

Theoretical Problems of Trading Companies and their Concepts

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Annotation:

The article deals with the theoretical issues of trade secrets of commercial enterprises and related concepts. In it, as a result of research, authorial definitions of several concepts have been developed. In particular, the definitions of such concepts as "trade secret", "trade secret", "confidant", "trade secret" are given on the basis of relevant theoretical considerations, using an explanatory dictionary of the Uzbek language, encyclopedia, scientific literature.

Keywords: trade, secret, trade secret, confidential, trade secret, confidentiality, disclosure.

Introduction

New directions and processes have arisen in a free economy based on market interactions. One of them is determined by the fact that certain documents, technological processes, and management procedures relevant to a commercial enterprise's activities must be kept hidden from other competitors in order to ensure the enterprise's economic security. This phenomenon is commonly referred to as a trade secret. The law "On trade secrets" was recently adopted, taking into account the fact that there is a certain order in this matter. This law was adopted by the Legislative Chamber of the Republic of Uzbekistan on June 18, 2014, and approved by the Senate on August 28, 2014. It takes into account many aspects of trade secrets. Based on this law, we found it necessary to disclose the content of trade secrets, protection mechanisms, ways to obtain information. It is no coincidence that a certain amount of attention is paid to this issue.

In the Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis on December 29, 2020: will be introduced, "he said. It is also natural to have an appropriate trade secret in healthy competition. Because of this, its nature requires a theoretical study as well. It is necessary to pay attention to the lexical meaning of a commercial enterprise's trade secret in order to reveal its content and essence. "Trade secrets" is not mentioned in the Uzbek dictionary. Because this term is made up of two phrases. As a result, we'll concentrate on each person's comments.

At present, the word secret gives three different definitions in the economic dictionaries and in the educational literature based on it:

1. what has not yet been found, what has not been identified;
2. something that is kept secret, not known to all, without disclosure to others;
3. keeping a secret of the causes of an event or process .

The five-volume "Explanatory Dictionary of the Uzbek language" also contains an explanation of this term. We see that the Bunda is interpreted separately to the word "commercial" and separately to the words "mystery", and we look at them one by one. As indicated in this dictionary, it is noted that the term "secret" is borrowed from the Arabic language, meaning "secret thing, secret work or sentence; Soul, Soul". In the same place, he was given three comments.

1. "1. A case, a sentence, a thing, etc., which is kept secret from others or unknown to others.
2. It has not yet been opened, it has not been determined, science has not yet studied, something unknown to man yet.
3. A feature that is inherent in a particular sphere or type of activity , quot; qualification quot;, quot;. In the dictionary, where the above name is mentioned, the explanation of the term "commercial" is also given. This word is derived from the Arabic language quot; merchant, buy-sell business. Trading, trading (trading) works, " explains the meaning, as they say. Now, if we take the word combination (commercial + secret), then the only meaning can be extracted from it, that is, the commercial secret is the aspects of trade or trade affairs that are kept secret from other people, which are not clear to them.

The above-mentioned issue, the Law on Trade Secrets, adopted by the Legislative Chamber of the Republic of Uzbekistan on June 18, 2014 and approved by the Senate on August 28, 2014, deals with trade secrets not only in trade, but in a very broad sense. Confidentiality is information of commercial value in the fields of science and technology, technology, production, finance and economics, as well as in other areas, which is not legally freely available to third parties, and the owner of this information shall take measures to protect its confidentiality. .

Main part

The protection of the commercial secret in our country is also expressed in the Civil Code (FC). In Article 98 of this code, the commercial secret is guaranteed. This article of the FC states that "information, which is a service or commercial secret of civil law, is protected in the event that the information has a real or relative commercial value due to the anonymity of this information to third parties , it is not possible to freely enjoy it by law, and the information owner takes measures to preserve its privacy".

It turns out that the secret of Commerce in our legislation has a much broader meaning than the secret of trade. Thanks to this, these concepts can be applied to all spheres. After all, in a commercial secret, it is usually understood that commercial, production, financial operations, plans, marketing, scientific developments and other processes of economic entities are kept confidential information (information) that can not be disclosed, expressed.

