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## **International protection of intellectual property rights: cooperation of the Republic of Kazakhstan within WIPO**

The article is devoted to the consideration of the issue of international cooperation of the Republic of Kazakhstan and the World Intellectual Property Organization. The author explores the role of WIPO in the field of intellectual property protection, international agreements of which it is the administrator. The article describes in detail the process of the formation of the Republic of Kazakhstan as a full member of the international institutional mechanism of WIPO for the protection of intellectual property rights within the UN. The main events held and adopted by the Republic of Kazakhstan with the assistance of this international organization are considered. Moreover, the author also considers WIPO projects in which the Republic of Kazakhstan will participate in the near future, such as the creation of technology and innovation support centers (TISCs) in our country. The article gives an assessment and the role of WIPO in the organization of the mechanism for the protection of intellectual property rights in Kazakhstan. The international organization provided assistance to our country in matters of harmonization of legislation with international standards, digitalization of services, professional training of personnel and expansion of international cooperation.

*Keywords:* intellectual property, international organizations, innovative development, World Intellectual Property Organization, international agreements, national economy, competitiveness, digital technologies, international cooperation.

### *Introduction*

*Justification of relevance.* At the end of the 19th century, the first non-governmental organizations were created to protect individual industrial facilities. So, in 1878, the International Association of Manufacturers of Goods and Services (Inta) was formed, uniting more than 6,500 trademark owners and specialists from 180 countries. The purpose of this organization is to protect the rights of consumers, as well as to ensure the competitiveness of business. The first international organization dealing with industrial property was established in 1897 and became an international non-governmental association — the International Association for the Protection of Industrial Property (AIPPI). It aspired exclusively to non-commercial goals aimed at harmonizing industrial property legislation in different countries. In the 20th century, various industry associations emerged, such as the International Council of Societies for Industrial Designs (ICSID), founded in 1957, the International Organization for Combating Counterfeit Products (IACC), established in 1979, and others. Non-governmental organizations began to cooperate, which led to the interaction of national organizations and professionals in the field of industrial property. National patent attorneys have also come together around the world and cooperate in their professional cross-border activities.

The entry of the Republic of Kazakhstan into the global economic space has created the need to change the state approach to the protection of intellectual property at all levels — both at the national and at the level of interstate relations. That is why international agreements aimed at regulating international relations in the field of intellectual property should be considered comprehensively.

The sphere of intellectual property affects all aspects of life. In any sector of the economy, health care, education and science, culture and agriculture, the results of intellectual labour are created and used. These are research and development projects, technological solutions, works of science, literature and art, trademarks, software products, etc. All of them are objects of intellectual property. The improvement of the international legal mechanism and national legal regulation in the field of intellectual property at the present stage is the reason for a fundamental change in the mechanism of international cooperation on intellectual property issues. At the same time, the decisive factors influencing the organization of international cooperation in this

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area are the multiple composition and complexity of international legal regulation agreements, as well as international universal and regional integration.

In confirmation of the importance of the issue of protection and development of intellectual property rights, in 2010, WIPO experts developed and published “Guidelines for the development of strategies in the field of intellectual property in countries with economies in transition”, 2012 WIPO published “Methodology for the development of national strategies in the field of intellectual property”, consisting of three parts.

These WIPO documents insist that each member state must adopt a National Strategy in the field of intellectual property. The strategy should be a set of measures designed and implemented by the government to encourage and facilitate a coordinated approach to the effective creation, development, management and protection of intellectual property at the national level in order to support the development direction of a country. A national intellectual property strategy should take into account the relationship between intellectual rights and the economic, social, cultural, technological, legal and institutional conditions of the country, and assist the government in developing and regulating IP policies and regulations in a manner that contributes to the development of the country.

The need to regulate this area of property has led to the state taking on coordinating and legislative functions in the domestic protection and international legal protection of copyright and patent rights. The National Development Plan of the Republic of Kazakhstan until 2025, as one of the development priorities, identified task No. 7 “Development of its own scientific, technological and innovation base”, the essence of which is to create an administrative and legal mechanism on the basis of the AIFC for the registration and protection of rights to intellectual property. The understanding of the importance of the development of this sector of the economy by the leadership of Kazakhstan is confirmed by the steady course towards creating favourable investment and tax conditions for modern high-tech, energy-saving, environmentally friendly industry.

