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THE POLITICIZATION OF INTELLECTUAL PROPERTY RIGHTS IN THE CONTEXT OF KARABAKH

INTRODUCTION

The role of intellectual property rights is of high relevance due to its interconnection with political and economic matters amongst the nation-states. IP protection is not only being more discoursed but is always at stake. Therefore, the countries mainly elaborate on the decisive measures and policies concerning the protection and justification of IP within and beyond the country. The main objective of the scientific article is to investigate how intellectual property rights have been politicized in the context of the Karabakh conflict for 30 years of Armenian occupation. Based on the importance of the selected article, it should be noted that today the topic has not been deeply researched due to the lack of monographs, other additional information and sources. As for the innovative features of the research, the topic chosen for analysis will mainly analyze politicized aspects or politicization of IPR and both economic and political trends related to the proper regulation and implementation of IPR during the occupation of Karabakh region of Azerbaijan. To consider appropriate retorts to processes arising from IPR conflicts in the Karabakh region during the occupation, it is essential in contemporary international politics to explain and perceive IP tendencies and systems from the perspectives of political science. In the present times, the enforcement and transparent implementation of IPR has taken the core stage of the policy agenda of Azerbaijan. Azerbaijan has sought to improve its regulatory system over the past few years, but the lack of transparency procedures has continued in several areas. The article also touches on the examples of an infringement of intellectual property in the occupied territories and its support within the framework of international legal norms and conventions. The issue raised in the article has not been the subject of discussion for a long time due to the lack of literature. Although Azerbaijan has made substantial progress in the regulation and justification of IPR, undertaken clear-cut measures, been a member of some international conventions related to IPR protection, and adopted some national policies as well as action plans concerning the enforcement of IPR upon

its entities, products, and items within and outside the country, it does still encounter the lack of transparency and paucities in IPR regulation and justification policy. Following the geopolitical changes, processes, and politically intense conflicts, political science has taken the dominance related to the development and propensities of IP. In the contemporary world, it is crucially necessary to explain and perceive the tendencies and system of IP from the perspective of political science and political economy, to consider the suitable reactions to the processes stemming from the conflicts related to IPR among nation-states. In this regard, the primary goal of this article is to examine how intellectual property rights have been politicized in the context of the Karabakh conflict. Until recently, intellectual property was primarily framed in legal and economic terms; however, in recent years, the political interpretation of intellectual property rights has grown in importance. Various definitions of the terms “*politicization*” and “*politicized*” have been proposed in explanatory dictionaries and studies. Claudia Wiesner in her *Rethinking Politicisation in Politics, Sociology and International Relations* underlines that the term “*politicization*” is a concept in political science and theory mainly describes how ideas, entities, or collections of facts are given a political tone, flavor, or character and then assigned to the ideas and strategies of a specific group or party, becoming the subject of debate (Wiesner, 2021). Therefore, more political nuances and flavors are added to IPR to explain the processes and issues taking place in Karabakh. Since the 1980s, intellectual property has occupied an increasingly important position in the economic and political organization of the world. Once an arcane and practical topic, intellectual property has become a central focus of contestation in international relations (De Rosnay, Le Crosnier, 2013). Political economy and especially politics are crucial for discussing intellectual property, especially since many people appear to perceive intellectual property as the pinnacle of political science. Intellectual property represents a conundrum that neither markets nor traditional economics can successfully solve (Sell, 2009: 187–223). In this regard, the paper interprets intellectual property from the angle of international relations and geopolitical conflicts elaborating on the core occasions that happened during the occupation of Karabakh, as this conflict sheds light on the fundamentally political and geopolitical nature of the intellectual property.

There is a long-held belief among IP lawyers that to understand intellectual property, it is significant to first understand innovation, technology (including natural sciences), and economics. However, it has been much less common, even rare to hear arguments and opinions that we do need to possess political science knowledge to comprehend the complex realities, trajectories, and developments of IP in the present times. It is, however, gradually becoming putative that political science/politics in the broad sense might be relevant for understanding the regulatory development, tendencies, and evolution of intellectual property (Perelman, 2019). Many authors describe the evolution of global IP governance as a process marked by the intense politicization of intellectual property rights. The term politicization refers to the fact that intellectual property has become the focus of heated political debates. There are two distinct but significant developments in intellectual property regulatory evolution that are frequently mentioned in this context. The first is the establishment of a new international trade-related intellectual property regime, with the adoption of the Agreement

on Trade-Related Aspects of Intellectual Property Rights (TRIPS) serving as a core milestone (Adams, 2009: 127–134).

The institutions that govern intellectual property are not particularly new. The Berne Convention for the Protection of Literary and Artistic Works, governing copyrights and related rights, dates back to 1886 and was most recently revised in 1971. The Paris Convention for the Protection of Industrial Property, which governs patents, trademarks, and designs, was established in 1883. Even the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), widely regarded as the most notable recent change in IP governance, was signed in 1994. Intellectual property rights (IPRs) are overtly not a new political issue. They have been around for more than a century internationally and for much longer periods in national legislation, however, they have not been brought to the forefront of international politics while explaining the core tendencies and developments of IP (Curtis, 2012: 1–24).

