

Classification Of Creative Industries In Uzbekistan

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Abstract: In the study of the creative economy of Uzbekistan, it is expedient to classify it into specific industries. There are several forms of intellectual property in the world, and the creative industry is based on this.

Keywords: creative products, intellectual property, copyright industry, patent industries, trademarks, industrial design.

Introduction

Creativity does not have to be an economic activity. It can be so if it can create an idea for economic purposes or for market products. It is difficult to describe the transition from abstract to practical, from idea to product. There is no complete definition of all changes. Intellectual property law offers a number of criteria, and the market offers the latter. In general, the change can always be from the definition of the idea to its naming, its implementation and, consequently, its ownership and sale. As a result, a creative product is created, which as a result of the creative process becomes a commodity or service that has economic value.

The most significant and mass production of creative products takes place in the field of art, so art is the main place of artistic activity, and creativity and art are synonymous. But artists and performers do not have a monopoly in the creative field and are not its only participants. The difference between creativity in art and any other field is seen in the idea that artists are more creative, but this is not always true, but because they have a certain knowledge of ideas and aesthetics, they are able to create special types of works. and works according to specific business models.

The main findings and results

Creativity also develops in science. Especially in the field of scientific research and development. The difference between the work of a scientist and an artist is not so great.

Creativity exists at all levels of business - from managing a company to shaping, manufacturing, branding a single product. Increasing competition, fast-changing technologies and the proliferation of the Internet require companies to be unique in their business practices and to be vigilant in protecting their products using intellectual property rights.

There are many opportunities for creativity in any organization where innovation and invention are possible. Creativity develops when and where it is encouraged.

Although not all creative products, but most are included in the definition of intellectual property. Intellectual property has properties like physical property: it belongs to someone. But unlike physical property, intellectual property is intangible.

The word "intellect" is derived from the Latin word "intellectus" and means the human mind, intellect, the ability to think. It is the intellect, intellectual activity, which is the main cause of the development of human society, the source of all the spiritual and material values created by mankind.

However, any intellectual activity does not become intellectual property. Intellectual property includes intellectual activity, the results of which can be expressed in any objective (material) form. Intellectual property is the right to the results of human creative activity.

Civil Code of the Republic of Uzbekistan (Article 164) The right to property is the right of a person to own, use and dispose of his property at will and on his own interests, as well as as the right to demand redress for violations of property rights.

Objects of intellectual property can be considered as property (Article 169 of the Civil Code of the Republic of Uzbekistan). This includes:

1) results of intellectual activity:

- works of science, literature and art;
- speeches, phonograms, broadcasts of broadcasting organizations by air or cable;
- software for electronic calculators and databases;
- inventions, utility models, industrial designs;
- selection achievements;
- undisclosed information, including production secrets (know-how);

2) Means of individualization of participants in civil transactions of goods, works and services:

- company names;
- trademarks (service marks);
- names of origin of goods;

3) other results of intellectual activity and means of individualization of participants in civil transactions of goods, works and services in cases stipulated by this Code or other laws.

- (Article 1031 of the Civil Code of the Republic of Uzbekistan);
- Historically, intellectual property is divided into two main categories. This is Copyright and Industrial Property;

- The law on intellectual property or intellectual property is a branch of law that regulates issues related to the creation, legal protection and use of intellectual property. Intellectual property is divided into the following legal institutions: copyright and industrial property;

- Objects of direct intellectual property: works of literature and art, inventions, industrial designs, trademarks, etc.

At the same time, the term "property" includes protected objects: inventions, trademarks, literary works, and so on. They can be used only with the permission of the legal owner of the rights, for example, the author of the work, the inventor, the employer, etc.

Legal protection of intellectual property serves as a means of stimulating creative activity for the development of industry, trade and culture of the country.

Protection of copyright and related rights is one of the main areas of law that constitutes the legislation on intellectual property. In accordance with the copyright, scientific, literary, musical, artistic, photographic and audiovisual works are legally protected and relations on their use are regulated.