*The main goal of this study* is a comprehensive analysis of the participation of the Republic of Kazakhstan in the institutional mechanism for the protection of intellectual property rights within WIPO. The entry of the Republic of Kazakhstan into the global economic space has created the need to change the state approach to the protection of intellectual property at all levels — both at the national and at the level of interstate relations. Today, international organizations play a significant role in deepening and developing relations between countries in the fields of politics, economics, law and culture. They represent a stable organizational and legal form of cooperation between states in various fields of activity.

#### *Methods and materials*

The author used the method of legal formal logic in the form of deduction and induction in the process of scientific research of the chosen topic. Thanks to deduction, it was possible to make a conclusion from the general (international standards of the World Intellectual Property Organization) to the particular to the relevant law or a set of laws of a certain direction. The induction method was used to analyze the mechanism of the formation of Kazakhstan as a full-fledged subject of international intellectual property law within the framework of WIPO, on the basis of which the final conclusion was formulated. When conducting a scientific study through a comparative legal analysis on the involvement of such countries as Kyrgyzstan and the Russian Federation in a single global network of WIPO TISCs, it was concluded that Kazakhstan needs to be involved in this project.

#### *Discussion*

The World Intellectual Property Organization (WIPO) is the most authoritative international organization, which has as its immediate goal to promote the protection of intellectual property throughout the world.

WIPO today is a global forum for policy, cooperation, services and information in the field of intellectual property. Today, WIPO includes 193 member countries, 69 intergovernmental organizations and 284 NGOs, the international organization is the curator of 24 international treaties in the field of intellectual property. WIPO operates on the basis of the Convention signed in Stockholm in 1967, which was the result of the meeting of the member states of the Paris and Berne Unions [1].

In its activities, WIPO analyzes and promotes the development of the international legal framework in the field of intellectual property, develops and expands the international infrastructure of intellectual property, attracts and promotes the development of intellectual property in developing countries. According to the convention, WIPO promotes the protection of intellectual property in the world through the formation of in-

ternational platforms, programs and treaties, supports the administrative functions of existing agreements in the field of intellectual property.

WIPO is currently paying close attention to the protection of intellectual property rights on the global Internet. Thus, the program was developed in the context of the interaction of the Internet, digital technologies and the intellectual property system. The main tasks within the framework of this program are the provision of information, the provision of services in electronic form, the global and regional integration of developing countries into the Internet space. Also important is the application of intellectual property rights to transactions on the Internet and the resolution of disputes online, including the adoption of the basic principles of a uniform policy for resolving disputes in the field of domain names.

The WIPOnet project is aimed at creating a single global intellectual property network that allows real-time communication between various intellectual property offices through communication technologies.

Attaching particular importance to the development of the field of intellectual property, the Republic of Kazakhstan has been a member of WIPO since 1993, having signed the following fundamental documents: the WIPO Establishment Convention of 1967; Paris Convention for the Protection of Industrial Property of 1883; the Madrid System for the International Registration of Marks of 1891; Patent Cooperation Treaty of 1970.

In 2001, the Minister of Justice of the Republic of Kazakhstan and the Director General of WIPO signed an Agreement on the program of bilateral cooperation between the Government of the Republic of Kazakhstan and WIPO [2], which provided for the following activities:

- ✓ improvement of the national legislation of the Republic of Kazakhstan in the field of intellectual property;
- ✓ consultations and examinations of normative legal acts of the Republic of Kazakhstan by WIPO experts in the Republic of Kazakhstan or at WIPO headquarters;
- ✓ improvement of the system for ensuring the protection of rights to objects of intellectual property in the Republic of Kazakhstan;
- ✓ provision of legal and technical assistance provided by WIPO to the Republic of Kazakhstan on the issues of the Agreement on Trade-Related Aspects of Intellectual Property Rights, signed in Marrakesh on 14 April 1994 (TRIPS Agreement);
- ✓ provision of relevant Kazakhstani organizations with review and regulatory materials available in WIPO in the field of intellectual property;
- ✓ organization of lectures, seminars or symposiums for specialists of justice, internal affairs, prosecutor's office, courts, customs and antimonopoly authorities of the Republic of Kazakhstan;
- ✓ assistance in dissemination in the Republic of Kazakhstan of international experience in using the intellectual property system, in particular, in the transfer of technologies, licensing, marketing, evaluation of intangible assets of intellectual property;
- ✓ assistance in establishing regional centers for patent information and services in the Republic of Kazakhstan.