The increasing economic importance and internationalization of intellectual property (IP) have been extensively discussed in the scientific literature. Due to the growing political significance and the changing nature of intellectual property rights, IP in the political fora was first mentioned in the highly symbolic political documents/declarations during the G8 summit in 1996 – however, only as a minor sub-issue. To deeply apprehend why IP has become a contentious issue, four parallel processes should have to be considered: (1) the growing economic prominence of knowledge-based industries; (2) the growing internationalization of IP issues, as evidenced by the increasing number and reach of international treaties and trade agreements that centrally address IP; (3) the increasing attention IP issues receive in political mediums, the politicization of intellectual property, and (4) the trend to personalize the IP rules (Haunss, 2011).

Intellectual property rights (IPR) have become at stake over the last two decades. The conflicts or other disputable issues have been far more visible due to the misperceptions and coercive diplomacy between different nation-states over some objects and ideas in the occupied or conflicted territories, where their interests clash in these areas. OECD countries have much stronger enforcement measures and clear-cut rules in IPR implementation policy in their domestic territories and beyond. IP issue has significantly become an international issue because it shifted its regulatory authority from the national level to Trans and Supranational institutions, namely World Intellectual Property Organization (WIPO) and the Trade-Related Aspects of IPR (TRIPS) of the 1994 agreement (Mühlendahl, Stauder, 2009: 653–673).

Under the territoriality principle, intellectual property rights are preserved merely under the legal rules of the jurisdiction where they have been granted. Because territoriality means more in terms of the enforcement of intellectual property rights, which defines the territorial scope and area. The principle of territoriality permits states to tailor their national intellectual property laws to suit their level of technological and economic development. In general, all possibly applicable laws or rules are restrained to the territorial area meaning that if the intellectual property is limited to territoriality so that none is universal in size, neither of them can be applied to another territory. Thus, for the country to which the territorial principle has been determined, its intellectual property laws are prevailing. So that foreign rights cannot

be trespassed by local activity, and local rights cannot be infringed by external rights (Peukert, 2012: 189–228).

Although the principles of international law or international treaties play a pivotal role in IPR regulation grounded on territoriality principles there are sometimes contradictions. These kinds of disputable issues and contradictions are mainly arising in developing countries due to the lack of a protection system and jurisdiction of intellectual property rights in the country. The common concern with patents and other forms of intellectual property (IP) protection is that another inventor may patent the invention if he or she has not heard about the invention before (Edenborough, 1997).

Based on the principles of law, only the inventor and the inventor's successors in the title have the right to a patent. However, if the enforcement mechanisms of the state of the inventor are weak, and what the one state invented idea/object is patented by another state and protected by legal acts in their own country, this may lead to a conflict between the two parties, as the inventor party is not able to intervene the other party using the idea/object illegally because the implementation of intellectual property is limited with the latter's territoriality principles (Siebeck, Evenson, Lesser, Primo Braga, 1990). These politically necessary and violated IPR cases had happened within the context of Karabakh and its surrounding territories during the Armenian occupation that the Azerbaijani side faced these circumstances many times at that time. Nowadays, there is a conflict between legal principles and states in determining who owns a particular idea and object. Therefore, this is a limitation on the regulation of intellectual property, which engenders tension between the parties. To solve the emerging problems regarding territoriality, intellectual property needs an active defense strategy on the part of the inventor's country. In this regard, the analysis and justification of the theoretical principles of intellectual property rights will play a crucial role in the empirical analysis of intellectual property problems in the selected research.

STATE POLICY ON INTELLECTUAL PROPERTY

During the occupation of Karabakh, the possible mechanism for the regulation and enforcement measures of intellectual property rights (IPR) by Azerbaijan in those territories was fragile. At that time, Azerbaijan was not able to provide or impose clear-cut measures regarding the transition of goods/items and any other products from the occupied territory of Karabakh to other neighbors and non-neighbor countries due to the destruction of Azerbaijani customs posts/checkpoints by Armenia. Thus, Azerbaijan had been confronted with limitations of its control over its territory due to the nearly three decades of the Karabakh conflict. According to the Annual Report – “The Global Competitiveness Index 2019” published by the World Economic Forum on August 8, 2019, Azerbaijan was ranked in the 58th out of 141 countries, moving forward up to 11 points. This indicator was evaluated based on 12 CIS countries in which Azerbaijan has achieved high results among CIS participants. One of the core areas in the annual report is the protection of intellectual property, and the indicators of Azerbaijan in this mentioned area were considered positive. Under the report of GCI 2019, Azerbaijan was ranked in the 30th with es-

estimated 70.4 points under the sub-index – “Protection of Intellectual Property” and 37th ranked place with 61.1 points under the “Property Rights” sub-index. Based on the GC indicator, the country is ranked first among the CIS countries, leaves behind many Central and Eastern European countries, and is considered the highest rank in the South Caucasus region, ahead of Armenia with 35 points and of Georgia with 64 points. For comparison, Moldova is estimated in 91st rank, Ukraine is in 118th rank respectively. It should also be noted that according to the publications of the Global Competitiveness Index for the last five years, Azerbaijan’s sub-index on “Intellectual Property Protection” has positively altered between the period of 2015 and 2019 including the estimated 80th in 2015, 71st in 2016, 37th in 2017, 36th in 2018 and 30th in 2019 respectively (World Economic Forum, 2019).

