

## HISTORICAL DEVELOPMENT OF MONGOLIAN PATENT LAW: FROM REGULATIONS TO PATENT LAW

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### **Abstract**

Patent legal systems essentially verify the creation of inventions and grant the inventors an exclusive right to use their inventions for a certain period, as well as allow third parties with opportunities to use the inventions with their permission. In Mongolia, the patent legal basis began developing during the centralized planned economy of the 1940s. At that time, when all material wealth was owned by the public, private property was not recognized, and the people who invented inventions were not allowed to freely enjoy the benefits of their works, and only the right to be identified as the author. The state takes sole responsibility for the implementation of patented inventions for industry. We intend to conduct a historical analysis of how Mongolia established the legal foundations of patents within a socialist ownership framework. The insight into the historical development of Mongolia's patent system may be helpful in exploring another unique historical trajectory through which the globally implemented patent systems has evolved.

**Keywords:** Mongolian patent legal basis, authorship of inventions, civil law system, international treaties, the fourth Constitution, patent law

### **Introduction to Mongolian patent legal basis**

The initial foundation of patent system in Mongolia has been laid by incentivizing innovation and creativity in the 1940s. Historically, Mongolia transformed from a feudalism to Constitutional institution in 1924.<sup>1</sup>In the feudal society, social labor was underdeveloped, and household production was its nascent stages, and even animal husbandry, agriculture, and craftsmanship did not evolve separately.<sup>2</sup>The first Constitution of Mongolia was adopted on 26 November of 1924 and the Constitutions of 1924, 1940, and 1960 are considered as socialist nature.<sup>3</sup>Along with the transition to socialist development, the country's policy needed to be directed towards supporting social production and establishing a technical foundation.<sup>4</sup>During this period, in the 1940s, the foundation of the patent system in Mongolian history was emerged.<sup>5</sup>The core characteristic of the socialist legal system, which existed from 1922 to 1990, included in the Soviet Union and People's Republic of Mongolia (PRM), was the socialist property system.<sup>6</sup>This societal approach towards intellectual output as "public or communal ownership" and this ideological view guided the legal regulation of intellectual property in Mongolia between 1930 and 1990<sup>7</sup>. During this era, the benefits

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<sup>1</sup>B.Chimid, Constitutional concepts: Common issues, The first note, Ulaanbaatar, 2004, p.209.

<sup>2</sup>Ts.Gurbadam, *The issue of accelerating scientific and technological process in the Republic of Mongolia*, Ulaanbaatar 1974, p.83.

<sup>3</sup>J.Amarsanaa, *Development of Constitutionalism in Mongolia*, Asia Law Review, Vol.3, No.1: 97-111, South Korea 1997, p.100.

<sup>4</sup>Ts.Gurbadam, *The issue of accelerating scientific and technological process in the Republic of Mongolia*, Ulaanbaatar 1974, p.85.

<sup>5</sup>Mongolian Intellectual Property Office, *The origin and development of the Intellectual Property Organization of Mongolia*, 2007, p.3.

<sup>6</sup>B.Buyankhishig, *Transition of property system of Mongolia*, Ulaanbaatar, p.37

<sup>7</sup>N.Chinbat, *Notes for Civil law lecture (General)*, Ulaanbaatar, Admon Print LLC, 2014

derived from intellectual output were shared by society at large, and government policy emphasized rewarding innovators and ensuring the exploitation of their creations to encourage creativity<sup>8</sup>.

