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TIME AND SPACE IN INTELLECTUAL PROPERTY

Abstract

The article is devoted to consideration of categories «time» and «space» in intellectual property law. Time and space is the manifestation of the physical natural processes of life in general, being a completely objective indicator, can act also in ipso facto legally significant categories. In the article, the author reveals the influence of time on relations in the sphere of intellectual property, the problem of the duration of exclusive rights is studied, because property rights to objects of intellectual property can only be defensible for a certain time, Personal non-property rights are indefinite, the time factor does not affect their maintenance and protection. Another category that attracts the attention of the author is space, with which the concept of «territory» is linked in law. The exclusive rights are limited, thus only valid in a certain territory. The author considers exceptions to this rule. Intellectual property law is currently facing new challenges related to the use of objects on the Internet and artificial intelligence. Taking into account that the Internet space is not limited by the borders of the state, accordingly, to subjugate regulation of all social relations is a difficult task. The challenges today are not due to the transformation of intellectual property itself.

Keywords: time, space, territory, intellectual property, territoriality principle, cyberspace, digital environment.

Introduction

The questions of defining time and space in intellectual property law are of scientific interest, since there are many nuances in this subfield of civil law. An analysis of the legal literature indicates a lack of study of time and space in relation to intellectual property law.

Agreeing with S. Ranchordes' view, she is correct that until recently the relationship between time and right in the legal literature was almost ignored or limited to an analysis of the law's retroactivity. The lack of interest in this topic is explained by the traditional perception of legislation as a source of stable, predictable and long-term rules. Thus, law seemed to have a one-dimensional relationship with time: the relationship of continuity and consolidation [1].

Regulatory acts have temporal, spatial and subjective limits to their functioning. The effect of a normative act in time is conditioned by its coming into force and its ineffectiveness [2, p. 290].

The effect of a regulatory act is determined by the territory to which the authority authority that issued it extends [2, p. 291].

Regulations also extend their application to certain subjects of law. In the application of law and legislation, as a rule, we are always faced with conditions of action in time and space, and in this regard the rules of intellectual property law are not an exception, because these rules apply to a certain space in time.

Materials and methods

In the course of researching the categories of time and space in intellectual property law, a range of general scientific and specialist legal methods was employed to ensure a comprehensive and systematic analysis of the issues under consideration.

The dialectical method enabled us to examine legal phenomena in terms of their development and interrelationships, and to identify the dynamics of the transformation of temporal and territorial

boundaries of intellectual property protection in the context of globalisation and digitalisation. The systemic-structural method was applied to analyse intellectual property law as a holistic system comprising interrelated elements: norms, institutions and mechanisms of legal protection operating within specific temporal and spatial boundaries. The formal-legal method was used to interpret legislative acts regulating the duration of exclusive rights, as well as the territorial principle of their protection. This made it possible to identify the specific features of the establishment of temporal and spatial parameters in legislation. The comparative legal method facilitated a comparison of approaches to the regulation of intellectual property in various legal systems, which made it possible to identify general trends and national characteristics in the determination of temporal frameworks and territorial jurisdiction. The historical-legal method was employed to examine the evolution of concepts of time and space in intellectual property law, from early forms of legal protection to modern international agreements. The legal modelling method was also employed, enabling the formulation of potential avenues for improving legal regulation, taking into account the cross-border nature of intellectual activity and the acceleration of technological development. The comprehensive application of these methods ensured the reliability and validity of the study's conclusions.

The work uses the Constitution and certain regulatory legal acts of the Republic of Kazakhstan, such as the Code of the Republic of Kazakhstan dated January 9, 2026, No. 225-VIII "Digital Code of the Republic of Kazakhstan," the Law of the Republic of Kazakhstan dated June 10, 1996, No. 6-I "On Copyright and Related Rights". International legal acts are used the Berne Convention for the Protection of Literary and Artistic Works, the Paris Convention for the Protection of Industrial Property of 1883, the Treaty on the Eurasian Economic Union, the Protocol on the Protection and Enforcement of Intellectual Property Rights (Annex No. 26 to the EAEU Treaty), the Eurasian Patent Convention, Protocol on the Protection of Industrial Designs to the Eurasian Patent Convention of September 9, 1994. Textbooks and scientific articles on the theory of state and law and intellectual property law by foreign legal scholars are used, including Matuzov N.I., Malko A.V., and Shakhnazarov B.A.

