

Formation and Development Trends of The Public Administration System in The Field of Intellectual Property in The Republic of Uzbekistan

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Received: 08 Feb 2026 | Received Revised Version: 24 Feb 2026 | Accepted: 10 Mar 2026 | Published: 31 Mar 2026

Volume 08 Issue 03 2026 | Crossref DOI: 10.37547/tajpslc/Volume08Issue03-16

Abstract

The establishment of an effective public administration system in the field of intellectual property constitutes one of the fundamental prerequisites for promoting innovation, ensuring legal certainty, attracting investment, and fostering sustainable economic development. Since gaining independence, the Republic of Uzbekistan has implemented comprehensive administrative and legal reforms aimed at creating an effective institutional framework for the protection and enforcement of intellectual property rights. This article examines the evolution of Uzbekistan's public administration system in the field of intellectual property from both institutional and legal perspectives. The study analyzes the development of authorized state institutions, the impact of international intellectual property treaties on national legislation, and the consequences of successive administrative reforms implemented between 1991 and the present. Existing scholarly approaches to the periodization of public administration reforms are critically assessed, and an alternative three-stage model of institutional development is proposed. Particular attention is devoted to the relationship between legal protection, institutional capacity, law enforcement mechanisms, and inter-agency coordination in ensuring effective intellectual property governance. The article argues that the effectiveness of public administration cannot be evaluated solely through institutional restructuring but should also be measured by the practical implementation of intellectual property legislation, enforcement efficiency, and compliance with international standards. The findings contribute to the theoretical understanding of intellectual property governance and provide practical recommendations for further improving Uzbekistan's intellectual property administration system in accordance with contemporary international practices.

Keywords: Intellectual property; public administration; intellectual property governance; administrative reform; institutional development; copyright; industrial property; Ministry of Justice; intellectual property enforcement; legal protection; innovation policy; Uzbekistan.

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Cite This Article: Tulkin Abdusattarov. (2026). Formation and Development Trends of The Public Administration System in The Field of Intellectual Property in The Republic of Uzbekistan. The American Journal of Political Science Law and Criminology, 8(03), 123–130. <https://doi.org/10.37547/tajpslc/Volume08Issue03-16>

1. Introduction

Trends in the Formation and Development of the Public Administration System and Legal Framework in the Field of Intellectual Property in Uzbekistan

Since gaining independence, Uzbekistan has gradually established a new system of public administration in the field of intellectual property. Initially, the primary focus was placed on accession to international intellectual property treaties, improving national legislation

accordingly, and establishing an institutional framework for state administration in this field. At subsequent stages, greater attention was devoted to the legal protection of intellectual property objects, particularly the examination of intellectual property applications, their registration, the issuance of relevant certificates and patents, as well as the enforcement of intellectual property rights through combating counterfeit goods, strengthening customs control, improving the activities of law enforcement agencies and courts, and enhancing interagency cooperation.

From this perspective, the development of the public administration system in the field of intellectual property in Uzbekistan has followed two principal directions. The first direction involves strengthening the legal framework through the harmonization of national legislation with international treaties and universally recognized standards. The second direction consists of expanding the powers of state authorities responsible for the protection and enforcement of intellectual property rights, strengthening cooperation among these authorities, and improving effective implementation mechanisms.

Uzbekistan's accession to the World Intellectual Property Organization (WIPO) and its participation in numerous international intellectual property treaties constituted an important milestone in establishing the national intellectual property protection system. In particular, accession to the Madrid System for the International Registration of Marks, the Patent Cooperation Treaty (PCT), and other international mechanisms facilitated the alignment of national legislation with international standards, broadened the opportunities for rights holders to obtain legal protection, and contributed to the institutional development of public authorities operating in this sphere.

The public administration system in the field of intellectual property in Uzbekistan has gradually evolved under the influence of international legal obligations, national interests, and the requirements of economic, social, and innovative development. Within this process, integration into the international intellectual property system has directly influenced not only the improvement of national legislation but also the reassessment of the functions and powers of public authorities, the adaptation of their activities to contemporary requirements, and the strengthening of law enforcement practice.