Accordingly, the Council of People's Ministers of the PRM, by resolution 63rd of meeting of May 19, 1944, legislated the first regulation on "Instruction for rewarding innovators of new things and rationalization proposals in industry," which is officially considered to be legal basis for patent.<sup>9</sup> According to the resolution, the amount of monetary rewards awarded to those who come up with rationalization proposals for production and invent new things has been regulated based on the savings achieved from introducing the idea into industrial production. Civil law of 1952 was considered as the first law that regulated inventions.<sup>10</sup> However, modern intellectual property principles, such as the concept of private property and market-driven use, did not exist until the fourth Constitution of Mongolia was adopted in 1992. Before the fourth Constitution, Law on Amendments to the Civil Law of 1963 of December 6, 1990, allows diverse forms of property and the first time, private property was recognized.<sup>11</sup> The abolition of the socialist property system and the restoration of private property were the "miracles" of the reforms of the 1990s.<sup>12</sup> However, at that time, the Constitution did not recognize private property. Under the Constitution of 1992, there has been an official transition from a socialist legal system of uniform ownership to democratic legal system that recognizes diverse property relations.<sup>13</sup> One of the clear results of Mongolia's irreversible transition to a democratic market development path is the fact that the concept of recognizing the benefits of intellectual property not only as an inventor and innovator, but also as factor in meeting socio-economic and spiritual needs has been defined and practically implemented in life. A year later, in 1993, the first Patent and Copyright laws were adopted. There is strictly limited source of historical development of Mongolian patent system. In our previous study, we initially endeavored to investigate the patent system chronologically, with an emphasis on the social and practical implementation. Through the study, we found that intellectual creation were considered public property, and authors did not enjoy ownership rights over their creations, instead, they were rewarded or recognized by the state.<sup>14</sup> An historical approach has applied to this study to further examine the historical development that led to emergence of the specialized patent law that protects the rights of innovators and inventors in Mongolia.

### **Rules and Regulations for Invention**

In the socialist period, state policy in the field of science and technology was aligned with centralized planned economy. The first Constitution of People's Republic of Mongolia of 1924 declared that "...any property should be in the hands of people, and no private property should be established in this regard".<sup>15</sup> The constitution was revised in the 1940s and 1960s, still did not recognize private property and thus all Constitutions and laws were of a

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<sup>8</sup>B.Odgerel, *Historical development of patent legal regulation in Mongolia before the ratification of Constitution of 1992*, Mongolian State and law Journal, Ulaanbaatar 2024, p.69.

<sup>9</sup>Mongolian Intellectual Property Office, *The origin and development of the Intellectual Property Organization of Mongolia*, Ulaanbaatar 2007, p.5.

<sup>10</sup>D.Demberel, G.Gombo, Ts.Batjargal, *A patent for an invention*, Ulaanbaatar, TUM 2000, pp.30-31

<sup>11</sup>Z.Sukhbaatar, B.Batbayar, P.Oyundelger, *Civil legislation of Mongolia (historical compilation) 1206-2012*, Ulaanbaatar 2012, pp.225

<sup>12</sup>B. Chimid, in *Critical Issues of State, Party, and Legal Reform*, 2nd volume, 2008, page 154

<sup>13</sup>B.Chimid, *Constitutional concepts: Common issues*, The first note, Ulaanbaatar, 2004, pp.173

<sup>14</sup>B.Odgerel, *Historical development of patent legal regulation in Mongolia before the ratification of Constitution of 1992*, Mongolian State and law Journal, Ulaanbaatar 2024, p.84.

<sup>15</sup>Constitution of the People's Republic of Mongolia of 1924, Chapter 1, Article 3 (1)

socialist nature. During that period of time, the economic foundation was based on socialist ownership.<sup>16</sup> The citizens' property is treated as a form of property "originated by Socialist property" and the items invented by the citizens were subjected to socialist property.<sup>17</sup> The State is the sole proprietor of socialist property and assets. During this historical period, government decrees and decisions focused on promoting innovative movements within the socialist labor movement and fostering technical creative thinking. According to this, the first legislative act named "Instruction for rewarding innovators of new things and rationalization proposals in industry" was approved by Resolution No. 63 of The Council of People's Ministers of the PRM to encourage inventive creativity. The resolutions issued by the Council of Ministers of the PRM held the same authority and binding legal force as laws. According to Article 27 of the 1940 Constitution stated, "*The supreme executive and administrative body of the People's Republic of Mongolia shall be the Council of Ministers,*" and Article 30 provided that, "*Resolutions and directives issued by the Council of Ministers shall be binding and enforceable throughout the territory of the People's Republic of Mongolia.*" Judging the content of the resolution, the term "new things" was used in the first time in the context of an invention.<sup>18</sup> The rationalization proposals were acting as innovation<sup>19</sup>, hence, in this study hereinafter new things referred to as an invention, and rationalization proposals to as an innovation and hereinafter referred to collectively as inventions and innovations (I&I).