The conclusions and proposals formulated by the author have become achievable through the application of scientific methods: formal-logical, systemic analysis, description and explanation, interpretation of rules of intellectual property law, which allowed to objectively reveal the problems of this article.

Results and discussion

Consider the categories of «time» and «space» regarding intellectual property rights. These concepts are not only legal. Rather, as a legal category, it is a derivative of the physical natural processes of life in general, being a completely objective indicator.

In the literature on physics, the following definitions are noted: Space is a model of objective reality, representing the coordination of co-existing objects (distance, orientation, etc.). Time is a physical quantity representing the coordination of successive states or phenomena (sequence, duration, etc.)» [3].

Out of the many meaningful dictionaries, the concept of «time» does not have a common approach. There are several entries that define time as 1) duration; 2) period; 3) segment or interval [4].

In addition, from a philosophical point of view time and space are the main forms of being, with their content changing depending on the direction of philosophical teachings.

Law, regulating social relations, setting itself the task of giving legal form to all phenomena, including this concept. Regarding time, in particular, in law there are important institutions: «timing», «action in time», «working time», «moment», «date», «duration», «limitation period» and so on. The concept of time is closely related to normative legal acts, the realization of subjective rights and obligations, legal protection and protection.

Interesting approach of E. Dogadaylo: «Time as a single intentional-receptive parameter, according to which (in the assessment and calculation of which) legal facts, legal events and legally significant actions are recorded, classified, evaluated over time and formally defined as temporally related between myself, forming direct, indirect/indirect or parallel sequences or interdependencies having different direct or indirect, direct or indirect temporal connections in the legal system (i.e. evaluated in the characteristics «immediately after», «directly before», «simultaneously», «faster», «timely» etc.)» [5, p. 12].

In this study, the author considered time from the point of view of psychological aspects, which is well justified from the standpoint of the influence of the flow of time on subjective rights and duties. In general, time, in one of its aspects, is a social-legal category that affects the regulation of social relations, since time is related to the right permanently, it is measurable and transient. From a legal point of view, the institution of time is significant.

Legal term is the time with which legal requirements bind the creation, modification and termination of a legal relationship, as well as the corresponding legal consequences [6].

The term is defined as a period of time or a point in time that must inevitably occur, and in this sense the onset of the term refers to the category of events (not dependent on the will of the subject of law) with which the right relates.

In intellectual property law, time is also essential because there are time limits for rights, time limits for the realization of the right to protection, time limits for carrying out administrative procedures, etc. As is known, in intellectual property law the subjective rights can be personal non-proprietary and exclusive (property).

Personal non-property rights: the right to authorship, the right to the author's name, the right to protect the author's reputation, the right to publicize, their operation is indefinite. Exclusive rights to intellectual property objects are limited in time, that is, they are of an urgent nature.

In accordance with art. 28 Law of the RK «On copyright and related rights» (hereinafter – Law of the RK on copyright) copyright is valid for the whole life of the author and 70 years after his death. Copyright for a work published anonymously or under an alias – within 70 years after the date of its lawful publication. Copyright to a work created in co-authorship – for the lifetime and 70 years after the death of the last author, surviving other co-authors. The copyright for a work first released within 30 years after the death of the author is valid for 70 years after its release, counting from 1 January following the release of the work.

Pursuant to art. 42 of the RK Law on Copyright, the exclusive rights of performers shall be valid for 70 years after the first performance or production. Exclusive rights of the phonogram producer – for 70 years after the first publication of the phonogram or for 70 years after its first recording, if the phonogram has not been published during this time. Exclusive rights to organize broadcasting – for 70 years after the organization's first broadcast. Exclusive rights to organize cable broadcasting – for 70 years after the organization's first broadcast of cable.

Trademark registration pursuant to art. 15 The Trade Marks Act is valid for 10 years from the date of application, the term of registration of the trade mark is extended every time by 10 years on the request of the owner submitted during the last year of its validity. According to art. 34 Trade mark law of the Republic of Kazakhstan registration of geographical indication is valid indefinitely, provided that a certain quality, reputation or other characteristics of the product which are largely related to its geographic origin are preserved.