Table 1

The “Global Competitiveness Report” showing in detail the index of “Intellectual property rights protection” in the following Post-Soviet countries mentioned below between the period of 2010 and 2019*

Countries	2010–2011	2011–2012	2012–2013	2013–2014	2014–2015	2016	2017	2018	2019
Azerbaijan	117	60	53	69	80	71	37	36	30
Georgia	97	105	126	124	106	99	95	90	94
Ukraine	113	117	120	133	129	125	119	114	118
Moldova	118	110	117	125	118	114	100	102	91

* Since 2019, the GCR did not release the piece showing the core statistics data of the respective countries mentioned. The final report was released in 2019 based on the IPR protection indicator of the following Post-Soviet countries.

Note: As seen from the table, amongst the Post-Soviet countries, there is a significant development in the protection of IPR in Azerbaijan between the periods of 2010–2019 years in comparison with other countries mentioned above. The slight improvement is being observed in the table in the case of Georgia in the same periods. The rest of Post-Soviet countries namely, Ukraine and Moldova have also minor shifts in the IPR protection, which constitute 118 and 91 respectively.

Source: World Economic Forum, *Global Competitiveness Reports between 2010 and 2019*, <https://bit.ly/3dyN11e>.

The level of intellectual property protection is closely linked to the attraction of foreign investment in the country. The indicator of “innovation” is also related to intellectual property to some extent. The rating of Azerbaijan on the sub-index “Patent Applications” also increased according to the above-mentioned report. This led Azerbaijan to 68th place in the “Innovation” Index, which is 3 points ahead compared to the indicator of previous years. According to the Global Innovation Index (2021) published by the WIPO, Azerbaijan ranks in the overall 80th place in “Innovativeness” embodying mainly miscellaneous spheres including institutions, human capital and research, infrastructure, business environment and sophistication, the market economy, knowledge absorption, and technology yields. Innovative linkages in the business environment, creativity, knowledge, and technology outputs have a direct positive impact on the effective development of IP in the country. As reported in the GII 2021, Azerbaijan ranks in 66th place in the “Innovation linkages”, 67th in creative yields, and 115th in the “knowledge and technology” sections respectively (WIPO, 2021).

Table 2

Global Innovation Index 2021, Report on Azerbaijan, 2021

Report on Azerbaijan Score/value

Rank

Institutions (Political, regulatory and business environment)	↑	65.5	58
Human capital and research (Education, tertiary education, research, and development (R&D))	↓	24.2	89
Infrastructure (Information and communication technologies (ICTs), general infrastructure, ecological sustainability)	↓	35.1	88
Market sophistication (Credit, investment, trade, diversification and market scale)	↑	53.2	36
Business sophistication (Knowledge workers, innovation linkages, knowledge absorption)	↓	20.7	92
Knowledge and technology outputs (Knowledge creation, its impact, and diffusion)	↓	10.5	115
Creative outputs (Intangible assets, creative goods, and services, online creativity)	↑	23.5	67

In Azerbaijan, the liabilities concerning the different areas of intellectual property rights in are shared out between the State Copyright Agency and the Committee for Standardization, Metrology, and Patents. The normative acts are imposed in the country regarding the regulation of IPR. The country has the law (Law No. 504-IQ, 1988) “On Trademarks and Geographical Indications,” adopted on 12 June 1998. Azerbaijan has obligations under the international treaties to which the country is a member, has some protection and regulatory mechanisms within the framework of principles of international law (Azerbaijan and WTO, 1988). Azerbaijan has performed to advance its regulatory system over the past several years, approving a series of alterations to the tax, customs, and regulatory systems (U.S. International Trade Administration, 2021). According to the Azerbaijani business community’s report, the necessary improvements in customs declarations and collections succeeding customs reforms were implemented in 2018 (President, 2012). The introduction of a “one-stop” public service center, known as “ASAN” (“Easily accessible”) e-government service centers, has amplified efficacy and transparency for many businesses’ needs such as registering companies, patents, property titles, receiving registered licenses, simplification of customs procedures, suspension of certain work inspections, and reform of the tax regime (ASAN Service, 2018). To sum up, due to the lack of IP enforcement measures and transparency stemming from the national barriers, Azerbaijan had not taken pivotal actions against the ill-use or appropriation of its products by Armenia in Karabakh and its adjacent regions during the 30 years of occupation. During the post-liberation period, the Azerbaijani legislature should have to undertake clear-cut decisions in both effective enforcement and protection of intellectual property rights as a priority area and several inclusive measures to ensure dynamic development of the IP protection in Karabakh and its seven surrounding districts.

