

LAW OF INTELLECTUAL PROPERTY. INTRODUCTION TO UKRAINIAN LAW.

PH.D., ATTORNEY AT LAW

© GLOTOV S.

WHAT DO YOU KNOW ABOUT IP ?

In the U.S., in one kindergarten created a miracle wall with half-meter images of cartoon characters from Walt Disney: Mickey Mouse, Donald Duck, Goofy and others. (Fort Lauderdale News&Sun-Sentinel, "Cartoon Figures Run Afoul of Law," Chicago Tribune, April 27, 1989)

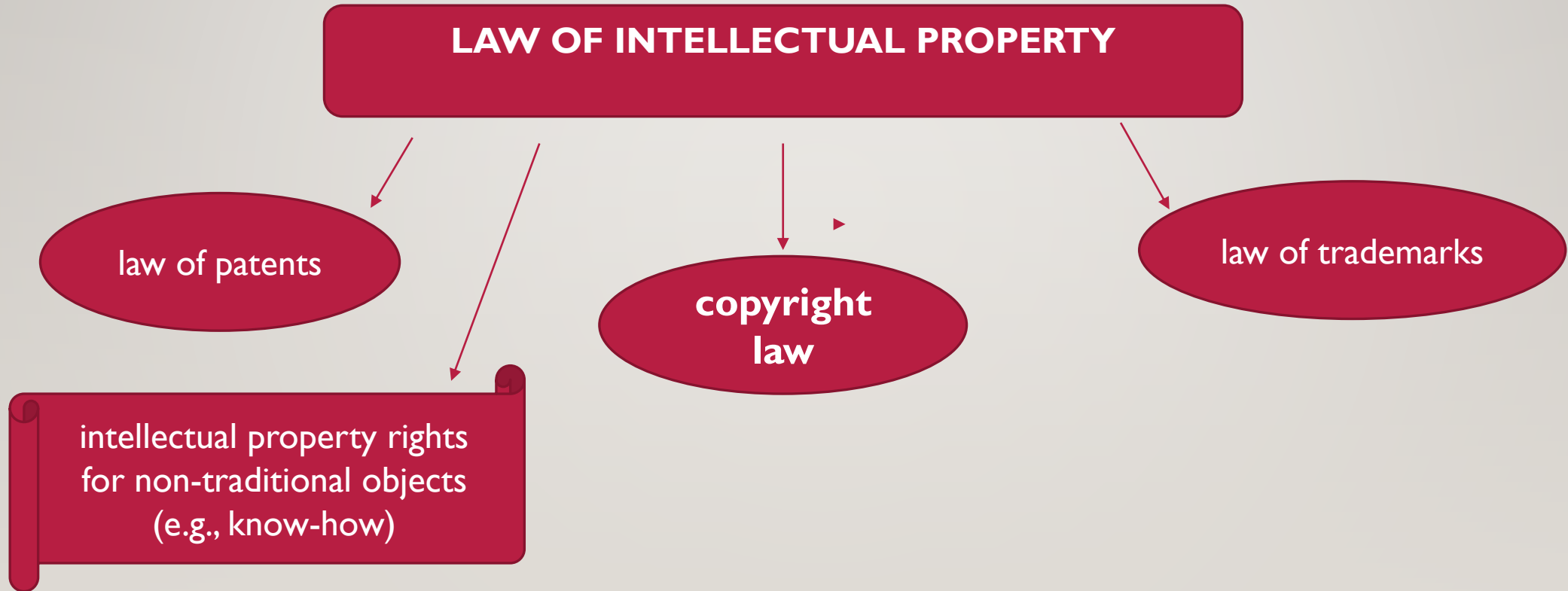
The lawyers of the Disney Corporation found out about it and, of course, made claims about it. Of course, because these images were made without permission. The lawyers documented this fact and wrote a letter to the director of the kindergarten that they were facing a lawsuit. The children were very upset. After all, this wall created a mood for them. And Gallandale Township authorities came out in support of the kindergarten. The mayor of the city said: it is a pity that a corporation, whose business has grown to cosmic proportions thanks to the children's money, cannot be kind and generous. This condemnation, however, had no effect on the Disney Corporation. The corporation said it was its final decision. As a result, the wall had to be repainted.

This story shows very well how each of us, with good intentions, can find ourselves in a situation we do not understand. It's also a story about how intellectual property is not only about creativity, but also about big money. An American pharmaceutical company spends millions of dollars on each of its studies. Each patent on a pharmaceutical invention costs it up to \$1 million. And we are not even talking here about the billions of dollars in lawsuits that Pfizer brings to defend its inventions (patents).

So I invite you to take a look not only into the world of creativity and law, but also to see how and at what cost the big money revolves around.



THE CONCEPT OF INTELLECTUAL PROPERTY LAW



TYPES OF PROPERTY

>

Real property (right in rem)
Book 3 CCU

Intellectual property
Book 4 CCU

Copyright; Related rights; The right to an invention; The right to a utility model; The right to an industrial design; The right to a commercial name; The right to a trademark; The right to a geographical indication; The right to layout of semiconductor products; The right to a plant variety, animal breed; The right to rationalization proposal; The right to a trade secret

NATURE OF INTELLECTUAL PROPERTY RIGHTS

Property rights & IP rights: - elements of the system of absolute rights.



According to Johann Gottlieb Fichte, there are two types of property:

property embodied in material (a book as the material basis of a work)



personal property - the work itself

ownership = the right to use, possess and dispossess

IP right is the right to use, to authorize the use of others, to prohibit the use.

IP right = Exclusive right

The validity of the property right is not limited in time.

IP rights (in terms of property rights) are limited in time.

NATURE OF INTELLECTUAL PROPERTY RIGHTS

NB!

Intellectual property = a component of intangible assets.

Intellectual property falls within the scope of Article 1 of Protocol No. 1 to the European Convention on Human Rights.

PRESENTATION OVER

THANK YOU!