The registration of the name of the place of origin of the goods is also valid indefinitely, provided that the special properties of the goods produced in the territory of the indicated geographical object are preserved. The right to use the geographical indication and the name of the place of origin of the goods is maintained for 10 years from the date of submission of the request to the expert organization. The term of the right to use the geographical indication and the name of the place of origin of the goods is extended each time for 10 years on the request of the owner submitted during the last year of its operation, provided that certain quality, reputation or other characteristics of the goods are preserved, which are to a large extent related to its geographical origin and the special characteristics of the product in respect of which the designation of origin is registered.

According to art. 5 of the Patent Law, the patent for the invention is valid for 20 years from the date of application. In the case of medicinal products, pesticides for which authorisation is required according to the procedure established by the legislation on authorisations and notifications of the RK, the validity of the exclusive right and the certifying right of the patent may be extended at the request of the patent holder, but not for more than five years. This period is extended from the date of application for a patent on the invention until the date of receipt of the first authorization to apply for the invention after deduction of five years.

The utility model patent is valid for five years from the date of application. This period may be extended at the request of the patent holder, but not for more than three years. The industrial design

patent is valid for 10 years from the date of application. It may be extended by five years at the request of the patent holder. The total patent term should not exceed 25 years from the date of application.

Based on art. 13 of the Law of the Republic of Kazakhstan on topologies exclusive right to topology is valid for 10 years from the date of its registration. If a topology has not been registered, the specified period is calculated from the documented date of its first use or an integrated circuit with this topology in any country of the world. Is it worth saying that for such an object the term of protection is too long?

In accordance with art. 3 The Law of the Republic of Kazakhstan on protection of breeding achievements patent certifies the exclusive right of the patentee to use the breeding achievement. The patent term for a plant variety is 25 years, animal breeds – 30 years, grape varieties, ornamental tree, fruit and forest crops, including their seedlings – 35 years from the date of application to the expert organization. The term of the patent may be extended at the request of the patent holder, subject to payment for each year of renewal, but not more than 10 years.

Thus, the exclusive rights have a duration of validity provided by the legislation of the Republic of Kazakhstan and thus can be defended only for a certain time, and personal non-property rights are indefinite, the factor of time does not affect their maintenance and protection.

Another category of being is space. In law, the concept of «territory» is linked to the notion of space. The Institute of the territory, in turn, is considered in legal science as an integral feature of the state.

In the theory of the state and law, the most important characteristics of the state are people, public power and territory [2, p. 51]. In its territory, the State has sovereignty and full power, and the mechanism of legal regulation is implemented within the territory of a certain country, thus extending the jurisdiction of the State.

The category of legal space is considered by I. V. Wolf in terms of organization of the state's power through norms of law on social relations, which is limited to the territorial limits of the state and exists at a specific historical time [7].

Space in relation to intellectual property law is a limitation, particularly with regard to industrial property objects. The principle is as follows: in the territory of which State the protected document has been issued, there is legal protection for this industrial property. This spatial limitation in relation to intellectual property law is overcome by international treaties and conventions, for example by virtue of the principle of reciprocity and under the Berne Convention on the Protection of Literary and Artistic Works, The Parties to this Convention recognize each other's rights as authors of the Parties.

The spatial scope of national intellectual property laws should be recognized as relatively territorial. A different approach, in favor of absolute territoriality, would lead to the isolation of states and national markets, which is unrealistic in the context of developing globalization of international economic relations and intensification of business activity in the virtual digital environment [8, p. 129].

As a rule, the exclusive right to patent law objects, breeding achievements and means of identification of participants in civil traffic, goods, works, services arises in case of provision of legal protection of the state and acts only on the territory of the state, that has provided a security document (patent, certificate) for an intellectual property object. Therefore, the exclusive rights are limited to the territory of action and, thus, can be defended only in a certain territory. But there are exceptions, for example, if legal protection is granted to copyright or related rights objects by virtue of an international treaty ratified by the RK, or industrial property objects have been issued with protection documents based on international treaties in which the RK participates.