The resolution was legislated the following four major regulations: 1) to award monetary prizes to those who create I&I; 2) to register I&I and issue of authorship certificates to I&I inventors; 3) to use and disseminate I&I; and 4) maintain a state register of documents issued by appropriate ministries.<sup>20</sup> Therefore, by providing monetary incentives, the state encouraged creativity and inspired laborers to innovate. However, the state-directed use of intellectual creations was not aimed at fostering competition or meeting market demand; it was instead focused on fulfilling national production needs.<sup>21</sup> The intellectual creations produced by citizens were placed under state control, and their usage was managed by the state. Between 1954 and 1980, working people were honored and glorified.<sup>22</sup> While the government continues to promote, encourage, and honor creators even today, the socialist system was fundamentally different from market-oriented systems that grant inventors the right to freely exploit their inventions. Still, this was a formative period during which discussions began about the role of creators as sources of innovation.<sup>23</sup> This reflects the typical features of a socialist legal system, where state policies actively supported and administered innovative activities. Besides regulating registration of the inventors who created I&I, the resolution also placed responsibility for the implementation and use of these I&I on the state. However, it was regulated differently from the socialist countries, which supported competition-based production, for example the Soviet Union.<sup>24</sup>

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<sup>16</sup>S.Narangerel, *Legal system of Mongolia*, Ulaanbaatar, Interpress, 2004, pp.34

<sup>17</sup>B.Buyankhishig, *Transition of property system of Mongolia*, Ulaanbaatar, 2023, pp.43

<sup>18</sup>D.Demberel, G.Gombo, Ts.Batjargal, *A patent for an invention*, Ulaanbaatar, TUM 2000, 28

<sup>19</sup>N.Sonintamir, D.Bathuyag, *Environment study for innovation and development strategy*,

<sup>20</sup>D.Demberel, G.Gombo, Ts.Batjargal, *A patent for an invention*, Ulaanbaatar, TUM 2000, pp.26

<sup>21</sup>B.Odgerel, *Historical development of patent legal regulation in Mongolia before the ratification of Constitution of 1992*, Mongolian State and Law Journal, Ulaanbaatar 2024, p.69.

<sup>22</sup>Institute of History and Ethnography, *Socio-economic achievements of the People's Republic of Mongolia: experience and lessons learned (from 1984 to the late 1980s)*, Ulaanbaatar, 2022, pp.11

<sup>23</sup>Council of the Mongolian Society of Innovators, *Materials of the III Congress of the Mongolian Society of Innovators*, 1988, p.113.

<sup>24</sup>Lebedenko, S. (2025). Open Innovation under authoritarianism: The case of the Soviet Union. *The Journal of World Intellectual Property*, 28, 3–23. <https://doi.org/10.1111/jwip.12318>

Subsequently, the “Regulations and Instructions on Inventions, Discoveries, and Rationalization proposals” were adopted under Resolution No. 237 of May 17, 1960. This established rules for recognizing and rewarding inventors and creators of discoveries, inventions and rationalization proposals. Under the regulation, State Commission responsible for managing innovative activity in the country is firstly established and stipulated that a certificate of authorship for inventions or a patent for inventions could be issued upon request.<sup>25</sup> In Mongolia, therefore, the first authorship certificate (No. 1) for invention was granted to T. Ayurzana titled “The Orkhon fine-wool sheep breed”<sup>26</sup> on January 13, 1961, and then the first patent (No.1) for this invention was reissued in 1963.<sup>27</sup> The Regulation was amended in 1970 and the relationship between authorship certificates and patents was regulated separately in line with the Civil Law regulation of intellectual works and the relationship related to their use.