As a result of fruitful cooperation between the Republic of Kazakhstan and the international organization within the framework of the above-mentioned Agreement, our country has acceded to the following international WIPO treaties:

- Protocol to the Madrid Agreement Concerning the International Registration of Marks (Madrid, June 28, 1989), Kazakhstan since May 27, 2010;
- Nairobi Agreement on the Protection of the Olympic Symbol (adopted in Nairobi on September 26, 1981), Kazakhstan from November 9, 2010;
- Patent Law Treaty (adopted in Geneva on June 1, 2000), Kazakhstan since May 2, 2011.

A further step to improve domestic legislation in the field of protection of intellectual property rights on February 17, 2012, is the adoption of the law "On Ratification of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations", which enables the state to take measures to protect domestic individuals and legal entities.

In order to ensure equality and simplify the procedure for registering the rights of Kazakhstani applicants registering trademarks abroad, and foreign applicants registering trademarks in Kazakhstan, in our country on April 8, 2012, the law "On Ratification of the Singapore Treaty on the Law of Trademarks" was adopted, which provides for a simplified procedure for registering trademarks, including using electronic means of communication.

With the active participation of the Permanent Mission, a representative of Kazakhstan was hired to work in the WIPO system for the position of a consultant for the Eastern European countries department on copyright, which indicates the high authority of Kazakhstan, which it enjoys with the leadership of WIPO.

The effectiveness of cooperation and the active position of the Republic of Kazakhstan in WIPO is evidenced by the fact that from October to December 2015, the Permanent Mission of the Republic of Kazakhstan was the coordinator in the Regional Group of Central Asia, Eastern Europe and the Caucasus.

One of the forms of fruitful cooperation with the World Intellectual Property Organization is holding regular seminars on protection against audio and video piracy, counterfeiting, enforcement of copyright, with the participation of representatives of intellectual property protection agencies from the CIS countries, representatives of ministries and departments of the Republic of Kazakhstan.

For a long period, within the framework of the WIPO Academy, fruitful cooperation has been carried out in the framework of the training of Kazakhstani specialists in the field of patent law, including harmonization of national legislation on licensing of industrial property objects, law enforcement and judicial practice in resolving disputes on infringement of intellectual property rights.

As part of the prospective cooperation between Kazakhstan and the international organization, starting from last year 2022, the Summer School of the World Intellectual Property Organization has been held in our republic. The WIPO Summer Schools Program on Intellectual Property is designed for undergraduate and master's students specializing in one of the fields of science, as well as young professionals of any profile who may be interested in intellectual property issues. The number of listeners was more than 60 people, including representatives of not only the Republic of Kazakhstan, but also other states such as Tajikistan, Uzbekistan, Russia, Bulgaria.

The value of such training lies in the fact that highly qualified specialists in the field of intellectual property are involved as speakers — representatives of WIPO, patent attorneys, business representatives and experts in the field of intellectual property of the Republic of Kazakhstan. The main focus is on researching the most popular topics in the field of intellectual property, such as intellectual property valuation, branding, asset management, creative sector, technology transfer and licensing. The summer school program includes a series of interactive lectures, practical tasks, simulation exercises and group projects [3].

### *Results*

In the conditions of innovative development of the Republic of Kazakhstan, the economic component of intellectual property acquires priority, the main task of which is to stimulate the growth of the national economy. As a rule, innovations are objects of intellectual property applied in practice. The main task of the intellectual property institution is to stimulate the growth of the national economy.

Within the framework of the World Intellectual Property Organization (WIPO), a project is being implemented to create technology and innovation support centers (TISCs). The WIPO TISC Program enables inventors from developing countries to access high-quality technical information and services stored in local databases, thereby enabling the innovative potential of such inventors to be realized, as well as to create new products and to register, protect and control intellectual property rights on it [4].

The first TISC Global Conference was held in 2021 and was hosted by WIPO and the China National Intellectual Property Administration (CNIPA). The main purpose of the event was to talk about the advantages of countries' involvement in a single global TISC network. Among the post-Soviet countries, only two countries are participants in this Program — Russia and Kyrgyzstan. The Russian Federation has been participating in the Program for the Creation of Technology and Innovation Support Centers since 2011, and today it is one of the largest networks in the world, with more than 170 centers in 70 regions of the country.