In accordance with the legislation of the Republic of Uzbekistan, the copyright of literature, science, art, music and other works is valid throughout the life of the author and for 50 years after his death. If there are several authors (co-authors), then the date of death of the last author who was alive among the co-authors.

In almost all countries, copyright protection takes effect from the time the work is created and published, and eliminates any formalities, such as registration with an agency, obtaining a patent, and other things do not require. At the same time, disputes over copyright infringement are considered in court.

Copyright is closely related to related rights. Objects of related rights are the right of execution, the right to record and broadcast the performance. Accordingly, the right to perform belongs directly to the performers (actors, directors, etc., as well as their heirs), the right to record is to the producers of phonograms, and the right to broadcast is the radio that created such a program. belongs to the organization.

Patented inventions. An invention is the first object of man-made intellectual property. The history of inventions probably dates back to the time when primitive man invented his first tools of labor. Since then, inventions have been the engine of technological progress, resulting in the development of society as a whole.

The main reason for the invention is, first of all, the ever-increasing material, social and cultural needs of society. With the development of society, these needs must be met more fully, on the one hand, and at a lower cost, on the other.

An invention is a new idea, a technical solution that allows you to solve a specific problem in virtually any field of technology and meets the established criteria.

Because technology is a multifaceted concept, different objects can be recognized as inventions, each with its own characteristics.

In accordance with the legislation of the Republic of Uzbekistan, the following objects are recognized as inventions:

- devices - objects with structural features;
- methods - the process of performing various actions, operations on material objects with the help of other material objects, various technological processes;
- substances - objects that are distinguished by their qualitative composition, such as alloys, compositions, various molecular compounds, etc;
- strains of microorganisms, plant and animal cell cultures - traditional, hybrid, attachment and other individual strains of microorganisms;
- as well as the use of previously known tools, methods, substances, strains of microorganisms for new purposes and tasks.

An object, such as a utility model, is closely related to an invention. In fact, the utility model is a type of "small invention" that differs from the invention in only two main respects:

1. Only devices are recognized as a utility model, i.e. the constructive implementation of the means of production and consumer goods and their components. Accordingly, methods, substances, strains of microorganisms, culture of plant and animal cells, as well as their use for new purposes are not recognized as useful models.

2. The patenting of the utility model, which differs from the invention, is carried out in a simplified procedure.

The invention acquires legal protection only after obtaining a patent. A patent for an invention shall be granted after examination and shall be valid for twenty years, which may be extended for another five years at the request of the patent owner.

To obtain a patent, it is necessary to apply for a patent for an invention and submit it to the State Patent Office of the Republic of Uzbekistan. Patent idorasi ixtironing patentga layoqatligini tekshiradi va bunday ekspertiza natijalariga ko'ra ixtironi rasmiy ro'yxatdan o'tkazadi, nashr etadi va unga patent beradi.

Criteria (or conditions) for patentability of an invention in accordance with the legislation of Uzbekistan are the novelty, the degree of invention and its application in production.

- An invention is considered new if it is not known from the previous technique.
- Recognize that an invention has a degree of invention if it does not operate explicitly at the level of the previous technique.
- If an invention can be used in industry, agriculture, healthcare and other spheres of activity, it is considered to have application in production.

Patenting of industrial designs. An industrial design is the embodiment of a specific direction of human creative activity, has a specific purpose and a certain range of consumers. Industrial designs include an artistic design solution designed for the appearance of an object (product).

Industrial designs can be volumetric (models), flat (drawings) or a combination of both.

Typically, a three-dimensional industrial design is a composition based on a three-dimensional structure, such as an artistic design solution that reflects the appearance of a car, television, etc.

An industrial design is sometimes superficially similar to a trademark, especially a volumetric trademark. Although a trademark is designed to distinguish a particular product from other goods by its appearance, an industrial design is intended only to protect products that are visually similar to it and have all its essential features.