### **Civil Law System**

The Civil Law of 1952 was the initial legislation that governed the registration and utilization of intellectual creations. The law aimed to regulate these relations, initiating Mongolia’s adoption of international norms and the categorization of intellectual creations. Chapter 18 of the law addressed “Copyright,” and Chapter 19 addressed “Rights to Inventions,” thereby new regulation that separately regulate inventions that used to be granted authorship certificates from copyright works. The term “invention” was defined as “A solution to a technical problem achieved through creative means, which must be capable of practical application in industrial, constitute a technically feasible proposal, and be previously unpublished, undisclosed, and new in the Mongolian People's Republic or abroad.”<sup>28</sup> These legal provisions aligned with the general principles of international patent legal system, namely, that inventions must offer technical solutions applicable in production, be new, and not previously published anywhere in the world. However, the term “patent” was not used in this legislation, defining as rights to inventions. Regarding types of ownership, Article 31 of the law classified property as “state ownership, cooperative or public organization ownership, and personal ownership.” Since private ownership of inventions had not yet been recognized, there were social conditions that did not meet the conditions to be defined as a “patent”. As patents are typically based on private ownership, the lack of legal recognition for such ownership precluded the use of the patent concept. It should be noted that the term “inventor” has been newly introduced and defined in a manner that distinguishes it from the term “author” used in copyright. However, inventions continued to be governed under the framework of authorship certificates and Article 293 of Chapter 19 of the Civil Law, provided that: “If an inventor wishes to claim their rights to an invention, they must submit the drawings of the invention to the relevant ministry and file an application in order to obtain authorship certificate”.

Accordingly, the 1963 Civil Law, under Chapter 6, the protection of the rights of inventors, including the issuance of patents and copyright certificates, their replacement, the use of inventions, and the resolution of disputes related to use of copyright and inventions

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<sup>25</sup> Mongolian Intellectual Property Office, *The origin and development of the Intellectual Property Organization of Mongolia*, 2007, pp.8

<sup>26</sup> Mongolian Intellectual Property Office, *The origin and development of the Intellectual Property Organization of Mongolia*, 2007, pp.8

<sup>27</sup> Intellectual Property Office of Mongolia, Industrial Property Database: Patent, [https://publish.ipom.mn/wopublish-search/public/patents?1&query=\\*>\\*](https://publish.ipom.mn/wopublish-search/public/patents?1&query=*>*)

<sup>28</sup> Z. Sukhbaatar, B. Batbayar, P. Oyundelger, *Civil Legislation of Mongolia (historical compilation) 1206-2012*, Ulaanbaatar 2012, pp.116

were first legislated. The first paragraph of Article 358 of part VI of the Law provides that: “the inventor may either declare himself to be the author, a certificate of authorship is issued, or, having declared himself to be author, request, at his own discretion, the granting of an exclusive rights certificate is granted. According to this provision, the inventor of an invention has the legal right, if he so desires, to obtain authorship certificate or exclusive rights documents. Moreover, Article 359 further specified that only a certificate of authorship could be issued for certain inventions, such as medicines created by non-chemical means, flavoring and nutritional substances. Exclusive rights certificates could be granted only for the methods of making such substances. Additionally, in the case of new breeds of agricultural animals or poultry and new varieties of crops, only authorship certificates would be issued again distinguishing between types of inventions and their legal treatment. The Law also specified that when an invention was created under an official assignment or with financial or material support from the State, cooperative, or public organization, only a certificate of authorship would be issued, not an exclusive rights certificate. This distinction highlights the higher legal weight of the exclusive rights certificate. Since 1963, the legal regulation of patents has been regulated in accordance with Civil law.<sup>29</sup> All regulations had been enacted in compliance with the corresponding provisions of the Civil Law.