Kazakhstan has all the data to participate in this global network and build innovative capacity, in addition, in 2021, the National Patent Office of the Republic of Kazakhstan signed an Agreement on Guaranteed Service for TISCs with WIPO leadership. Within the framework of the Program, as partners-participants of the project and the development of the network, TISCs have already been attracted, through the conclusion of an agreement — Karaganda Buketov University, Kazakh-British Technical University, Atyrau University, Nazarbayev University.

In conclusion, it should be noted that membership, fruitful cooperation within this organization and the ratification of the basic international treaties of WIPO made it possible to harmonize the national legislation of Kazakhstan in accordance with accepted international obligations, including in terms of protecting the rights of Kazakh authors and copyright holders abroad. At the same time, the improvement of national

legislation, digitalization of services, professional training of personnel and expansion of international cooperation remain priority tasks for Kazakhstan in the field of intellectual property development.

### *Conclusion*

Summing up the results of the study, the following aspects of cooperation between the Republic of Kazakhstan and WIPO can be noted:

1. WIPO provides Kazakhstan with technical assistance on patent issues, organizes training and advanced training for employees of patent offices, and assistance in harmonizing legislation with international standards.

2. WIPO provides Kazakhstani universities and research centers with assistance in intellectual property research related to the development of new technologies and the transfer of knowledge, which, in turn, opens up the possibility of translating discoveries made in laboratories into goods and services that have market potential.

3. Within WIPO, Kazakhstan has access to the WIPO PATENTSCOPE database, which stimulates innovation by providing free access to patent documents. PATENTSCOPE is one of the world's richest repositories of human patent knowledge. The PATENTSCOPE database searches 110 million patent documents, including 4.6 million published International Patent Applications (PCTs). It is noteworthy that since April 2019, this database also includes information on artificial intelligence.

4. The WIPO system provides a mechanism within the Madrid System through which users of the international trademark system are able to obtain protection for their brands in the world markets. Kazakhstan's participation in the WIPO global platform allows effective protection of the brands of Kazakhstani companies and promotion of domestic products to global markets. Branding, in turn, helps such companies to develop and act as the driving force behind the growth of our country's economy.

5. The role of WIPO in the protection of geographical indications and appellations of origin of goods is high in order to increase the attractiveness of the goods they produce in order to increase the competitiveness of the companies that produce them. Based on the recommendations of international experts on improving the norms in the field of intellectual property in accordance with international legal experience, in the Republic of Kazakhstan, from June 20, 2022, geographical indications are recognized as an independent object of intellectual property [5]. Geographical indications are powerful marketing tools that increase the commercial appeal of the products they represent.

The positive effects of promoting regional brands include: economic development of regions by increasing the volume of production and services; stimulation of domestic producers, thanks to state support measures; development of ethnographic tourism, as well as maintaining the image of the regions, contributing to the investment in their economy. The advantages of registering regional brands as objects of intellectual property are that it allows protecting the interests of their producers [6].

Currently, 49 appellations of origin are registered in the State Register of Appellations of Origin of Goods of the Republic of Kazakhstan, of which 17 are national, 32 are foreign. Among the national ones, such names as "Saryagash", "Arys" for mineral waters, "Kokshetau" for ice cream, "Shubarkol" for coal, "Rudny tan" and "Rudny kozhe" for fermented milk products, "Lepsinsky" in relation to honey, "Bulaevskoe" in relation to butter and others, among foreign ones, "Essentuki", "Borjomi", "Nabeglavi" in relation to mineral waters, "Khvanchkara", "Kindzmarauli" in relation to wines, "Parmesan", "Gorgonzola" for cheeses, "Sevanskaya" for trout and others [7].

6. Kazakhstan, within the framework of WIPO, participates in WIPOnet (a global network of intellectual property that connects national organizations of different states online). As part of this program, the state has reliable access to the most confidential data on intellectual property. The main purpose of WIPOnet is to support the process of deploying adequate local infrastructure in intellectual property offices, with a focus on developing infrastructures in developing countries.

Within the framework of this project, states are provided with all the necessary software and hardware that will allow these offices to connect to the Internet and use some of the communication and information services of WIPO. WIPOnet and WIPO's intellectual property services now available online are unique in that they bridge the gap between developed and developing countries in terms of technical access to and use of networked systems.