In this context, it is worth paying attention to art. 5 Law of the Republic of Kazakhstan on copyright «Scope of copyright», which provides that copyright applies to published or unpublicized works both in Kazakhstan and abroad for authors (successors) citizens of Kazakhstan and foreigners in accordance with international treaties ratified by Kazakhstan. Kazakhstan joined the Berne Convention in accordance with the Law of the RK of 10 November 1998 297-1, article 5 regulates the application of the Convention in the countries of the Union. First, in the case of works for which authors are protected by virtue of the Convention, authors enjoy protection in the countries of the Union other than the country of origin of the work. Second, in addition to the provisions of this Convention, the extent of protection as well as the means of protection afforded to an author to protect his or her rights shall

be governed solely by the law of the country in which the protection is sought. Third, protection in the country of origin is regulated by domestic law. However, if the author is not a national of the country of origin of the work in respect of which he has been granted protection under this Convention, he shall enjoy in that country the same rights as authors who are citizens of that country»..

Notwithstanding the territorial principle in intellectual property law, the rights of foreign authors are also protected by the provisions of the convention in all States of the Union.

As some Russian authors rightly point out, the territorial nature of intellectual property rights acquired abroad does not mean that signs of these rights should not be taken into account within Russian jurisdiction [9, p. 84]. Similarly, in Kazakhstan, intellectual property rights are taken into account, especially with respect to copyright and related rights.

As regards industrial property, legal documents are required in each country where the right holder wishes to obtain them in the form of a security document by submitting an application through the authorized national authorities of the country or through international bodies such as WIPO.

We agree with the opinion of Shahnazarov B.A., that international acts in their entirety do not allow to overcome the principle of territoriality in intellectual property law. And the author rightly notes that for patent law objects this principle is even more expressed, just as the Madrid Convention on Personal Identification does not fully address these issues, and Shahnazar B.A. describes these reasons [10, p. 144]. One of the ways to overcome the territorial principle of protection, scientists see in the transformation of the national regime into an international regime. International mechanisms exist, for example, convention priority, submission of a single international application, international, regional registration, criteria of absolute worldwide novelty in relation to the protection of patentable objects. But these rules only partially form a single international legal framework for industrial property protection at the universal level [11, p. 149].

An analysis of the provisions of the 1883 Paris Convention for the Protection of Industrial Property (hereinafter referred to as the Paris Convention) makes it clear that the principle of territoriality is enshrined. The legal protection of industrial property is provided in each specific state. Article 2, paragraph 1, states that the rights of aliens shall be protected in the same way as those of nationals and they shall enjoy the same legal protection against any infringement of their rights, subject to all formalities. An interesting expression of the territoriality principle in the Paris Convention is the content of article 4-bis. In particular, patents and applications are independent of patents and applications obtained in different countries. The Convention states that these provisions apply without restriction. The established rule of independence means that if, for example, a patent is invalid in one country, it will not affect the patent on the same invention in another country.

It would seem that the Madrid Agreement on International Registration of Marks (hereinafter referred to as the Madrid Agreement) resolves these issues and goes beyond the principle of territoriality. Not quite so. The applicant may submit an international application for trademark registration under the rules of the Madrid Agreement, which simplifies the process since otherwise the applicant would need to submit national applications in the country in which he or she is interested. The legal protection of the trademark will be provided in the territories of countries specified in the international application. International trademark registration may also be refused on the basis of a violation of national law.

One of the solutions to the problem of the operation of space in intellectual property law is the harmonization or unification of national legislation, as well as the conclusion of multilateral or bilateral agreements in the field of intellectual property. But this process will likely take years.

Rather interesting is the question of how to approach the partial implementation of the principle of territoriality through regional conventions. And in the case of the Eurasian Economic Union (hereinafter – EAEC) and the CIS, these are international acts adopted within the framework of regional cooperation. For example, the EAEU Treaty does not explicitly provide for the extension of the principle of territoriality with respect to intellectual property, while supporting the national regime. According to article 90, paragraph 4 of the Treaty regulation of relations in the field of protection and protection of rights to intellectual property objects, including the definition of characteristics of the legal regime applicable to individual types of intellectual property objects, shall be carried out in accordance with Annex 26 to this Treaty [12]. The Protocol on the Protection and Enforcement of Intellectual Property Rights (Annex 26 to the EAEU Treaty) is important.