We found it desirable to look at this issue on the basis of legislation, directly within the framework of trade enterprises. From this point of view, we think that it can be described as follows.

Trade secret means information about a person (commercial enterprise, institution, inventor, owner, etc.) of commercial value in the field of science, technology, production, finance and economics, which is not legally freely available and cannot be disclosed by other persons.

This definition fully corresponds to the demand for it, in the broad sense of the commercial secret and the fact that it can be used on the scale of commercial enterprises. This can be substantiated by the following theoretical views.

First, the commercial secret is shown to be related to such areas as science, technology, production, financial and economic. Because these economic processes occur directly in commercial enterprises.

Hence, in this syllable, that is, the need to keep a commercial secret, even in a way that is relevant to all the activities of commercial enterprises, is expressed.

Secondly, it is also recognized that information, which has commercial value, is not freely used on a legal basis. Because information that has commercial value and only affects one trading enterprise can not be disclosed and unauthorized use by other persons. After all, the right of ownership of information with this commercial value belongs to persons who use this information.

Third, it is said that the relevant information is understood to any person (commercial enterprise, institution, inventor, proprietor, etc.) who can not be disclosed by other persons, from which only those who have the right to own, use, dispose of and, if necessary, can act as a partner. It is not allowed to disclose commercial secrets to other persons. It turns out that the definition given to this commercial secret theoretically fully meets the demand for its content.

It should be noted that the law "on commercial secret" also establishes relevant requirements for commercial secret. According to this law, the commercial secret must comply with the following requirements:

"to have real or potential anonymity to third parties;

according to the legislation not to be known to everyone or open to everyone;

be provided with measures to protect its privacy;

lack commercial value for its proprietor due to

of public secrets and other secret signs protected by law. "

In addition to these, the owner of the commercial secret was given several rights and freedoms. It is recognized in the law that it can make changes and additions to its content and volume by the owner of a commercial secret. The Law on Trade Secrets introduces the concept of confidentiality. It recognizes that "a confidant is a legal or natural person who owns and uses a trade secret under a contract with its owner." Therefore, a legal or natural person who owns and uses this trade secret can be called the second owner of this trade secret. Based on the definition given in this law, we aim to provide a customized definition of it for Commercial Enterprises and recommend it in the following edition.

We decided that a trade secret confidant is a legal or natural person who has the right to hold and utilize a commercially valuable trade secret under the terms of a contract with its owner. This definition also fully expresses the content of the commercial secret konfidenti. In order to theoretically base this definition, too, we can cite the following arguments.

First, in the definition of the confident of a commercial secret, it is about a commercial secret that has a commercial value. Because there is no sense to keep what is not expensive as a commercial secret, to protect it or to give it to someone on a contractual basis. Therefore, it is noted that the commercial secret must necessarily have commercial value.

Secondly, it is indicated that the commercial secret is based on the contract with the owner. Because what belongs to one person can not be simply given to the second person. If tomorrow does not recognize it, there may not be a document that will prove. Due to this, of course, the structure of the contract is envisaged.

Third, there is talk about the right to own and use commercial secrets. Because the owner will have the right to own, use and dispose of at the same time. But the konfident has only the right to own and use. There is no right to dispose of it.

From the four, it is recognized that the confidant of the trade secret will be a legal or natural person. Because under the current conditions, ikkalasi is also the owner, ikkalasi also has the right to produce, service. Thanks to this, there is also the right to use commercial secrets and to own them too.

Thus, the definition given to the concept of a confidant of a commercial secret, in our opinion, fully expresses its meaning.

The Endi task will focus on the concept of commercial secrecy and some areas of their provision. The law of the Republic of Uzbekistan "on trade secret" adopted by the chamber on June 18, 2014 and approved by the Senate on August 28, 2014 introduced the concept of confidentiality of trade secret, and it was commented as follows.

"Commercial secrecy is a state in which the security of the dissemination, disclosure and unauthorized use of a commercial secret is ensured." Usually what is kept secret is hidden and, accordingly, what is hidden is achieved due to the fact that it is kept secret about it. We have also found that the definition of this concept, based on the definition given in the above law, is expedient to give. **When a commercial secret is said to be confidential, information pertaining to the spread, disclosure and unauthorized use of the commercial secret is understood to belong to any commercial secret proprietor whose security has been secured, who has commercial value.**

The theoretical completeness of this definition can be based on the following. First, the definition provides for the protection of the confidentiality of commercial secret from the spread of commercial secret. Because once it is a commercial secret, the information about it should not be scattered. Only then will its confidentiality be preserved.