DOMESTIC BARRIERS IN THE ENFORCEMENT PROCEDURES OF IP

Following the demise of the Soviet Union, Azerbaijan transferred to the “bazaar economy” or “market economy” to boost up its economic and social development in various sectors. In the first decade of the 2000s, the country organized radical reforms by accepting the New Customs Code to provide transparency and effective management in the intellectual property (IP) sector however, there was and still is a deficiency of effective management policy and regulation of intellectual property in the country. According to the Global Competitiveness (2019) and Global Innovation Index (2021) by WIPO, Azerbaijan has shown a positively oriented approach and step towards innovation and IP protection. Nevertheless, this does not justify the rational enforcement and protection of IPR in Azerbaijan in the current times as the sections including human capital and research, infrastructure, knowledge, and research outputs, and mainly business has less developed along the descending line based on the GII’s report (WIPO, 2021).

The Azerbaijani government is working to reestablish the newly de-occupied territories allocating around \$1.3 billion for the reconstruction in 2021 (Anadolu Agency, 2021). These assigned funds will be used to restore damaged infrastructures (electricity, gas, water, communications, roads, education, health, etc.) as well as cultural and historical monuments. In the post-liberation period, some clear-cut actions are already being fulfilled to restore administrative bodies and create transport, energy, and communication infrastructure in the newly recovered territories. All these crucial measures will allow for the full implementation of the settlement, rehabilitation, and development activities in the liberated territories.

The overall investment climate in Azerbaijan continues to improve, although serious internal problems remain. Over the past few years, the Azerbaijani government had launched reforms to attract foreign investment, diversify its economy, and stimulate private and non-oil sector development. The country has undertaken a number of decisive actions to facilitate licensing and business, containing simplifying the licensing process, eradicating inspections of businesses (excluding taxes and other important public health) and establishing corporations between businesses and the government. It has also worked to improve the regulatory system by implementing several reforms in the tax, customs, and regulatory systems. Although the government implemented several judicial reforms in 2019, further progress is still needed to strengthen judicial independence, IP protection, and customs regulations. Strictly addressing these aforesaid barriers will expand high-quality, private sector-led infrastructure investment, increase women’s economic opportunities, will facilitate a healthy work atmosphere for the digital economy, and transparent enforcement and development of IPR protection.

Currently, even though the Armenian administration has begun to take steps to create a stable economic environment, many significant challenges and roadblocks remain. There are numerous open issues with monopolization in specific sectors or the country’s oligarchic situation. The construction of a centralized control system in the country is hampered by a lack of effective intellectual property rights (IPR) protection and enforcement mechanisms, corruption and a weak rule of law, and a lack of trans-

parency in the application of legal actions and frameworks (Azerbaijan Corruption Perception Index, 2020). Despite the Armenian government's political determination, which took office in May 2018, the tax and customs administration still lacks the institutional capacity to collect the revenues allotted (U.S International Trade Administration, 2021a). The lack of a fully functional infrastructure poses logistical obstacles, particularly in terms of accessing markets outside of Yerevan and large towns. Another issue was Azerbaijan's trade embargo, as well as the country's restricted border with Turkey, which is considered a major impediment to the country's development (U.S. International Trade Administration, 2021b). The fundamental reason for the trade ban was the Armenian government's economic and other commercial activity in Azerbaijan's seized areas. Due to the additional road distance, a lack of alternate directions, and existing weak infrastructure, transportation, and other logistical expenses through Georgia are costly. The 30-year Armenian isolation due to the Karabakh conflict has left and isolated it from the energy projects in the region. Following the Karabakh War II, the opening of the Zangazur transit corridor will allow Turkey to access Central Asia through the Caspian Sea, and Russia would benefit from the passage as well. Zangazur corridor will break the blockade of Armenia dating back to the Karabakh conflict (Huseynov, 2021). This geopolitically important corridor will allow Azerbaijan to have a land border with its territory – the Nakhichevan Autonomous Republic and will create economic opportunities for Turkish – Azerbaijani and Armenian transport. Therefore, the economic opportunities will be an area where both countries can recognize the existence of mutual interests in the future.

EMERGED PROBLEMS OF IPR DURING THE OCCUPATION OF KARABAKH

During the occupation of Karabakh, the possible mechanism for the regulation and the legal enforcement measures of intellectual property rights (IPR) by Azerbaijan in those territories were fragile. At that time, Azerbaijan was not able to provide or impose clear-cut measures regarding the transition of goods/items and any other products from the occupied territory of Karabakh to other neighbors and non-neighbor countries due to the gaps in the centralized effective protection system of IPR in the country and the destruction of Azerbaijani customs posts/checkpoints by Armenia. So that the state law on intellectual property in Karabakh and its nearby districts could not be applied by Azerbaijan due to the central authorization of Armenia in the occupied territories. The state intellectual property law of Azerbaijan was not functional in these territories and Armenians have acquired all objects and entities, misusing them that historically belong to Azerbaijan in the occupation period (Ministry of Foreign Affairs of Azerbaijan, 2019).