In particular, on the basis of article II, paragraph 5, of the Protocol, Member States shall grant rights holders with respect to cinematographic works the right to permit or prohibit the public commercial rental of copyrighted originals or copies thereof, in the territories of other member States [13]. In accordance with article IV, paragraph 14 of the Protocol, Member States shall register the Eurasian Economic Union trade mark and the Eurasian Economic Union service mark (hereinafter the Union trade mark). The trademark of the Union shall be given legal protection simultaneously in the territories of all member states [13]. Relations arising from the registration, legal protection and use of the Union's trademark in the territories of member states are governed by an international treaty within the framework of the Union (paragraph 15 of the Protocol) [13].

Based on the analysis of these provisions, the rules of regional agreements of the EAEU helps to overcome the territorial principle, but obviously not for all objects of intellectual property, this applies to cinematographic works and trademarks.

The Eurasian Patent Convention (Moscow, 9 September 1994), which is a special agreement pursuant to article 19 of the Paris Convention on the Protection of Industrial Property of 20 March 1883 and the Regional Patent Treaty pursuant to article 45 (1) Patent Cooperation Agreement of 19 June 1970 [14]. It is stated in the Preamble to the Convention that the States Parties to this Convention (hereinafter referred to as Contracting States) shall, through their Governments, establish an inter-State system for obtaining such protection on the basis of a single patent valid in all Contracting States [14].

Article 2 of the Protocol on the Protection of Industrial Samples to the Eurasian Patent Convention reads as follows: «(2) For the purposes of the protection of industrial samples, the territory of the Contracting States shall be recognized as the territory in which the Convention is applicable» [15].

This Convention aims at a certain «mitigation» of the principle of territoriality in providing legal protection to inventions.

The limitation of the legal space for intellectual property rights is overcome by the use of the Internet, where there are no territorial boundaries. The digital environment has expanded the possibilities of developing civilian traffic, which, like notoriety, requires firmness and stability. Logically, the question arises of applicable law with respect to intellectual property objects used or distributed in the Internet, digital environment.

Intellectual property law is currently facing new challenges related to the use of objects on the Internet and artificial intelligence. However, the current difficulties are not only related to this.

E.B. Leonovich also highlights cross-border piracy and counterfeiting, the creation of security systems within the framework of regional integration, issues of jurisdiction in intellectual property disputes, violations of intellectual property rights on the Internet [16, p. 9].

Taking into account that the Internet space is not limited by state borders, accordingly, to subjugate regulation of all social relations is a difficult task. There is no doubt that international law, both public and private, should play a leading role.

E.B. Leonovich rightly notes the fact that international acts and national norms are not ready to solve existing problems, fill gaps in legislation in order to adequately respond to processes in the globalized virtual space of the Internet [16, p. 12].

Not to mention that there is still no consensus in science regarding the concept of cyberspace, digital space and internet space, there are no legal mechanisms for resolving conflicts and specific practical situations.

Ismailov RA, Nechaeva D.C. correctly point out that the principle of territoriality was formed historically, but today in the conditions of a deep digital transformation social-economic relations, this principle cannot ensure the protection and protection of intellectual property rights in cyberspace. The authors consider that the conclusion of an international treaty is the most effective means to increase the degree of protection and protection of intellectual rights. Of course, participation in international relations for the protection and defence of transnational copyright requires bringing national legislation into line with such international legal obligations [17, p. 99].

That is, the primary task is the readiness of national legislation to define the legal regulation of digital processes.

This is not the only position. As noted by Orkin EA, the concept of *lex informatica* is being developed to meet the needs of network users [18, p. 45]. The author compares the process of creating

a *lex informatica* with a *lex mercatoria*, which regulated trade relations in cases where this task was not carried out by national laws [18, p. 45].

Kirilyuk O.V. also supports the idea of self-regulation of the Internet, thanks to which a more flexible and dynamic regulation is formed [19].

Kazakhstan has adopted the Code of the Republic of Kazakhstan from 9 January 2026 255-VIII «Digital Code of the Republic of Kazakhstan» (hereinafter – Digital Code), which has not yet been implemented. This code was an attempt by the legislator to codify rules governing social relations in the digital environment, but the concept of «space» in the digital environment does not provide.