As Professor O. Okulov notes, intellectual property law is one of the relatively new yet comprehensive branches of Uzbekistan's national legal system. Indeed, activities in this field encompass copyright and related rights, trademarks, service marks, inventions, utility models, industrial designs, geographical indications, and other intellectual property objects, as well as ensuring their legal protection and enforcement. Furthermore, the field includes scientific research, education, commercialization, support for innovation, implementation of international standards, and continuous improvement of national legislation.

When conducting a legal analysis of issues concerning the improvement of the public administration system in the field of intellectual property in Uzbekistan, it is first necessary to identify the stages of its emergence and development, as well as to comprehensively examine the role of public authorities, the non-governmental sector, and the mechanisms of cooperation between them. Such an approach provides the necessary theoretical and practical foundation for establishing an effective governance system, improving law enforcement practice, and developing a sustainable intellectual property system consistent with international standards.

Since independence, the field of intellectual property has been one of the areas in which the greatest number of administrative reforms have been implemented. Throughout this period, the authorized state bodies responsible for implementing a unified state policy in this field have undergone several institutional transformations aimed at improving public administration. This demonstrates that the process of establishing an effective governance system in the field of intellectual property remains at the stage of continuous development and refinement.

A scientific assessment of the reforms implemented in the process of establishing an effective public administration system in the field of intellectual property in Uzbekistan is of particular importance. In this regard, Professor O. Oqyulov rightly observes that "at first glance, it appears that our country has already established a legislative framework both in the field of intellectual property and in the sphere of services. However, the extent to which this legal framework is effectively implemented in practice under specific circumstances remains an independent scientific problem requiring special attention."²

This observation demonstrates that the mere existence of a regulatory framework is not sufficient. Rather, decisive importance should be attached to the practical implementation of legislative acts, the effectiveness of enforcement mechanisms, and the coordination of public authorities. Therefore, improving the public administration system in the field of intellectual property requires not only the development of legal norms but also the establishment of institutional and organizational mechanisms capable of ensuring their effective implementation.

In this regard, the scholarly works of legal scholars A. Gafurov and Sh. Khudjayev concerning public administration, state policy, and the rights and obligations of public authorities in the field of intellectual property in Uzbekistan deserve particular attention. Specifically, Sh. Khudjayev classifies the historical development of public administration in the field of intellectual property into four stages. According to his approach, the first stage covers the period from 1991 to 2011 and is characterized by the establishment of the foundations of public administration in the field of intellectual property. The second stage spans from 2011 to 2019 and is associated with the formation of a unified institutional approach to the activities of the authorized intellectual property authority. The third stage covers the period from 2019 to 2022 and is characterized by institutional changes related to the introduction of public service mechanisms and interagency cooperation. The fourth stage began in 2022 and is characterized by the improvement and optimization of the public administration system in the field of intellectual property in light of broader administrative reforms.

From a critical perspective, however, these scholarly approaches appear to interpret the stages of development in the field of intellectual property rather narrowly by focusing primarily on the evolution of the authorized public authorities. In reality, the development of this field has been influenced not only by institutional reforms but also by the evolution of the regulatory framework, the development of law enforcement practice, the implementation of international obligations, changes in economic and innovation policies, and the overall level of legal culture within society.

Therefore, in our opinion, the stages of development of the intellectual property system should not be assessed solely through the institutional evolution of individual public authorities. Rather, they should be evaluated in

light of the comprehensive reforms undertaken in this field, taking into account their direction, objectives, and substantive content. Such an approach makes it possible to reflect more objectively and comprehensively the actual dynamics of the development of the public administration system in the field of intellectual property.

From this standpoint, the evolution of the public administration system in the field of intellectual property in Uzbekistan may conventionally be divided into three principal stages.

The first stage encompasses the period following independence and is characterized by the establishment of the legal and institutional foundations of the intellectual property system.

The second stage may be described as a "period of stagnation" in the legal protection and enforcement of intellectual property rights.

The third stage represents a period of comprehensive legal and administrative reforms aimed at creating a modern intellectual property system in Uzbekistan consistent with international standards.

Consequently, a more profound scientific analysis of these stages of development makes it possible to better understand the actual condition, existing problems, and future prospects of the public administration system in the field of intellectual property.

Thus, a more comprehensive scientific analysis of the stages of development provides a deeper understanding of the actual state, existing challenges, and future prospects of the public administration system in the field of intellectual property.