Azerbaijani national treasures and traditional symbols such as ancient historical works, carpets, minerals looted from the formerly occupied territories had been displayed in various exhibitions abroad under the name of Armenian national treasure. Armenians also exhibited photos of mineral deposits and up to 3,600 rock paintings in Kalbajar as their territory in Finland in 2000, today, all of which are a clear viola-

tion of intellectual property rights and rules and regulations upon IPR by the World Intellectual Property Organization. In addition, the sale of ancient Azerbaijani musical instruments by Armenians in Europe, the CIS, and North America has increased, and Karabakh carpets have been exhibited and auctioned under the name of Armenian or Persian carpets (Mammadov, Mammadov, 2017: 260). The Armenian appropriation of cultural heritage in the occupied territories is a violation of international law under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention, 1954).

A number of foreign firms and international companies have been actively involved in illegal economic activities in Azerbaijani territories to exploit natural resources. During the occupation, Armenia exercised authoritative control over the entire economic and trade system of these territories including import and export trade flows and economic resources. The participation of international organizations in these activities is undeniable. For example, hundreds of various U.S made Caterpillar trucks, agricultural tractors, and equipment from John Deere of the U.S and Deutz-Fahr of Germany, Hyundai trucks from South Korea, MT3-82.3 from Belarus as well as other types of equipment were illegally run in mining, agriculture, settlement expansion and construction of support infrastructure (Anadolu Agency, 2020).

Extraction of precious minerals and metals in the occupied territories was considered one of the main activities of Armenia. For example, the underground copper-gold mine in Gizilbulag (a subsidiary of the Armenian company Vallex Group CJSC, registered in Liechtenstein) was completely depleted during the occupation. The same applies to the open copper-molybdenum mine in Demirli. In 2014, Gold Star CJSC started gold mining near the village of Vejnali in the Zangilan district (Vallex Group, report, 2019). GPM Gold, a subsidiary of GeoProMiningLtd, has been producing ore at a gold mine in the occupied village of Soyudlu in the Kalbajar region since 2007 (Caucasus Strategic Perspectives, 2020).

According to the Armenian *unrecognized* Nagorno-Karabakh Republic's tourism Department, there was a doubling of visitors in the first quarter of 2013. According to the department, approximately 20,000 tourists from around 90 countries visited Karabakh in the 2010s, spending an estimated \$6 million on lodging, food, and services. Private or business trips to Karabakh that were not authorized by the Azerbaijani authorities were regarded as a violation of the country's internationally recognized sovereignty over the territory. More than 300 foreign dignitaries, officials, and ordinary visitors ignoring these warnings have been declared "*personae non-gratae*" by Azerbaijan (Armenian Community Council, 2015).

During the occupation, the Foreign Ministry of the Republic of Azerbaijan informed that

"any visit of an official, business, humanitarian, or tourist nature to Karabakh and seven adjacent regions of the Republic of Azerbaijan currently under military occupation by the Republic of Armenia by any person without the prior consent of the Government of the Republic of Azerbaijan is considered an illegal and grave violation of the inviolability of the Republic of Azerbaijan's internationally recognized state borders, as well as an act directed against the Republic of Azerbaijan" (Ministry of Foreign Affairs of Azerbaijan, 2019a).

Azerbaijani MFA further emphasized that

“persons violating the sovereignty and territorial integrity of the Republic of Azerbaijan are included in the blacklist and their entry to the Republic of Azerbaijan will be denied. Any further actions or attempts by ‘blacklisted’ persons to visit the occupied regions and cooperate with the illegal regime ‘acting’ there will result in relevant additional counter-measures taken by the Azerbaijani side” (Ministry of Foreign Affairs of Azerbaijan, 2020).

Therefore, any travel – relating to business or other sectors – to the Karabakh region and the surrounding occupied territories was considered unlawful by the Azerbaijan government, emphasizing that involvement in different marketable activities in occupied territories could engender criminal harassment or other legal action being taken against individuals or foreign businesses in Azerbaijan.

Although Azerbaijan is a party to the Madrid Treaty and the Madrid Protocol, the 1999 Geneva Act on the International Registration of Industrial Designs, the Geneva Act (the “The Hague Agreement”), and the International Registration of Signs under the Patent Cooperation Agreement, etc. (Intellectual Property Agency, 2021), those mentioned acts and agreements have limitations related to the legal enforcement and protection of IPR while being applied to the conflicted territories. As for the regulation of international acts within countries in the modern period, nowadays, national acts and decisions have a dominant position within the state borders before international acts and conventions. As for the application of these international acts abroad, they still cannot be applied in the context of conflict and occupied territories, and the international acts on the enforcement and protection of intellectual property rights in the occupied territory of one country are still in question.

Furthermore, the UN General Assembly in the first provision of Article 16 of the “Charter of Economic Rights and Duties of States,” adopted by resolution 3281 (XXIX) on December 12, 1974, declared that it is the right and duty of all States, individually and collectively, to eliminate colonialism, apartheid, racial discrimination, neo-colonialism, and all forms of foreign aggression, occupation, and domination, as a prerequisite for development (UN General Assembly, 1974).

and in the second provision of the same article, it is affirmed:

“States which practice such coercive policies are economically-responsible to the countries, territories, and peoples affected for the restitution and full compensation for the exploitation and depletion of, and damages to, the natural and all other resources of those countries, territories, and peoples. It is the duty of all States to extend assistance to them. No State has the right to promote or encourage investments that may constitute an obstacle to the liberation of a territory occupied by force.” (UN General Assembly, 1974, article 16).

