

## ANTI-COMPETITIVE PRACTICES IN THE ELECTRONIC COMMERCE MARKET

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**Annotation:** This article describes an analysis and research based on national legal documents and theoretical literature of the practices disproportionate to competition among subjects operating in the e-commerce market, violations of competition law in the field of intellectual property and abuse of a dominant monopoly position, and the circumstances that lead to this in e-commerce.

**Key words:** Digital economy, e-commerce, competition, anti-competitive practices, intellectual property, trademarks, domain names, license agreement and franchising.

### ELEKTRON TIJORAT BOZORIDA RAQOBATGA NOMUTANOSIB AMALIYOTLAR

**Annotatsiya:** Ushbu maqolada elektron tijorat bozorida faoliyat yurituvchi subyektlar o'rtasida raqobatga nomutanosib amaliyotlar, intellektual mulk sohasidagi raqobat qonunchiligining buzilishi va ustun monopol mavqeyini suiiste'mol qilish hamda bunga elektron tijoratda yo'l ochib berayotgan holatlarni milliy huquqiy hujjatlar va nazariy adabiyotlar asosidagi tahlil va izlanishlarni o'z ichiga oladi.

**Kalit so'zlar:** Raqamli iqtisodiyot, elektron tijorat, raqobat, raqobatga zid hatti harakatlar, intellektual mulk, tovar belgilari, domen nomlari, litsenziya shartnomasi va franshizing.

### АНТИКОНКУРЕНТНЫЕ ПРАКТИКИ НА РЫНКЕ ЭЛЕКТРОННОЙ ТОРГОВЛИ

**Аннотация:** Это статья включает в себя анализ антиконкурентной практики между хозяйствующими субъектами на рынке электронной коммерции, нарушений законодательства о конкуренции в сфере интеллектуальной собственности и злоупотребления доминирующим монопольным положением, а также ситуации в сфере электронной коммерции на основе национальных правовых документов и теоретическая литература.

**Ключевые слова:** Цифровая экономика, электронная коммерция, конкуренция, антиконкурентное поведение, интеллектуальная собственность, товарные знаки, фирменные наименования, доменные имена, лицензионные соглашения и франчайзинг.

**Introduction.** In today's modern world, digital economy is important day by day is gaining importance and has become an integral part of society's life. In this regard, e-commerce as a new form of commerce meets the requirements of the times is answering. Especially e-commerce due to the global pandemic of COVID-19 experienced unprecedented growth in all countries of the world. This the following information also confirms: "Digital in the world's leading countries economy provides 4-5% of GDP, world trade more than 15 percent of his contacts are accounted. In order to improve the position of Uzbekistan in the priority international arena legal for the effective implementation of digital technologies in civil transactions foundations are being created.

In particular, the President of the Republic of Uzbekistan dated April 28, 2020 "Measures for wide introduction of digital economy and electronic government on" in the decision No. PQ-4699 and of the President of the Republic of Uzbekistan Approval of the "Digital Uzbekistan - 2030" strategy on October 5, 2020 and in Decree No. PF-6079 on measures for its effective implementation, especially in paragraph 2.3 of this Decree "Development of the digital economy further development of e-commerce and its determining measures to improve factors directly related to development is given. Also, as e-commerce develops, the competitive environment in it improvement problems are also emerging. of the President on July 6, 2020 "Further development of the competitive environment and state participation in the economy Decree No. PF-6019 on additional measures to reduce accepted. It increases the competitiveness of products, competition in markets on improving the environment and ensuring consumer rights to create an effective system of monitoring compliance with the law includes As e-commerce begins to develop, the problems in it are regulated as well as competition issues, as in traditional trade cases also occur. This means that we are against the competition in e-commerce we analyze practices.

**Discussion and results.** Business entities use the methods allowed by the law to make a profit in line with actions contrary to the competition law as a way to get easy profit they can do it. First of all, what are anti-competitive actions? if we stop: "Anti-competitive Actions - Business in Competition Law prohibited actions for administrative entities, as well as state administration bodies, local state authorities and their officials actions (inaction) aimed at restricting competition." So, based on the above "Competition" law, electronic according to persons who also commit anti-competitive actions in commerce, the following we can be of two types: Against competition by business entities actions.

State administration bodies, local state authorities and them anti-competitive actions of officials. It was committed by economic entities in electronic commerce conditionally to the following types to study anti-competitive actions we can be:

1. Anti-competitive actions related to intellectual property in electronic commerce.
2. Anti-competitive agreements of competitors in electronic commerce and dominance actions related to abuse of position.

Anti-competitive actions related to intellectual property in electronic commerce there is no direct regulatory norm. That's why it's a traditional trade Norms aimed at regulating e-commerce on a general basis will be used. Against competition related to intellectual property in e-commerce activities are trademarks, company names, domain names, license agreement and occurs when violating the legislation related to franchising.