The first stage covers the period from Uzbekistan's independence in 1991 until 2011. This stage is characterized by the establishment of the legal and institutional foundations of public administration in the field of intellectual property. During this period, the principal legislative acts governing intellectual property were adopted, competent public authorities were established, and the first steps toward integration into the international intellectual property system were taken. In particular, by becoming a member of the World Intellectual Property Organization (WIPO) in 1991, Uzbekistan joined the global intellectual property system, thereby initiating the process of harmonizing its national legislation with international standards.

Subsequently, Uzbekistan began establishing specialized public authorities responsible for the protection of copyright and related rights, as well as for ensuring the legal protection of industrial property objects. Initially, these two institutions operated independently as separate public authorities implementing a unified state policy within their respective areas of competence while remaining functionally distinct.

Specifically, pursuant to Resolution No. 38 of the Cabinet of Ministers of the Republic of Uzbekistan dated 30 January 1992, the Uzbekistan Branch of the All-Union Copyright Protection Agency was reorganized into the Copyright Protection Agency of the Republic of Uzbekistan. This resolution laid the institutional foundation for the first specialized public authority responsible for copyright protection in independent Uzbekistan.

Subsequently, under Resolution No. 286 of the Cabinet of Ministers dated 16 June 2004, the Republican Copyright Protection Agency of Uzbekistan was established in place of the former agency and was designated as the specially authorized public administration body responsible for implementing state policy in the field of copyright and related rights. The Agency was entrusted with implementing a unified state policy, protecting the economic rights of authors, registering works and authors, maintaining records of legal entities and individuals using copyright and related rights objects, and preventing infringements of copyright and related rights.

Parallel to the establishment of the competent authority in the field of copyright, Uzbekistan also initiated the formation of a national system for the legal protection of industrial property. In 1992, the Republican Scientific-Technical and Patent-Licensing Information Centre was established under the State Committee for Science and Technology of the Republic of Uzbekistan with the objective of organizing state patent activities and developing a national industrial property protection system.

In 2002, the Republican Scientific-Technical and Patent-Licensing Information Centre was reorganized. Pursuant to Resolution No. 209 of the Cabinet of Ministers of the Republic of Uzbekistan dated 14 June 2002, entitled "On the Organization of the Activities of the State Patent Office of the Republic of Uzbekistan," the State Patent

Office was established under the Cabinet of Ministers as an independent authorized public authority.

The principal responsibilities of the State Patent Office included implementing state policy in the field of legal protection of industrial property objects, plant varieties, computer programs, databases, and integrated circuit topologies; ensuring the legal protection of these intellectual property objects; maintaining the state patent documentation fund and information databases; and promoting scientific, technical, industrial design, and other creative activities.

The establishment of the State Patent Office also ensured the practical implementation of the requirements set forth in Article 12 of the Paris Convention for the Protection of Industrial Property, which obliges member states to establish specialized industrial property services and create the institutional infrastructure necessary for providing relevant information to the public.

From this perspective, international practice demonstrates that patent offices are generally established as authorities responsible primarily for examining intellectual property applications and granting legal protection. As a rule, they are not directly responsible for combating infringements or exercising compulsory enforcement powers. The enforcement of intellectual property rights is usually entrusted to courts, customs authorities, and law enforcement agencies. Uzbekistan initially adopted precisely this governance model, which was based on the functional separation of powers.

However, a critical assessment of this stage indicates that the legal and institutional foundations created during this period were aimed primarily at establishing the system itself, while their practical effectiveness remained insufficient. In particular, weaknesses in law enforcement mechanisms, inadequate interagency coordination, and the insufficient development of the intellectual property rights enforcement system emerged as the principal shortcomings of this period.

Accordingly, the first stage may be characterized as the initial phase in the development of Uzbekistan's public administration system in the field of intellectual property, during which its legal and institutional foundations were established.

The second stage covers the period from 2011 to 2019. This stage is characterized by efforts to centralize public administration in the field of intellectual property

through the establishment of a single institution based on the merger of two previously independent public authorities, as well as by attempts to integrate intellectual property governance with the country's innovation policy.

In particular, pursuant to Presidential Resolution No. PQ-1536 of 24 May 2011, entitled "On the Establishment of the Intellectual Property Agency of the Republic of Uzbekistan," the State Patent Office and the Republican Copyright Protection Agency were merged to establish the Intellectual Property Agency of the Republic of Uzbekistan.