Article 32 of the same Charter states that no State may use or encourage the use of economic, political, or other types of measures to coerce another State into subordinating the exercise of its sovereign rights (UN General Assembly, 1974, article 32).

“A similar case which can be applied to the Karabakh affair: The General Assembly, in resolutions 3175 (XXVIII) of 17 December 1973 (The UN General Assembly Resolution, 1974), 3336 (XXIX) of 17 December 1974 (The UN General Assembly

Resolution, 1974), and 3516 (XXX) of 15 December 1975 (The UN General Assembly Resolution, 1975), officially affirmed the right of Arab States and peoples whose territories were under foreign occupation to permanent sovereignty over all their natural resources, reaffirmed that all measures undertaken by Israel to exploit the human and natural resources of the occupied Arab territories were illegal, and called on Israel to halt its military spending. It affirmed the right of Arab States and peoples whose territories were under Israeli occupation to restitution and full compensation for the exploitation and looting of, and damage to, the occupied territories' natural resources, as well as the exploitation and manipulation of the occupied territories' human resources. It stated that the preceding principles applied to all states, territories, and peoples subject to foreign occupation, colonial rule, or apartheid." (Cristescu, 1981).

The Armenian diaspora is overwhelmingly supportive of the seized regions. The Artsakh Roots Investment (ARIAVAN, 2016), The US Tufenkian Foundation, the Armenian General Benevolent Union (AGBU), the Cherchian Family Foundation, Gerald Turpanjian Educational Foundation, Lincy Foundation, Shahan Natalie Family Foundation, Cafesjian Family Foundation, Armenian Cultural Association of America, Inc., and other charitable non-profit organizations provide the majority of the funding for settlement and other activities in during the occupation of Karabakh (ASBAREZ, 2014). Since the occupation of Karabakh and its surroundings territories by Armenia in the 1990s, up to date, Armenia has been engaged in different economic and commercial activities in those territories ("Armenian Weekly", 2014). So that the same resolutions (3175 (XXVIII) of 17 December 1973, 3336 (XXIX) of 17 December 1974, and 3516 (XXX) of 15 December 1975) of the UN General Assembly on the affair of Israel and the Arab territories is also applied to the illegal exploitation of natural resources by Armenia during the occupation of Karabakh, which to a large extent, requires the full compensation for the exploitation and looting of, and damage to, the occupied territories' natural resources under the resolution. Hence, another important item on the peace plan is the issue of Armenian compensation and reparations for cities, towns, and villages destroyed during the occupation of Azerbaijani territories, as the Armenian side left no stone unturned in those territories.

For nearly three decades of occupation of Karabakh and its surrounding districts in the 1990s, Armenia has been engaged in different economic and commercial activities in those territories, which were/are historically, geographically, and eternally considered the ancient territories Azerbaijan. Following the occupation, the existing geographical names of those districts have been altered, which made it easy for Armenia to use products and services in those territories that belonged to Azerbaijan. (See appendix 1 below) The actions of Armenia in the occupied territories, embrace the settlement of Armenians from the country itself and abroad, inter alia, the destruction of historical and cultural heritage, permanent infrastructure changes, illegal economic as well as other activities, the exploitation of natural and other resources and the systematic interference into the public and private property rights. The different private, foreign companies and organizations registered in Armenia properly supported by the Armenian government or based on Armenian capital had played a crucial role in facilitating economic, demographic, and cultural alteration in Karabakh and its nearby territories not only to provide their gains but also to support the protraction of those territories.

Despite the UN Security Council Resolutions (UNSCR) 822 (UN Resolution 822), 853 (UN Resolution 822), 874 (UN Resolution 822), 884 (UN Resolution 822) adopted in 1993 recognizing the territorial integrity of the Republic of Azerbaijan and demanding the unconditional liberation of the occupied Azerbaijani territories, the Republic of Armenia had pursued the policy of occupation and not taken strictly into account international legal acts and principles. The UNSC established in the aforementioned resolutions that Azerbaijan's territory was the object of military occupation, with all of the legal ramifications that this determination entails.

The four aforementioned UNSC resolutions passed in 1993 condemned the invasion and ethnic cleansing, reaffirmed Azerbaijan's territorial integrity, and demanded the immediate, complete, and unconditional withdrawal of Armenian forces from all occupied regions. However, Armenia has failed to implement these binding United Nations Security Council resolutions and the Minsk Group of the OSCE negotiations and efforts (Muradov, Hajiyeva, 2020). Although, the OSCE Minsk Group has repeatedly advocated for the self-determination of Karabakh Azerbaijan has expressed strong opposition to it. The principle of self-determination underlined in international laws and conventions such as the United Nations Charter and the Geneva Convention (Geneva Convention, 1977) repeatedly reaffirms the right to self-determination as preceding territorial integrity in situations where fundamental rights have been violated (UN Charter, 1981). The self-determination for Karabakh, on the other hand, would have been a failed policy. As in international law and conventions, there is not a provision supporting the peoples' (Armenians') self-determination in another state's (Azerbaijan) illegally occupied territories, which not only contradicts territorial integrity but also grossly violates international law principles. The self-determination of Armenians living in Karabakh is completely contrary to international legal principles and endangers Azerbaijan's entire territorial integrity. The violation of territorial integrity breaches not only the UN Charter but also other international resolutions and conventions.