Art. 77 The Digital Code contains the concept of a citizen's digital space, which is understood as the section of the personal office on the web portal «digital government», providing access to the citizen of the Republic of Kazakhstan to information about recorded digital events, to view, manage and use them. We believe that this definition is an attempt to perform the task «locally», but not to solve fundamentally what the Kazakh legislator understands as a digital space. Undoubtedly, the digital space is not limited to the web portal of the electronic government of the Republic of Kazakhstan, and the content of the Digital Code shows that its developers were guided by a conceptual approach in legislation based on the sovereignty of the state and its jurisdiction. However, it seems that we are talking about an extra-dimensional category and traditional legal postulates cannot solve this problem, so the only way to overcome these contradictions, in our opinion, is the development of an international act regulating relations in cyberspace. At the same time, the idea of developing a «soft» right for the digital world is also not devoid of logic and perspective.

In the history of law there are quite a few good examples of international norms and customs that do not annoy with legislation but, on the contrary, complement it (*lex mercatoria*, INCOTERMS, etc.), thus contributing to the stability of solid civil traffic.

Kartskhia A.A. believes that the participation of intellectual property in digital traffic in cyberspace leads to the formation of new intellectual property – «cyber-property» on objects of «digital» traffic – technology [20].

It is difficult to agree with this opinion, since the formation of intellectual property objects in a digital environment does not influence or change their content and qualitative characteristics, perfect form, creative character and intellectual activity of persons remain. Only the form of the environment in which they function is changed, this is the traditional and digital civic traffic that forms in the digital space.

In this connection, the conclusion that can be made on this issue is the need for a legal definition of cyberspace, digital space, the principle of territoriality in these spaces does not allow to solve the problem. Therefore, approaches must be changed both to the formation of substantive and procedural rules: jurisdiction, establishment of violations of rights, jurisdiction, provision of evidence, execution of judicial acts, etc.

The analysis conducted shows that the current regulation of time and space in intellectual property law, as enshrined in particular in the TRIPS Agreement, the Berne Convention and the Paris Convention, contains a number of significant gaps, namely: 1) International treaties establish standardised minimum terms, but do not take into account the accelerated obsolescence of digital objects, such as software and multimedia; 2) No uniform approaches have been defined regarding: the moment of creation of a digital object, for example, when using AI; and the determination of the time at which rights arise; 3) Legislation does not take into account situations involving temporary licensing in the digital environment;

Here are no uniform international rules regarding: force majeure in the digital environment; the reinstatement of missed deadlines in the case of cross-border infringements.

The fundamental principle of territoriality, enshrined in international treaties, does not take into account: the global nature of the Internet; the lack of clear localisation of infringements.

At present, there are no universal rules: for determining the place of infringement (e.g. the location of the server, user or platform); for the delimitation of the jurisdiction of courts.

There are challenges such as: the recognition and enforcement of court decisions; and cooperation between national authorities in the protection of rights.

International law does not establish: the concept of «digital territory»; or special regimes for legal protection on the Internet.

In view of the gaps identified, it appears necessary to initiate the drafting of the following international legal instruments:

1. An international treaty on the temporal parameters of intellectual property rights. It would be advisable to adopt a separate treaty (within the framework of the World Intellectual Property Organisation) aimed at: introducing a flexible model for terms of protection (variable terms depending on the category of the subject matter); establishing uniform rules for determining the moment of the creation of rights in the digital environment; regulating temporary digital rights; recognising time-stamping technologies (blockchain, digital timestamps) as legally valid evidence.

2. International treaty on the cross-border protection of intellectual property rights in the digital space. It is proposed to develop a universal agreement aimed at: establishing supranational criteria for jurisdiction (for example, based on the place where the damage was caused or where the victims are located); establishing the principle of 'digital extraterritoriality'; simplifying procedures for the recognition and enforcement of court decisions; and creating mechanisms for inter-state cooperation in identifying infringements.