The newly established Agency was designated as the legal successor to both former institutions with respect to their rights and obligations. Furthermore, it became the authorized state body representing the Republic of Uzbekistan within the World Intellectual Property Organization (WIPO) and other international and regional intellectual property organizations. This reform created the institutional basis for implementing a unified state policy in the field of intellectual property, strengthening international cooperation, and coordinating national intellectual property policy through a single administrative authority.

At first glance, this reform appeared to be fully consistent with both national legislative objectives and international practice. In addition to its traditional functions of examining applications and granting intellectual property protection documents, the Intellectual Property Agency was also entrusted with broader responsibilities, including cooperation with law enforcement agencies in protecting intellectual property rights, participation in inspections and operational activities aimed at identifying and preventing infringements, and conducting monitoring activities in this field. Such an institutional design reflected a comprehensive governance model similar to that applied in certain foreign jurisdictions, where administrative authorities are granted broader responsibilities for both registration and enforcement.

The principal objective of this approach was to establish an effective system for the protection of intellectual property rights based on the experience of developed countries.

However, in practice, this administrative reform did not fully achieve its intended objectives.

As noted by Professor A. B. Gafurov, regardless of how advanced the legal models of developed countries may be, their direct transplantation into another legal system does not necessarily produce the expected results. Even the existence of well-developed legal norms cannot guarantee their effective implementation. Their effectiveness largely depends on the functioning of the law enforcement system, the activities of competent public authorities, and the overall level of legal culture within society.

In our opinion, this administrative reform was implemented without sufficiently analyzing the respective functions, powers, and institutional roles of the two predecessor authorities, as well as without adequately considering international experience in light of Uzbekistan's national interests. Consequently, the reform produced a number of negative effects on the subsequent development of the intellectual property system.

In particular, the Regulation on the Intellectual Property Agency incorporated the principal responsibilities formerly assigned to the State Patent Office, including the implementation of a unified state policy in the field of legal protection and enforcement of intellectual property, the provision of legal protection for intellectual property objects, and the development of international cooperation in this area.

By contrast, many of the essential functions previously performed by the Republican Copyright Protection Agency—including the protection of copyright and related rights, safeguarding the interests of rights holders, and preventing copyright infringements—were not incorporated into the Regulation governing the newly established Agency.

Instead, the Agency was assigned only limited functions, such as issuing official opinions regarding violations of copyright and related rights legislation and assessing whether contracts complied with copyright legislation.

Moreover, because no specialized structural unit responsible for copyright matters was established within the Intellectual Property Agency, even these limited functions were scarcely implemented in practice.

As a consequence, the system for protecting copyright in Uzbekistan, including mechanisms for collecting remuneration for authors and other rights holders, effectively ceased to function. During this period,

infringements such as the production and distribution of counterfeit copies of protected works, unauthorized online dissemination, unauthorized public performance, plagiarism, misappropriation of authorship, and distortion of copyrighted works became increasingly widespread.

At the same time, national legislation failed to designate a competent public authority specifically responsible for combating infringements of copyright and related rights, creating a significant institutional gap in the enforcement system.

During this period, Uzbekistan's accession to new international intellectual property treaties was virtually suspended. At the same time, efforts to improve national intellectual property legislation significantly weakened, and only minor technical and editorial amendments were introduced into the existing laws. As a result, the absence of systematic and conceptual legislative reforms hindered the development of the intellectual property system in accordance with contemporary international standards.

These shortcomings also adversely affected the effective legal protection of industrial property objects. In particular, the requirements arising from international treaties to which Uzbekistan was a party were frequently violated, especially with respect to the statutory time limits for examining intellectual property applications. This situation contributed to the emergence of systemic problems, including brand raiding (the unlawful appropriation of trademarks), increasing bureaucratic procedures, and delays in registration processes. Furthermore, insufficient transparency throughout the period between the filing of applications and their registration in the State Register undermined the confidence of rights holders in the intellectual property system.

In addition, the ineffective enforcement of intellectual property rights resulted in an increase in infringements and the growing circulation of counterfeit products. These developments negatively affected the country's investment attractiveness and revealed significant structural deficiencies within the intellectual property system despite the country's continuing economic development.