To conclude, the Azerbaijani government agrees to the future coexistence of Armenians and Azerbaijanis on the condition that Armenians live in peace and harmony in Karabakh alongside Azerbaijanis exercising all social rights under the Azerbaijani laws and regulations (Aljazeera, 2020). Azerbaijan will serve as a guarantor of peace and security in the South Caucasus region in this regard. According to the Institute of Geography of the Azerbaijan National Academy of Sciences, 20,000 Armenians live in Baku today, with a total of 120,000 in the country, and almost entirely consist of persons married to Azerbaijanis or of mixed Armenian-Azerbaijani descent (UNHCR – UN Refugee Agency, 2018). As a result, the Azerbaijani government is eager to reconstruct and renovate Karabakh and its nearby regions, which are economically disadvantaged, resource-poor, and plagued by environmental issues as a result of the 30 years of illegal occupation. In this process, Azerbaijan will play an essential role in the economic, social, and cultural revival of the Karabakh region by taking the necessary measures and actions for both rehabilitation and reconciliation (Muradov, Hajiyeva, 2022: 189–228).

CONCLUSION

In contemporary international politics, intellectual property can, in certain cases, be restricted by the political decisions and interests of states as to the territorial cases. Nowadays, IP rights have increasingly become an arena for both global cooperation and conflict. The definition of international IP rules, their legal status, and their enforcement is an area of utmost international relevance by the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). In combination, the provisions of TRIPS regulations and the World Intellectual Property Organization are the institutional centerpieces for the international IP framework. However, the national level is central when it comes to the actual implementation and enforcement of the respective regulations in the country, which clearly showed itself in the case of Karabakh, that Azerbaijan could not take the legally preventive measures in the violation of IPR during the occupation of its territories. Thus, Azerbaijan has been confronted with limitations of its control over parts of its territory due to the nearly three decades of the Karabakh conflict with Armenia. With the actual enforcement of IP rules being hampered, the role and behavior of border and customs checkpoints as well as agents become central. The main reason for Azerbaijan's inability to intervene in the violation of intellectual property rights, exploitation of natural resources, and illegal export and import volumes in Karabakh and surrounding areas during the occupation was the restriction of these territories by the territorial principle of Armenia and the application of Armenian intellectual property laws and regulations. As the Karabakh conflict is a deep ethnopolitical conflict based on deep 30 years of hostility between Armenia and Azerbaijan, the protection and defense of Azerbaijan's intellectual property rights in the occupied territories within the framework of international law principles and the UN resolutions has remained silent and insufficient for a long time. If Armenia's intellectual property infringement in those territories during the occupation had been responded to merely within the framework of international legal principles, the problems related to intellectual property and illegal confiscation would have been solved long ago. The prolongation of the IPR issue during the 30-year ethnopolitical conflict between Armenia and Azerbaijan has led to the violation of Azerbaijan's intellectual property rights in the seized areas, and in this regard, the regulation of intellectual property rights has gone beyond the legal framework and been put on a political cloak. The problems with IPR in the occupied territories have neither been resolved at the state level nor under the framework of international legal norms for nearly 30 years. The enforcement of IPR rules and regulations in this circumstance can be marginalized compared to countries' moral perceptions, interests, and passions over those products as to the emerged conflict of interests. Under those mentioned statements above, in the modern era, the regulation of intellectual property includes more political issues and flavors rather than legal ones. To conclude, the Karabakh War II laid the foundation for a new status quo and changed the balance of power in the South Caucasus region. The newly established status quo will pave the way for the peacebuilding and the implementation of concrete socio-economic projects with the mutual participation of Azerbaijan and Armenia in the future. Although circumstances on the ground are perceptibly very diverse after the nearly thirty years of resentment

and much time will be required to heal the sores stemming from the Karabakh conflict. The most recent happenings in the region demonstrate persuasively that Armenia's assertive diplomacy has only brought war and destruction to the region. It is truly time to begin writing a new chapter in the shared history and the economic activities will be an initial stage through which both countries can recognize the existence of mutual interests in the future.

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APPENDIX

Original names of towns and villages of (almost all native toponyms of historical Azerbaijani places) the Republic of Azerbaijan, were changed by Armenia during the occupation.