It is also important not to confuse industrial designs with works of art. Works of art are created as a single work that is aesthetically oriented and not related to the functional purpose of the product. In contrast, the aesthetic features of an industrial design are the result of the artistic embodiment of the functional elements of the product, the aesthetic expression of its intended purpose.

An industrial design, such as an invention, is legally protected by a patent. A patent for an industrial design is granted after examination and is valid for 10 years, after which it may be extended for another five years at the request of the patent owner.

To obtain a patent, it is necessary to apply for a patent for an industrial design and submit it to the State Patent Office of the Republic of Uzbekistan. The Patent Office checks the patentability of an industrial design and, based on the results of such examination, officially registers, publishes and issues a patent for an industrial design.

In accordance with the legislation of Uzbekistan, the patentability of an industrial design is a condition of its novelty, originality and application in production.

An industrial design shall be recognized as new if its aesthetic and (or) ergonomic properties are unknown in the world before the first term of the industrial design.

An industrial design is recognized as original when it defines the creative roof of its aesthetic properties in the sum of its essential features. An industrial design is recognized as industrially applicable if it is used repeatedly in reproduction.

A trademark is a duly registered trademark that serves to distinguish the goods and services of one legal entity or individual from the goods of other legal entities and individuals of the same type. A

trademark intended to identify goods of an association of legal entities and (or) individuals of the same quality or other general characteristics produced and (or) sold by them is a collective mark.

It is obvious that the protection of trademarks creates opportunities for the development of trade on the basis of fair competition, protection of the rights of producers and consumers.

Relations with trademarks in Uzbekistan are regulated by the Law "On Trademarks, Service Marks and Appellations of Origin". Legal protection of a trademark (service mark) arises as a result of its registration.

Images, words, symbols of a certain shape and other symbols or their collective expression in any color or different colors can be registered as trademarks.

Certificate of trademark registration is issued after examination of the claimed trademark and is valid for 10 years from the priority date of the trademark and can be extended for 10 years.

To register a trademark, an application must be submitted to the State Patent Office of the Republic of Uzbekistan.

As we have seen, there are several forms of intellectual property, four of which are the most common - copyright, patent, trademark and industrial design. Some laws also protect trade secrets and confidential information, while others even protect privacy and privacy. Copyright law applies to individual creative expression reflected in individual works. Initially, the literary meaning of the word was limited to writing, but later other categories were added (for example, film and sound recording), and each category expanded to include other activities (for example, the category of literary creation now includes computer programs), because they are also skillfully original records). Copyright is automatically acquired for any masterpiece and does not need to be registered. This right is usually valid for the duration of the author's life and for an additional sixty to seventy years after its death.

The second important area is patent law, which stems from the need to protect new industrial products and inventions in the process. This gives the inventor the exclusive right to produce a new product, usually for twenty years. There are fundamental differences between a patent and a copyright. Copyright appears automatically, must be verified before patent approval. The invention must be new and used in industry. None of these checks apply to copyright. Once registered, a patent provides more protection than copyright.

A trademark does not require artistic or creative expression (as in copyright) or special expertise (as in a patent), it is only a symbol or mark denoting an organization or product. This description applies to a registered trademark, i.e. it can be actively sold, and must be tested for design and originality.

An industrial design is an image or symbol, like a trademark, which is distinguished by its originality and originality, novelty and uniqueness. Legally, it's like a hybrid. Often covered by copyright, it may also be a separate section of that right, and may be registered as a trademark.

These copyright systems are partially compatible. An artistic sketch of a trademark is protected by copyright because it is the work of an artist, regardless of whether it is registered as a trademark or an industrial design. In some countries, computer programs are patented because they are directly covered by copyright.