3. Protocol to the TRIPS Agreement on the Digital Environment. It is possible not only to draft a new treaty but also to modernise existing instruments. In particular, it is proposed to develop a protocol that includes: provisions on the legal status of digital objects; clarification of the territorial principle in light of the internet; and specific provisions on the cross-border liability of platforms.

4. An international instrument recognising cyberspace as a legal category. Such a document should aim to: establish the concept of 'cyberspace' as a distinct sphere of regulation; define its relationship with state sovereignty; establish uniform principles for the regulation of intellectual property on the Internet.

Thus, existing international regulation, formed in the pre-digital era, does not fully meet contemporary challenges. The categories of time and space require rethinking and regulatory consolidation at a new level. A key area of development should be the formation of a comprehensive system of international treaties focused on: flexibility of the temporal parameters of rights; overcoming territorial restrictions; recognising the digital environment as an independent legal space.

The implementation of these proposals will enhance the effectiveness of intellectual property protection and ensure a balance between the interests of rights holders and society in the context of global digitalisation.

Conclusion

Time and space have a significant influence on intellectual property, in particular in terms of timing. The term of validity of the rights, the period of realization of the right to protection, the period for carrying out administrative procedures, etc. The exclusive rights have a term of validity provided by the legislation of the Republic of Kazakhstan and thus may be protected only for a certain time, and personal non-property rights are indefinite, the factor of time on their content and protection does not affect. In the field of intellectual property, the principle of territoriality is applied and national legislation is generally used. At the same time, harmonization or unification of national laws is possible through the conclusion of multilateral or bilateral agreements, regional agreements of the EAEU in the field of intellectual property, contribute to the relaxation of the principle of territoriality. The limitation of the legal space for intellectual property rights is also overcome by the use of the Internet, where there are no territorial boundaries. The digital environment has increased opportunities for the development of civilian traffic, which is known to require firmness and stability. And logically the question arises of applicable law with respect to intellectual property objects used or distributed in the Internet, digital environment. Intellectual property law is currently facing new challenges related to the use of objects on the Internet and artificial intelligence. However, the current difficulties are not only related to this. Intellectual property is a fairly well-studied category of law, and the challenges today arise not because of the transformation of intellectual property itself, but because the civil circulation that functions in the digital environment is changing. The way in which intellectual property objects exist has changed. Now cyberspace is the same resilient environment, and this has led to numerous disruptions in the Internet and the digital world at large. The task of law is to provide legal regulation of social relations arising from intellectual property in the digital space, as well as to develop a mechanism for the

protection of personal non-proprietary and exclusive rights on the Internet, where a State's jurisdiction cannot be justified by the traditional territorial approach.

This study enables us to draw a number of practical conclusions and to put forward proposals for improving legislation and theoretical approaches to understanding the concepts of time and space in intellectual property law.

First and foremost, it has been established that the concept of time in intellectual property law is becoming increasingly flexible. Traditionally fixed terms of protection for exclusive rights do not always correspond to the pace of technological development and the digital circulation of objects. In this regard, it seems appropriate to consider the possibility of differentiating the terms of legal protection depending on the type of intellectual property, the rate at which it becomes obsolete, and its economic significance.

The second important conclusion concerns the transformation of the spatial (territorial) principle. In the context of the digital environment and the cross-border dissemination of the results of intellectual activity, the traditional linking of rights to the territory of a specific state is becoming less effective. This justifies the need to develop supranational mechanisms for the protection of rights, as well as the harmonisation of legislation at the international level.

The following are proposed as areas for improving legislation: greater harmonisation of the rules governing the duration of exclusive rights within the framework of international agreements and regional organisations; the development of flexible legal regimes allowing the duration of protection to be adapted to the specific characteristics of individual works (such as software or digital content); introducing mechanisms for simplified cross-border recognition and enforcement of intellectual property rights; clarifying the rules governing the commencement and termination of rights in the digital environment (including when using distributed ledger technologies).

From a theoretical perspective, it is proposed to: to consider the category of time not only as the duration of a right, but also as an element of the legal regime (including the moment of creation, suspension and restoration of rights); to rethink the category of space, including in it not only the physical territory of a state, but also digital space as an independent sphere of legal regulation; to develop the concept of the 'extraterritoriality' of intellectual property protection on the Internet.