**Main part.** "Trademarks, service marks and designations of origin of goods shall be protected in accordance with the Law on According to this Law "Trademark and service mark (hereinafter referred to as the trademark maintained) goods and services of one legal entity and individual (hereinafter referred to in the text as goods) of other legal entities and individuals of the same type registered according to the established procedure, which serves to distinguish them from their goods are transferred characters." So, the main purpose of the trademark is to distinguish it from other goods of the same type is standing. Trademarks are protected under this law. But the trademark must be state registered. "Trademarks, Service goods according to the Law on signs and names of origin of goods signs are registered by the Intellectual Property Agency under the Ministry of Justice and gives the relevant certificate. Trademarks and company names are completely different it is necessary to separate them into things. An example of the most famous "APPLE" is an example of a company name, and the image of a bitten apple is an example of a trademark can be.

There are many cases of illegal use of trademarks in e-commerce occurs, but its identification is much more difficult than in traditional commerce. Because the world of the internet is wide. At the same time, the rights related to the trademark are different may be violated on the territory of the state. Trademarks are listed only is protected within the received territory.

International registration of them around the world no transfer system, but some regional international transfers systems have been developed. For example, the Madrid system. "Trademark international a citizen of one of the member states of the Madrid Union requesting registration or has a place of residence, as well as an industrial or commercial enterprise in its territory Individuals and legal entities can apply." In this case also to the trademark international protection of the right is impossible. Because it is a business entity its trademark only in this country or in this union territory. Protect your trademark only if you have registered it in the prescribed manner may apply to do so. This is another trademark right if it is violated on the territory of the state, it makes the issue even more difficult. On top of that in many articles under the names of famous brands on the Internet most entrepreneurs produce and sell products on electronic markets possible This makes their detection and appropriate punishment difficult and fraudulent (counterfeit) products will increase.

According to Article 3 of the Law "On Firm Names" of the Republic of Uzbekistan: "A commercial organization whose firm name is a legal entity (from hereinafter referred

to as a legal entity) is an individual name, and it is absolute the right arises when the legal entity is state registered". The real purpose of my company name is to individualize it and other legal we can see that it is separation and differentiation from individuals. This is every legal that the individual reputation of a person serves only for himself and consumers it is important for them to buy the products of companies they trust. But, it's easy to commit trademark infringement in e-commerce. Such unfair competition is very similar to the name of a certain company, it is misleading has a close similarity at the level of sending, or of another legal entity often occurs in the form of using the shortened name as a domain name. Name on the basis of similarity, consumers are unwilling to buy another company they buy their products. Because they only see the name of the company and the product or other subjective signs cannot be viewed online. Internet and in the world, it is possible to quickly sell a very large volume of products, to eliminate it and the process is difficult and even if it is possible, it takes a lot of time.

Also, in today's literature, "cybersquatting" is called "cybersquatting". In the literature, this term is defined as follows given: "Unfair competition in the use of information technology. A popular form is "cybersquatting" - "cybersquatting", that is, other people's goods marks or brand name or is confusingly similar to them is to register a domain name under names. To the results of intellectual activity as a form of unfair competition associated with the violation of rights cybersquatting protects the right to individualization shall be held responsible under the legislation of the relevant country". It's on the internet creating a site with a similar name is considered unfair competition. Consumers search for the product they want and based on domain similarity they go to another site and buy products they don't want. Such there is a lot of practices and unfair competition very easy to achieve.

**Conclusion.** In short, e-commerce means trade and services the absence of territory and border barriers and the need for time and excess movement even though it makes it easier because it does not, at the same time anti-competitive practices, also facilitated the violation of competition law. Especially e-commerce

that today it has gained international importance as an international trade despite this, there are specific international mechanisms that ensure and protect competition due to its absence, it is an obstacle to competition and disrupts a healthy competitive environment leads to an increase in practices. Patents, goods and services in the field of intellectual property in e-commerce international registrar of trademarks, trade names, and domain names there is no organization. As the Madrid system envisages their international registration valid only for EU member states. This is each of them the state can only register it on its territory and according to its own legislation leading to regulation.

But for example, "A" is registered in the territory of the state although there are past trademarks, service marks, company names, domain names, These names are in country "B" because they are not registered in country "B". There are cases of giving it to

commercial entities. In this regard, states them an international system of registration and regulation, valid throughout the world we offer to develop. Also, the Internet in e-commerce monopoly as technologies and methods of its use are changing the influence of subjects with a position and a large platform is greater will continue to strengthen and become stronger, and it will become easier to violate healthy competition. This situation is more Internet-technical to the antimonopoly authorities more knowledgeable in the fields and able to anticipate and anticipate competitive disruptions requires.

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