Issues of use and protection of intellectual property occupy an increasingly important role in foreign economic activity. Developed countries of the world have long made progress in the field of intellectual property the main source of their wealth. Trade in creative products such as music and films, books and art-

work, food, medicine, cost-effective environmentally friendly technologies, integrated circuits and computer software products is becoming the main source of income for highly developed countries. The most important factor in the development of innovation is the use of intellectual property and the protection of its rights. Effective economic circulation of intellectual property by balancing the rights and legitimate interests of subjects of legal relations is able to ensure the unity of supply and demand for the results of intellectual activity, the development of scientific and technical research, their industrial implementation, the production and consumption of new competitive goods and services.

Kazakhstan needs to expand innovation activities and increase competitiveness through the development of the national intellectual property system. It would be appropriate to note that the first steps in this direction have already been taken by the adoption of the Concept for the Development of Creative Industries for 2021–2025, which will not only increase the percentage of implementation of creative industries that contribute to innovative progress, but will also have a bonus effect on the performance of the entire national economy. Creative industries include sectors of the economy raw materials of which are imagination, creativity and intellectual capital (intellectual property). It's no secret that the creative industries around the world have a very high economic potential, as they show higher productivity and profitability, and are more attractive as employers. It is the creative industries in the world today that act as the main source of new technologies, new industries, new material goods and important economic advantages for the country.

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## **Зияткерлік меншік құқықтарын халықаралық қорғау: ДЗМҰ шеңберіндегі Қазақстан Республикасының ынтымақтастығы**

Мақала Қазақстан Республикасы мен Дүниежүзілік зияткерлік меншік ұйымы арасындағы халықаралық ынтымақтастық мәселесін қарастыруға арналған. Автор халықаралық келісім әкімшілігі осы ұйым болып табылатын зияткерлік меншікті қорғау саласындағы ДЗМҰ рөлін зерттеген. Қазақстан Республикасының БҰҰ шеңберінде зияткерлік меншік құқықтарын қорғаудың ДЗМҰ халықаралық институционалдық механизмінің толыққанды мүшесі ретінде қалыптасу процесі егжей-тегжейлі сипатталған. Осы халықаралық ұйымның көмегімен Қазақстан Республикасы жүзеге асырған, қабылданған негізгі іс-шаралар қарастырылды. Сонымен қатар, Қазақстан Республикасы жақын болашақта қатысатын ДЗМҰ жобалары да зерделенген, мысалы, біздің елімізде Технологиялар мен инновацияларды қолдау орталықтарын (ТИҚО) құру. Жұмыста ДЗМҰ-ның Қазақстандағы зияткерлік меншік құқықтарын қорғау механизмін ұйымдастырудағы рөлі бағаланған. Халықаралық ұйым біздің елге заңнаманы халықаралық стандарттарға сәйкестендіру, қызметтерді цифрландыру, кадрларды кәсіби даярлау және халықаралық ынтымақтастықты кеңейту мәселелерінде көмек көрсетті.

*Кілт сөздер:* зияткерлік меншік, халықаралық ұйымдар, инновациялық даму, Дүниежүзілік зияткерлік меншік ұйымы, халықаралық шарттар, ұлттық экономика, бәсекеге қабілеттілік, цифрлық технологиялар, халықаралық ынтымақтастық.

Д.А. Абдакимова

## Международная защита прав интеллектуальной собственности: сотрудничество Республики Казахстан в рамках Всемирной организации интеллектуальной собственности

Статья посвящена рассмотрению вопроса международного сотрудничества Республики Казахстан и Всемирной организации интеллектуальной собственности (ВОИС). Автор исследует роль ВОИС в сфере охраны интеллектуальной собственности, международные соглашения, администратором которых она является, подробно описывает процесс становления Республики Казахстан в качестве полноправного члена международного институционального механизма ВОИС по защите прав интеллектуальной собственности в рамках ООН. Рассмотрены основные мероприятия, проведенные и принятые Республикой Казахстан при содействии этой международной организации. Кроме того, она рассматривает и проекты ВОИС, в которых Республика Казахстан будет участвовать в ближайшее время, такие как создание в нашей стране Центров поддержки технологий и инноваций. В работе дана оценка и показана роль ВОИС в организации механизма защиты прав интеллектуальной собственности в Казахстане. Международная организация оказала помощь нашей стране в вопросах гармонизации законодательства с международными стандартами, цифровизации услуг, профессиональном обучении кадров и расширении международного сотрудничества.

*Ключевые слова:* интеллектуальная собственность, международные организации, инновационное развитие, Всемирная организация интеллектуальной собственности, международные договоры, национальная экономика, конкурентоспособность, цифровые технологии, международное сотрудничество.

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