Furthermore, it is advisable to strengthen the role of case law and law enforcement bodies in establishing uniform approaches to the interpretation of the temporal and spatial aspects of intellectual property rights, particularly in cases involving cross-border infringements.

In conclusion, it should be noted that the further development of intellectual property law requires a move away from strictly traditional concepts of time and space and a transition to more flexible, multi-layered regulatory models suited to the conditions of the digital economy.

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ВРЕМЯ И ПРОСТРАНСТВО В ПРАВЕ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

Аннотация

Статья посвящена рассмотрению категорий «время» и «пространство» в праве интеллектуальной собственности. Время и пространство – это проявление физических естественных процессов жизнедеятельности в целом. Являясь совершенно объективным показателем, они могут выступать и в ипостаси юридически значимых категорий. В статье автором раскрывается влияние времени на отношения в сфере интеллектуальной

собственности, изучается проблематика сроков исключительных прав, ведь имущественные права на объекты интеллектуальной собственности могут быть оборотоспособными лишь определенное время, а личные неимущественные права бессрочны, фактор времени на их содержание и защиту не влияет. Другой категорией, привлекающей внимание автора, выступает пространство, с которым в праве связывают понятие «территория». Исключительные права ограничены, тем самым оборотоспособны только на определенной территории. Автором рассматриваются исключения из этого правила. Перед правом интеллектуальной собственности в настоящее время возникают новые вызовы, связанные с использованием объектов в сети Интернет и искусственным интеллектом. Интернет-пространство не ограничивается границами государства, соответственно, подчинить регулированию все общественные отношения является трудной задачей. Вызовы сегодня возникают не по причине трансформации самой интеллектуальной собственности – меняется гражданский оборот, который функционирует в цифровом мире, киберпространство является такой же устойчивой средой, и это привело к многочисленным нарушениям прав интеллектуальной собственности в сети Интернет.

Ключевые слова: время, пространство, территория, интеллектуальная собственность, принцип территориальности, киберпространство, цифровая среда.

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ИНТЕЛЛЕКТУАЛДЫҚ МЕНШІК ҚҰҚЫҒЫНДАҒЫ УАҚЫТ ПЕН КЕҢІСТІК

Андатпа

Бұл мақала зияткерлік меншік құқығы саласындағы «уақыт» пен «кеңістік» категорияларын қарастырады. Уақыт пен кеңістік жалпы өмірдің физикалық табиғи процестерінің көрінісі болып табылады және толықтай объективті көрсеткіштер ретінде олар құқықтық тұрғыдан маңызды категориялар ретінде де қызмет ете алады. Мақалада автор зияткерлік меншік саласындағы қатынастарға уақыттың әсерін ашып көрсетеді және айрықша құқықтардың мерзімі мәселесін қарастырады, себебі зияткерлік меншік объектілеріне меншік құқықтары тек белгілі бір мерзімге ғана саудаға шығарылады, ал жеке емес мүліктік емес құқықтар мәңгілік сипатта болып, мазмұны мен қорғалуы тұрғысынан уақыт факторынан тәуелсіз. Автордың назарын аударатын тағы бір категория – заңда «аумақ» ұғымымен байланысты кеңістік. Айрықша құқықтар шектеулі және сондықтан тек белгілі бір аумақта ғана жүзеге асырылады. Автор осы ережеге қатысты ерекшеліктерді қарастырады. Интеллектуалдық меншік құқықтары қазіргі уақытта интернеттегі объектілерді пайдалану және жасанды интеллектпен байланысты жаңа сын-қатерлерге тап болуда. Интернет кеңістігі мемлекеттік шекаралармен шектелмегендіктен, барлық әлеуметтік қатынастарды реттеу қиын. Заңның міндеті – цифрлық кеңістікте зияткерлік меншікпен байланысты туындайтын әлеуметтік қатынастарды құқықтық реттеуді қамтамасыз ету және дәстүрлі аумақтық тәсілмен мемлекеттік юрисдикцияны негіздей алмайтын интернетте жеке мүліктік емес және айрықша құқықтарды қорғау механизмін әзірлеу.

Тірек сөздер: уақыт, кеңістік, аумақ, зияткерлік меншік, территориялдылық қағидасы, киберкеңістік, цифрлық орта.

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