and creative process

increases the difficulty. The uniqueness of working with a living organism and understanding the characteristics of the organism means a long time and the work and ingenuity of many specialists;

2) unlike inventions, utility models, industrial designs, the creation of selection achievements and the completion of the entire selection process depends not only on the author of the selection achievement, but also on natural and climatic conditions. That is, breeding work may be negatively affected by climate change, and the desired result may not be possible;

3) recognition and recognition of breeding achievements by the public is also a unique situation, which differs not only from objects of industrial property (inventions, utility models and industrial samples), but also from other objects of intellectual property. For example, for the recognition or recognition of an invention, it is enough to test it and verify its useful properties, but for the recognition and recognition of breeding achievements, a long and rigorous examination, repeated control and constant maintenance are required. Once an invention is created, if there are almost no forces influencing its destruction (if an invention dies, it can be restored through drawings), the long experience of breeding achievements means that their recognition is an extremely difficult process;

4) the ideal basis of an object and its material embodiment are inextricably linked in achieving selection. The complete destruction of the material body also destroys the achievement of selection as an object. And the invention lives separately from its material embodiment. Therefore, if an invention can be restored using certain formulas, drawings, models, then dead selection achievements may not be able to be restored at all.

5) the solution to a technical problem is created in an invention, utility model, industrial model, and the solution to a biological problem is found in the achievements of selection. As an exception, strains of microorganisms are biotechnical objects and are considered inventions.



The Intellectual Property Agency under the Ministry of Justice of the Republic of Uzbekistan (hereinafter referred to as the Agency) ensures the implementation of a unified state policy in the field of legal protection of selection achievements. The Agency accepts and reviews applications for patents for selection achievements (hereinafter referred to as patent applications), conducts an official examination of them, maintains the State Register of Plant Varieties and the State Register of Animal Breeds, issues patents for selection achievements, officially publishes application materials and information about selection achievements, registered and protected in the Republic of Uzbekistan, approves the rules for applying legislation on selection achievements and provides explanations.

The Center for Testing Agricultural Crop Varieties under the Ministry of Agriculture of the Republic of Uzbekistan, the State Committee for the Development of Veterinary Medicine and Animal Husbandry of the Republic of Uzbekistan (hereinafter referred to as specialized organizations) checked the patentability of the selection achievements indicated in the application.

The author of a selection achievement is a person who has created (bred or identified) through his creative work a new plant variety or a new breed of animal. According to the conditions of eligibility for legal protection, inventions and selection achievements are fundamentally different from each other. An invention is protected by a patent if the following conditions are met:

- novelty;
 - to have a level of inventiveness;
 - can be used in practice
- Selection achievements:
- novelty;
 - differentiation;
 - kinship; stability

Legal scholars V.I. Levchenko and V. Yu. Lebedev selected legal achievements they show the following principles expressed in legal documents aimed at protection:

- selection is inextricably linked with the special order of using natural resources;
- highly effective use of scientific potential in selection;
- the combination of material and moral interest in selection;
- existence of scientific and production risk in selection;
- mandatory identification of selection achievements;
- high level of civil, criminal and administrative responsibility is established for illegal behavior in selection;



- protection of scientific and economic interests of the state;
- the obligation of international cooperation in the field of selection;
- reciprocity in protection of breeding achievements.

In the process of breeding activities, the principle of preserving biological diversity is inherently important, in which breeding activities aimed at creating new varieties and breeds are of particular importance for the conservation of certain species of plants and animals and their transformation. For example, great successes in selection and seed production of cotton in Uzbekistan were achieved thanks to the Uzbek breeding school, and today, through breeding research, the preservation of cotton varieties and the creation of their gene pool continues.

In conclusion, it is worth saying that the development of fundamental research in the field of physiology, genetics and breeding and the implementation of this research have a positive impact on the development of the agricultural sector.

References:

1. Ózbekiston Respublikasi Fuqarolik kodeksi. Rasmiy nashr – O'zbekiston Respublikasi Adliya vazirligi -T.: Adolat, 2016 y.- 560 b.
2. O'zbekiston Respublikasining 2002-yil 29-avgustdagi "Seleksiya yutuqlari to'g'risida"gi Qonuni// Ozbekiston Respublikasi Oliy Majlisining Axborotnomasi, 2002 y., 9-son, 156-modda.
3. Fuqarolik huquqi: Darslik. I qism/ Mualliflar jamoasi. Prof. O.Oqyulovning umumiy tahriri ostida. –T.: TDYU nashriyoti, 2016. -312 b.
4. Oqyulov O. Intellektual mulk va innovasiya (Intellektual mulk huquqi institutlarining innovasiya rivojlanishini ta'minlashdagi ta'sirini oshirishning moddiy va prosessual vositalari: milliy amaliyot va xorijiy tajriba).-T., Turon zamin ziyo, 2016,-390 b.
5. Intellektual mulk. Darslik. Mas'ul muharrirlar: yu. f. d., prof., O. Oqyulov, yu. f. f. d (PhD), dotsent N.E.Gafurova // Mualliflar jamoasi.-T.: TDYU nahshriyoti, 2019.- 588 b