Secondly, this definition also includes the fact that the commercial secret can not be disclosed. Because disclosure leads to the fact that the sin is exposed. If a commercial secret has a commercial identity, with its disclosure, it can also suffer enormous material and moral damage.

Third, in this definition, the issue of ensuring security for unauthorized use is also relevant. Because with the preservation of the commercial secret, other persons can use it on a contractual basis. But no one is allowed to use without permission, without agreement. This situation also ensures the safety of the trading enterprise.

From the quatrain, the definition being analyzed also talks about information that has commercial value. Without being a commercial secret and having a certain value, you will not even need to protect it. Due to this, this issue is also not included in this definition.

It is also recognized that the fifth belongs to the proprietor of any commercial secret. Because every valuable thing must belong to someone or be someone's property. This is directly related to the commercial secret. Who guards and who guards what is not the owner. Due to this, it must also belong to a certain proprietor.

Apparently, all the required aspects are included in this description in order to ensure the confidentiality of the commercial secret. Thanks to this, we think that it will fully meet the current demand and reveal the meaning of this concept.

There are several ways to ensure the confidentiality of commercial Siri. One of them is a phrase from protection in the process of Labor Relations.

According to the law, in order to ensure the protection of the commercial secret, the employer (the owner of the commercial secret, the konfident) must comply with the following procedure and implement it:

"to acquaint an employee who is required to use a commercial secret for the performance of his / her labor duties with the list of information constituting a commercial secret with the receipt of a certificate;

acquaint the employee with the commercial secret regime established by the employer and the receipt of a receipt with responsibility measures for its violation;

it is mandatory for the employee to create the necessary conditions for him to comply with the commercial secret regime established by the employer" .

If the employee is not provided for the use of a commercial secret in his labor duties, then its use is carried out with the consent of the employee. Bunda is obliged to follow several procedures even before the employee. The employee is also taken into account in cases when he is working at this commercial enterprise and when he is leaving work. In order to ensure the protection of the commercial secret, each employee is obliged to::

"compliance with the commercial secret regime established by the employer;

non-disclosure of a commercial secret without the consent of the employer and its use for personal purposes;

when the employment contract (contract) is terminated, it must hand over to the employer the material objects that are in their use, which are reflected in the commercial secret, or destroy or delete them from these bodies under the control of the employer" .

Another of the requirements provided for in the law is that when signing an employment contract (contract) or civil law contract with the aim of ensuring the protection of commercial secret, the following must be provided for::

"the obligation of the employee and the employer, who is the proprietor or konfident of the commercial secret, to ensure the protection of the commercial secret;

the period when after the termination of the employment contract (contract) or civil law contract, the former employee is obliged not to disclose his commercial secret.

The employee has the right to appeal in a judicial order against the illegal establishment of a commercial secret regime in connection with the performance of the duties provided for in the employment contract (contract) or civil law contract, which has received permission to use .Thus, the concept of confidentiality of commercial secret and some areas of their provision have shown that in order to solve this issue at commercial enterprises, it is necessary to carry out a number of organizational and legal work.

One of the important issues on the next topic, we found that it was worthwhile to give an understanding of the owner of a commercial secret and his legal rights.

The legislation of the Republic of Uzbekistan also introduced the concept of "owner of trade secret"adopted by the chamber on June 18, 2014 and approved by the Senate on August 28, 2014. It is noted that a legal or natural person who carries out the ownership, use and disposal of a commercial secret is considered its owner. Because if it is a property, if it is not its owner, or if it is treated as a property that many people have, it is difficult to prove who owns the property. Thanks to this, every proprietor, including a commercial secret proprietor, must have a legal right to ownership.

Ownership is regulated by applicable laws. The owner of the commercial secret will have the right to own, use and dispose of the commercial secret. Such a right is formalized by an appropriate document confirming the ownership of the property. So, based on these insights and opinions, we found that it was also worthwhile to give a description of it. When called the proprietor of a

commercial secret, a legal or natural person who has the legal right to own, use and exercise possession of a commercial secret is understood.