In studying the creative economy of Uzbekistan, it is expedient to classify it into the following industries. The copyright industry includes all areas in which copyright or similar works are produced as a primary product: advertising, computer programs, design, photography, film, video, performing arts, music (publishing, writing and performance), publishing, radio, television and video games. Fine and applied arts and architecture are among the works of copyright, but in most cases of copyright is not significant in economic value. Fine and applied arts are usually valued and sold as tangible property, while new buildings are sold as structures under the rules of physical property. The International Intellectual Property Society distinguishes the "basic" areas of copyright listed above and the "general"

areas of production of a product (eg, computers and televisions) depending on the areas of copyright. These accompanying fields are not considered copyright industries. Patent industries cover all areas related to the development or sale of patents. They are mainly in the pharmaceutical industry, electronics, information technology, industrial design, materials and components, chemistry, machinery, aerospace and vehicles. Research and development conducted by commercial companies, scientific and technical laboratories and universities are the main activities. Trademark and industrial design industries are more numerous, and their number and diversity make them difficult to identify. It is possible to distinguish a creative component in the creation of a trademark, but it is more difficult to calculate its economic value or determine the economic benefits it brings to the product range. These four sectors make up the creative industries and the creative economy. This definition is highly controversial.

Conclusion

Although many definitions are generally harmonized in international practice, there is no consensus on this. Most countries have defined creativity and its areas as representing the creative imagination in all its forms. Britain and Australia, for example, limit the term “creative industries” to the arts and culture, excluding science and patent work. But the British National Foundation for Science, Technology and the Arts has adopted a broader and more humanistic view that creativity is an integral part of science, technology and engineering and is in fact present in all “new and innovative products and services”. Although the word “creative” is still common in Britain, it still means “artistic” and “cultural”.

References

1. Zakirova S.A., Zunnunova U.G., Salaydinov B. SH., Ikromov S.T. Effective management of the modern audiovisual industry: advanced foreign experience and technologies. Monograph. “ZAMON POLYGRAPH”, Tashkent: 2019.
2. Fayziev U.T. Art marketing. Study guide. Kamalak Publishing House, Tashkent: 2019.
3. Carla Stalling Walter “Arts Management. An Entrepreneurial Approach”, 2015 Taylor & Francis. Routledge.NY.
4. Qayimov M.SH., Umarov A.S., Zunnunova U.G. Art management. Study guide. Extremum-Press, Tashkent:2012.
5. “Resolution of the President of the Republic of Uzbekistan dated November 28, 2018 № PP-4038 “On approval of the Concept of further development of national culture in the Republic of Uzbekistan”.
6. Zakirova S., Zunnunova U. Information Technologies in Management. International Journal on Integrated Education, Volume 3, 2020,19-21.
7. Zunnunova U., Zakirova S., Fayziyev T. Academic and organizational aspects of entrepreneurship education in art universities of Uzbekistan. Journal of critical reviews, [2020; 7\(13\)](#): 1893-1897
8. Bollinger, S. R. (2019). Creativity and forms of managerial control in innovation processes: tools, viewpoints and practices. European Journal of Innovation Management.
9. Lazzarotti, V., Bengtsson, L., Manzini, R., Pellegrini, L., & Rippa, P. (2017). Openness and innovation performance: an empirical analysis of openness determinants and performance mediators. European Journal of Innovation Management, 20(3), 463-492.

10. Cingula, M., Nedelko, Z., & Potocan, V. (2013). The role of management innovativeness in modern organizations. *Journal of Enterprising Communities: People and Places in the Global Economy*.
11. Zakirova, S. A., Pîrvan, L. R., & Zunnunova, U. G. (2020). CHALLENGES AND PROSPECTS IN ART HIGHER EDUCATION OF UZBEKISTAN AND ROMANIA. *European Journal of Research and Reflection in Educational Sciences (EJRRES)*, 8, 10.
12. Abdulhakovna, Z. S., & Gulomovna, Z. U. (2020). Information technologies in management. *International Journal on Integrated Education*, 3(1), 19-22.