However, as a form of property, private property was not recognized by the Constitution or Civil Law. Under Article 59 of the Civil Law classified property into two types: “socialist property” and “personal property” and still all inventions and copyrights were the property of the state. The Civil Law of 1963 was amended on December 6, 1990, Part II, entitled “Property rights”, has been revised.<sup>30</sup> The reason why here was called revised is that it completely changed property relations in the PRM. According to the Article of 59, “private property” is allowed, and thus legalized, so that there could be mixed forms of property. Moreover, intellectual values were included as a type of property in possessions. This historic property transition was related to the victory of the democratic revolution in 1990 and was a historical moment after development of the concept of a new Constitution, which was ratified on 12 May of 1990 and it was noted as a transitional law called “the Constitutional Amendment Law”.<sup>31</sup> However, the Constitution did not affect economic and property relations, abolished the old regime of a single-party dominance, fundamentally changed the structure of the state to build a permanent parliament. Thus, at that time, when the Constitution did not recognize private property, property relations were changed Civil law. If there had been a Constitutional Court, it would have introduced a new property system into Civil law that could be argued to violate the Constitution. It should be noted that the law is first to define the concept of intellectual property as a legal category.<sup>32</sup> Between 1963 and 1990, a total of 538 foreign and domestic inventions were registered, of these, 95% (511) received certificates of authorship and only 15% (27) were granted patents.<sup>33</sup> The registered inventions were mainly industrial in nature, including equipment, tools, technological processes, chemical substances, microbial strains, animal breeds, and plant varieties. Although inventors were given the option to choose between a certificate of authorship and a patent, most of them chose the certificate of authorship, even

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<sup>29</sup>D. Demberel, G. Gombo, Ts. Batjargal, *A patent for an invention*, Ulaanbaatar, TUM 2000, pp.30-31

<sup>30</sup>Z. Sukhbaatar, B. Batbayar, P. Oyundelger, *Civil Legislation of Mongolia (historical compilation) 1206-2012*, Ulaanbaatar 2012, pp.225-235

<sup>31</sup>B. Chimid, *Knowledge for Constitution*, pp.38

<sup>32</sup>N. Chinbat, *Notes for Civil law lecture (General)*, Ulaanbaatar, Admon Print LLC, 2014, pp.208

<sup>33</sup>Ministry of national development of the PRM, Patent and Trademark Office, *Some comments and research on the draft law of the PRM on discovery, inventions, design and innovative ideas*, 1991, pp.6

for inventions eligible for patent protection. This preference may be explained by the legal conditions at the time: certificates of authorship were granted indefinitely, whereas patents were issued for a period of 15 years from the date of recognition of the invention's originality.

### **International treaties**

Mongolia adopted the first Constitution in 1924 and was revised in the 1940s and 1960s during the socialist period. The State's intentions to drastically alter human life culture, socialization patterns, economic structure, and political system were linked to the revision.<sup>34</sup> One major factor that sparked these reforms was the State's intensification of its international relations. By 1961, the PRM had established diplomatic ties with over 20 nations in Asia and Europe, facilitating the development of various forms of cooperation, including political, economic, and cultural ones.<sup>35</sup> The PRM became a member of the United Nations on 27<sup>th</sup> October 1961 and has supported the principle of the Universal Declaration of Human Rights<sup>36</sup>, and subsequently acceding the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1974.<sup>37</sup> The PRM acceded to multilateral human rights treaties that declared the right of individuals to enjoy the benefits of their creations and to protect their economic and moral rights. By doing so, the State undertook the obligation to safeguard the interests of its citizens. These declarations are considered foundational human rights documents, and any state party to them is required to align its Constitution and sectoral legislation with the provisions of such treaties.<sup>38</sup>

In 1978, the PRM ratified the Convention Establishing the World Intellectual Property Organization (hereinafter, referred to as "the WIPO Convention"), thereby laying the foundational basis for developing attitudes toward intellectual creations in line with global trends. The establishment of WIPO is associated with a historic period when international intellectual property (IP) protection systems were forming.<sup>39</sup> Promoting the protection of intellectual property globally is one of the main objectives of the WIPO.<sup>40</sup> Its functions also cover establishing international norms and standards, collecting IP-related data, and offering services to simplify global IP protection. The WIPO Convention not only defines the organization's purpose, responsibilities, structure and administrative arrangements but also defines the concept of intellectual property and has developed a distinct legal framework for separating industrial property from copyright so that inventors and authors enjoy exclusive rights under both systems and can control the use of their inventions and works. Therefore, by joining international intellectual property treaties, the PRM had entered a legal domain where individuals are allowed to manage and benefit from their own intellectual works, an approach which is somewhat opposed to the socialist policy framework, where the sole state ownership was the primary feature. Although it was contradictory in terms of content and social policy belonging to socialist property, in terms of its nature it was a major step towards

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<sup>34</sup>B. Buyankhishig, Transition of property system of Mongolia, Ulaanbaatar, 2023, p.43

<sup>35</sup>Institute of History and Ethnography, Socio-economic achievements of the People's Republic of Mongolia: experience and lessons learned (from 1984 to the late 1980s), Ulaanbaatar, 2022, p.73

<sup>36</sup>State Bulletin Special Volume 1, 2004, art. 27 (2).