Accordingly, this stage may be characterized as a period during which a centralized administrative model was introduced, while the system for the legal protection and

enforcement of intellectual property rights simultaneously experienced substantial institutional decline.

The above-mentioned problems and systemic shortcomings made further comprehensive administrative reforms in the field of intellectual property inevitable. Consequently, the third stage, covering the period from 2019 to the present, commenced. This stage is distinguished by institutional restructuring of public administration in the field of intellectual property, strengthening law enforcement mechanisms, and improving the overall effectiveness of the system.

In particular, pursuant to Presidential Resolution No. PQ-4168 of 8 February 2019, entitled "On Measures to Improve Public Administration in the Field of Intellectual Property," the Intellectual Property Agency of the Republic of Uzbekistan was transferred to the system of the Ministry of Justice and reorganized as the Intellectual Property Agency under the Ministry of Justice of the Republic of Uzbekistan.

The integration of the Agency into the Ministry of Justice substantially expanded its authority in the field of protecting intellectual property rights.

A distinctive feature of this stage was the adoption of a comprehensive approach that combined the registration of intellectual property objects with their legal protection, prevention of infringements, and strengthening of law enforcement practice. The principal objective of these reforms was to eliminate the institutional shortcomings observed during the previous stage, ensure effective coordination among public authorities, and improve the overall effectiveness of intellectual property rights protection.

An important institutional innovation introduced during this reform was the establishment, for the first time, of a specialized structural unit within the Agency dedicated exclusively to the protection of copyright and related rights. This institutional development significantly strengthened the copyright protection system, eliminated the institutional gaps that had previously existed in this area, and improved the effectiveness of law enforcement activities.

Subsequently, pursuant to Presidential Decree No. PF-89 of 17 March 2022, entitled "On Measures to Further Improve the Effectiveness of the Activities of Justice

Bodies and Institutions in Ensuring the Rights and Freedoms of Citizens and Providing Legal Services," the Intellectual Property Agency under the Ministry of Justice was abolished, and all of its functions were transferred directly to the Ministry of Justice of the Republic of Uzbekistan.

As a result of this institutional reform, all powers relating to the legal protection of intellectual property previously exercised by the Agency were vested directly in the Ministry of Justice, thereby introducing a unified centralized governance model in this field. Consequently, responsibility for protecting intellectual property rights, preventing infringements, organizing law enforcement activities, and coordinating the implementation of state policy was fully transferred to the Ministry.

The principal objective of this reform was to simplify administrative governance, eliminate duplication of powers, and expand the territorial coverage of the intellectual property protection system. Whereas previously only a limited number of specialists in the regions were responsible for intellectual property matters, following these reforms each regional department of the Ministry of Justice became directly responsible for protecting intellectual property rights, promoting public awareness in this field, and enhancing the legal culture of the population.

As a result, while the protection of intellectual property rights continued to be administered through a centralized institutional framework, its practical implementation at the regional level was significantly strengthened. This reform enhanced the prevention of infringements, improved the effectiveness of combating counterfeit products, and facilitated the consistent implementation of state policy in the field of intellectual property throughout the country.

The overarching objective of intellectual property reforms in Uzbekistan has been to establish a stable, efficient, and favorable institutional system capable of ensuring effective legal protection and enforcement of intellectual property rights. Achieving this objective is directly linked to promoting the country's innovative development, increasing its investment attractiveness, and enhancing its economic competitiveness.

Nevertheless, scientific analysis indicates that further efforts are still required to establish a truly effective public administration system in this field. In particular, a

comprehensive approach remains necessary, including broader participation of the non-governmental sector, enhancement of legal awareness and legal culture, support for innovation, and further improvement of law enforcement practice, all of which should be regarded as interrelated components of a unified governance system.

Therefore, although Uzbekistan has achieved significant progress in reforming its intellectual property system, additional comprehensive, systematic, and in-depth reforms remain necessary to ensure that this system operates effectively in practice.

2. Conclusion

In conclusion, the establishment of an effective public administration system in the field of intellectual property constitutes an integral component of Uzbekistan's innovation-driven development strategy. Such a system serves as one of the fundamental factors contributing to sustainable economic growth, deeper international integration, and the protection of national interests.

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