Theoretically, this can be based on the following. First of all, the owner of a commercial secret must first of all have the right to own a commercial secret. Because if he does not own, he can not become the owner of the property, including the owner of a commercial secret.

Secondly, this person must also have the right to use commercial secrets. Because the proprietor does not just stand to repulse it, but also to use it, of course, in accordance with its purpose and interest. In this respect, this issue is also reflected in the description.

In the third, the owner must also have the right to carry out disposal. Because the owner must necessarily dispose of. Otherwise, he will not need to own it. The owner of any property, including the owner of a commercial secret, must have a legal right to dispose of it.

From the four, it is also important that the owner of the commercial secret listed in the description is a legal or natural person. Because possession of a commercial secret does not only become a legal entity, but also an individual, is fully in demand today. After all, both a legal entity and an individual have the right to own property, including ownership of commercial secrets. Because every trading enterprise or individual must ensure the safety of its multifaceted activities.

The law "on the commercial secret" provides for the rights of the commercial secret holder. The law states that the **commercial secret** regime in relation to information is established by the owner from the moment it is established. The owner of the commercial secret has the following rights::

"setting, changing and canceling the commercial secret regime in written form;

- determination of the terms and conditions of commercial use;
- to prohibit the use of commercial influence in the process of labor relations;
- use of trade for personal needs;
- to enter into civil proceedings on the basis of a contract that stipulates the introduction of conditions for the protection of trade secrets;
- to demand the protection of the confidentiality of persons who have acquired commercial influence as a result of accidental and (or) misconduct;
- to protect their rights in the manner prescribed by law, including in the event of unlawful use of the law, including damage caused by the violation of their rights, as revealed by third parties.

At the moment, I have access to other rights in accordance with the property laws of the business. Such rights are determined by them out of necessity. Because the owner of a trade secret is given great privileges and freedoms in its formation, storage and use.

Conclusion

In conclusion, by examining the theoretical issues of trade secrets of commercial enterprises and the concepts related to them, we have witnessed that many theoretical issues related to this concept are still unresolved. As a result, the author's definitions of a number of concepts, including "trade secret", "trade secret", "confidential", "trade secret" have been developed. The formation of these definitions is based on relevant theoretical considerations using the Uzbek dictionary, encyclopedia, scientific literature, which also allows the use of these definitions in educational literature and legislation.

References

1. Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis of December 29, 2020. // 30.12.2020 10:00.10.3K. <https://review.uz/oz/post/poslanie-prezidenta-uzbekistana-shavkata-mirziyoyeva-oliy-majlisu>.
2. Abdukarimov B.A., Bektemirov A.B., Pardaev M.Q., Salimov Sh.S., Shavqiev E.Sh., Abdukarimov F.B. Economy of the enterprise. The textbook. The 2nd edition. - T.: "Science and technology", 2013. - 323-bet.,
3. Pardaev M.Q. Theory of Economic Analysis. The textbook. - T.: "Innovation development publishing-printing house", 2021. - 588 b.
4. "More than 80000 words and combinations of words" Explanatory Dictionary of the Uzbek language". J. III. N-Orderly. - T.: "National Encyclopedia of Uzbekistan" religion, 2006. - 519-bet.
5. "More than 80000 words and combinations of words" Explanatory Dictionary of the Uzbek language". J. III. N-Orderly. - T.: "National Encyclopedia of Uzbekistan" religion, 2006. - 519-bet.
6. "More than 80000 words and combinations of words" Explanatory Dictionary of the Uzbek language". J. It'S IO. Arrangement-Thank Goodness. - T.: "National Encyclopedia of Uzbekistan" religion, 2006. -82-bet.
7. The legislation of the Republic of Uzbekistan was adopted on June 18, 2014 by the Palau and approved by the Senate on August 28, 2014 by Article 3 of the law "on commercial secret".
8. The legislation of the Republic of Uzbekistan was adopted on June 18, 2014 by the Palau and approved by the Senate on August 28, 2014 by Article 4 of the law "on commercial secret".