<sup>37</sup>State Bulletin Special Volume 1, 2004.

<sup>38</sup>J. Amarsanaa, Human rights, International and National legal issues, 2000, p.59-60

<sup>39</sup>WIPO, CNIPA, *Intellectual Property basics: A Q&A for students*, page 17

<sup>40</sup>WIPO, Summary of the Convention Establishing the World Intellectual Property Organization (WIPO Convention) (1967), [https://www.wipo.int/treaties/en/convention/summary\\_wipo\\_convention.html](https://www.wipo.int/treaties/en/convention/summary_wipo_convention.html)

cooperation with other countries and keeping pace with the general trend of global development.<sup>41</sup>

Following its accession to the WIPO Convention, the PRM became a party to the Paris Convention for the Protection of Industrial Property (hereinafter, referred to as “the Paris Convention”) and the Madrid Agreement Concerning the International Registration of Marks in 1984<sup>42</sup>. The Paris Convention broadly defines the rights associated with industrial property, encompassing patents, trademarks, industrial designs, utility models, trade names, geographical indications, and protection against unfair competition. It also sets out fundamental principles that member states must follow, such as the principles of national treatment, right of priority, independent protection, compulsory licensing, grace periods, and non-infringement of exclusive rights. Furthermore, the Convention requires member states to establish specialized industrial property agencies and provide specific services, including official publications.<sup>43</sup> As a result of the PRM’s accession to the Paris Convention, patent office was first established in October 1990 under the Ministry of National Development, before industrial property activities were under the responsibility of corresponding Departments of the different Government Agencies such as the State Planning Commission (from 1945) and State Board on Standardization (1960), the State Committee for Science and Technology (1971).<sup>44</sup> Another notable achievement was the introduction, from 1989 onward, of quarterly publications that included bibliographic data on newly registered inventions, industrial designs, and trademarks. Between 1963 and 1990, a total of 538 domestic and foreign inventions were registered, of which 23% (109 inventions) were filed from abroad, and 77% (84) of those received authorship certificates.<sup>45</sup> The first patent granted to a foreign invention was granted on January 14, 1975, to Japanese national Shigeru Iwasawa for Invention No. 155 titled “Material for Home Coverings and Its Manufacturing Method”<sup>46</sup>, under the Resolution No. 136 on April 14, 1972, which regulated the granting of patents to foreign inventions and established applicable fees. Following this, the PRM began its activities to protect the rights of foreign countries on intellectual property rights before ratifying the international intellectual property treaties, including Paris Convention.

#### **The fourth Constitution**

Under the fourth Constitution<sup>47</sup> of 1992, there has been a transition from a socialist legal system of uniform ownership to democratic legal system that recognizes diverse property relations.<sup>48</sup> The PRM has strengthened its independence under three previous Constitutions and, under the influence of the post-Soviet restructuring, has made significant progress in social and cultural fields, taking steps to keep pace with global developments.<sup>49</sup> The fourth Constitution has been considered new democratic Constitution,

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<sup>41</sup>B.Odgerel, *Historical development of patent legal regulation in Mongolia before the ratification of Constitution of 1992*, Mongolian State and Law Journal, Ulaanbaatar 2024, p.69.

<sup>42</sup>State Bulletin Special Issue 3, 2005

<sup>43</sup>Paris Convention for the Protection of Industrial Property (1979), Art. 12 (1).