- “Aghavnatun” – Gushchu village, Lachyn district
- “Aghavno” – Zabukh village, Lachyn district
- “Avetaranots” – Chanagchi village, Khojaly district
- “Harutyunagomer” – Gyzylgaya village, Kalbajar district
- “Aknaghbyur” – Agbulag village, Khojavand district
- “Berdzor” – town of Lachyn
- “Chankatagh” – Janyatag village, Tartar district
- “Chartar” – Guneychartar village, Khojavand district

- “Ditsmayri” – Mashadiismailly village, Zangilan district
- “Drakhtik” – Zoghalbulag village, Khojavand district
- “Drmbon” – Heyvaly village, Kalbajar district
- “Vardadzor” – Gulyatag village, Tartar district
- “Gishi” – Kish village, Khojavand district
- “Harar” – Ashaghi Farajan village, Lachyn district
- “Harav” – Harov village, Khojaly district
- “Ishkhanadzor” – Khanlyg village, Gubadly district
- “Ivanyan” – Khojaly town, Khojaly district
- “Karegah” – Garikaha village, Lachyn district
- “Ghazanchi” – Gazanchi village, Aghdam district
- “Khachgetik” – Safiyan village, Lachyn district
- “Khantsk” – Khanyeri village, Khojaly district
- “Khnapat” – Khanabad village, Khojaly district
- “Khramort” – Pirlar village, Khojaly district
- “Karmir Shouka” – Ghyrmyzy Bazar village, Khojavand district
- “Karotan” – Kavdadyg village, Gubadly district
- “Karvachar” – Kalbajar town, Kalbajar district
- “Kolatak” – Kolatagh village, Kalbajar district
- “Kusapat” – Gasapet village, Tartar district
- “Lisagor” – Turshsu village, Susha district
- “Maghavuz” – Chardagly village, Tartar district
- “Mataghis” – Madaqiz village, Tartar district
- “Martakert” – Aghdara town, Tartar district
- “Mets Shen” – Boyuk Galadarasy village, Shusha district
- “Midjnavan” – Minjivan town, Zangilan district
- “Nareshtar” – Narynjlar village, Kalbajar district
- “Nngi” – Jamiyyat town, Khojavand district
- “Norashenik” – Tezekend village, Lachyn district
- “Nor Maragha” – Gizil Kengerli village, Aghdam district
- “Shushi” – town of Shusha
- “Shosh” – Shushikend village, Khojaly district
- “Stepanakert” – town of Khankandi
- “Tsakhkashen” – Demirli village, Tartar district
- “Togh” – Tugh village, Khojavand district
- “Tsobadzor” – Chopdere village, Zangilan district
- “Tsor” – Sor, Khojavand district
- “Urekan” – Ishygly village, Gubadly district
- “Vardabats” – Ulashly village, Gubadly district
- “Vardadzor” – Pirjamal village, Khojaly district
- “Vank” – Vangli village, Kalbajar district
- “Voghchi river” – Okhchuchay river, Zangilan district
- “Yeritsvank” – Birinci Alibayli, Zangilan district
- “Zuar” – Zulfugarly village, Kalbajar district

Source: Report by Ministry of Foreign Affairs of Azerbaijan, 2016.

ABSTRACT

Until recently, intellectual property law has been kept away from the political realm, as it was merely linked to economic and legal factors. However, in light of recent geopolitical processes and politically charged conflicts, political science has taken dominance in terms of intellectual property (IP) development and proclivities. In contemporary international politics, it is critical to explain and perceive IP tendencies and systems from the perspectives of political science and political economy, to consider appropriate retorts to processes arising from IPR conflicts in the Karabakh region of Azerbaijan during the occupation. Azerbaijan had been confronted with limitations of its control over its territory due to the nearly three decades of the Karabakh conflict. In this regard, the article will answer questions related to the violation of intellectual property rights, the exploitation of goods and services, as well as the other IPR problems encountered by Azerbaijan during the occupation of Karabakh.

Keywords: Azerbaijan, Armenia, exploitation, Karabakh, intellectual property rights, the politicization of intellectual property

**UPOLITYCZNIENIE KWESTII PRAW WŁASNOŚCI INTELEKTUALNEJ
W KONTEKŚCIE KONFLIKTU W KARABACHU****STRESZCZENIE**

Do niedawna prawo własności intelektualnej utrzymywane było z dala od sfery politycznej, ponieważ kwestia ta związana była jedynie z czynnikami ekonomicznymi oraz prawnymi. Jednak w świetle ostatnich procesów geopolitycznych i konfliktów o podłożu politycznym zagadnienie własności intelektualnej stało się obiektem zainteresowania nauk politycznych. Obszar Karabachu przez blisko 30 lat pozostawał terenem działań wojennych oraz okupacji. Dlatego też zdaniem autorki analiza problemów związanych z prawem własności intelektualnej na obszarze Karabachu powinna być przeprowadzona w oparciu o instrumentarium nauki o stosunkach międzynarodowych oraz ekonomii politycznej. Artykuł stawia sobie za cel analizę kwestii naruszania praw własności intelektualnej, eksploatacji towarów i usług, a także innych problemów związanych z prawami własności intelektualnej z jakimi zmagają się Azerbejdżan podczas okupacji Karabachu.

Słowa kluczowe: Azerbejdżan, Armenia, eksploatacja, Karabach, prawa własności intelektualnej, upolitycznienie własności intelektualnej