<sup>44</sup>Mongolian Intellectual Property Office, *The introduction to the Intellectual Property Organization*, 2025 <https://www.ipom.gov.mn/mn.php?page=32>

<sup>45</sup>Patent and Trademark Office under the Ministry of National Development, 1991, *Some comments and research on the draft law of republic of Mongolia on discoveries, inventions, designs, and rational proposals*, 1991, p.6

<sup>46</sup>Mongolian Intellectual Property Office, *The origin and development of the Intellectual Property Organization of Mongolia*, 2007, pp.17

<sup>47</sup>State Bulletin Volume 1, Constitution of Mongolia, 1995, art.16 (8)

<sup>48</sup>B.Chimid, *Constitutional concepts: Common issues*, The first note, Ulaanbaatar, 2004, pp.173

<sup>49</sup>J.Amarsanaa, *Development of Constitutionalism in Mongolia*, Asia Law Review, Vol.3, No.1: 97-111, South Korea 1997, p.106.

while strengthening the sovereignty and independence, instituting state policy that recognize and protect all forms of public and private property, and declares market economy.<sup>50</sup> Thus, Mongolia has irreversibly shifted to a market-driven economic development path. However, before the Constitution recognize private property, diverse forms of property and the first time, private property was allowed under Law on Amendments to the Civil Law of 1963 of December 6, 1990.<sup>51</sup> The abolition of the socialist property system and the restoration of private property were the "miracles" of the reforms of the 1990s.<sup>52</sup> The characteristics of the transition period are associated with shift from a centrally planned economic system to a market-oriented social system.<sup>53</sup> One of the clear results of Mongolia's irreversible transition to a democratic market development path is the fact that the concept of recognizing the benefits of intellectual property not only as an inventor and innovator, but also as factor in meeting socio-economic and spiritual needs has been defined and practically implemented in life.

Article 7(2) of the Constitution, "Intellectual value created by citizens is his/her own property and wealth of Mongolia". According to the Article 16 (8) of the Constitution ratified that the citizens of Mongolia have the rights and freedoms to engage in cultural, artistic and scientific activities, to create works, and to benefit from them. The rights of authors, inventions, and discoveries shall be protected by law. It is a certain outcome of the fact that intellectual property has been accepted as a property, inventor, or author has granted the right to own their inventions and creations. After recognizing intellectual property as a property by the Constitution, the first Patent law was adopted in 1993. And the first Copyright law was adopted in 1993. Thus, about 50 years after the first regulation of I&I was enacted in Mongolia, specialized patent law was enacted. The purpose of Mongolian Patent law was to encourage inventions and innovations through promoting the protection and utilization, and to eventually contribute to industrial development.

## Conclusion

During the socialist period, intellectual works were considered public property, and authors did not personally enjoy rights related to their creations. Authorship certificates were solely granted for inventions between 1944 and 1963. In 1963, the Civil law was revised, which established a new legal regulation that provided authorship certificates and exclusive rights documents for inventions. The 1963 Civil law, as revised in 1990, legalized private property, including intellectual property. Although private property was not ratified by the Constitution, it can be concluded that patents and copyrights began to be recognized within Civil law due to the influence of legal reforms that took place in the PRM in the last years of socialist regime. In addition, adhering to the Universal Declaration of Human Rights, the WIPO Convention and the Paris Convention could be foundation to explain the reason for protection an invention with patent in socialist ownership-based society. A democratic Constitution of 1992 recognized private property, and Intellectual property as such first recognized by the Constitution of Mongolia from 1992. Consequently, Mongolia adopted a Patent law about 50 years after enacting first regulations of encouraging and rewarding intellectual achievements of innovators in 1944.

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<sup>50</sup>B.Chimid, Constitutional concepts: Common issues, The first note, Ulaanbaatar, 2004, p.225.

<sup>51</sup>Z.Sukhbaatar, B.Batbayar, P.Oyundelger, Civil legislation of Mongolia (historical compilation) 1206-2012, Ulaanbaatar 2012, pp.225

<sup>52</sup>B. Chimid, in Critical Issues of State, Party, and Legal Reform, 2nd volume, 2008, page 154

<sup>53</sup>B.Buyankhishig, *Transition of property system of Mongolia*, Ulaanbaatar 2023, p.134

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