

Summary

Key Words: Objects of intellectual property, right, means of individualization, Customs aspect.

Subject matter: The legal regime of objects of intellectual property: civil law and customs and legal aspects

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The topicality of the research. The formation and development of Institute of intellectual property created the preconditions for the dissemination of advanced scientific and technological knowledge in the form of commodities, and accelerated movement of the economy towards more knowledge-intensive model of development promotes the formation of new sectors of world trade - intellectual property market that is rapidly developing, involving a commercial turnover of new facilities.

One of the conditions of integration of Russia into international system of economic relations is the establishment of a mechanism for effective use and the legal transfer of scientific and technological achievements and other results of intellectual activity in the form of IP. This provision is of utmost importance for a number of reasons.

The relevance of the research topic is also a need to address customs and legal regulation of relations of IP, because there is a need for legal regulation of the international exchange of IP by improving the latter by means of unification of international and national patent laws, the formation mechanism of effective control by customs bodies ensuring compliance with the customs of the movement of intellectual activity results in Russian and global economy.

The aim of the research. The main goal of this work is to analyse the legal regime of intellectual property, subject to study civil law and customs law aspects of these relations..

Objectives:

- to investigate the nature of specific categories of intangible objects, which include the results of intellectual activities, especially those that have acquired IP rights;
- to determine the essential characteristics of IP as an object of economic relations;
- to define the features of functioning of the IP system in Russia, to identify the main problems of formation and development of the national market of IP, to show possible ways of minimization of their negative consequences;
- identify and justify what is happening in modern conditions of society development the transformation of the concept of IP, to identify the main trends and problems of development of new sectors of world trade - the market is.
- to generate basic insights on IP issues and to develop methodological approaches to their solution.

The theoretical and practical value of the research consists in the analysis of scientific literature and the Constitution of the Russian Federation, other regulatory legal acts of the Russian Federation related to the activity of the Commissioner for human rights in the Russian Federation.

Separate provision developed by the author, suitable for use in the educational process of training students in teaching courses of civil and international private law.

The results obtained: The evaluation of the innovation system of Russia in the work are its competitive weaknesses, including low patent activity, intellectual property infringement, intellectual piracy, the lack of the necessary innovation infrastructure, the share of low technology and high-tech products in exports, the lack of clear national innovation strategy and private research and development the majority of Russian business structures.

Also an important problem – both for domestic and international technology transfer is the lack in Russia of a common database of objects of copyright. The creation of such system will be convenient for users of technology, and will reduce the level of violations in the intellectual sphere. Achievements in the field of intellectual property is the Foundation of all society, all humanity, technology transfer, transfer of rights to results of intellectual activity – the key to effective use of these results and development of a modern economy.

In accordance with the Customs code of the Customs Union, one of the tasks of customs authorities is to ensure the protection of intellectual property rights in the customs territory of the Customs Union, as well as monitoring the correctness of determining the customs value of the goods and levying customs payments. In this connection, when crossing the customs border of the Customs Union are of special importance are two aspects: the inclusion of payments for the use of intellectual property objects in the customs value of goods, and compliance with measures to protect intellectual property rights.

Recommendations:

Performed in the international comparison of the influence of the level of national protection of intellectual property rights and innovative activity in the country and helped to justify the need:

- unification of international and national patent laws in such areas as harmonization of patent procedures concerning the filing, search and examination of patent applications and grant of patents;
- mutual recognition of the results of the patent search; the harmonization of patentability criteria on the level of global novelty, inventive step;
- the creation of a common patent space on the basis of rapprochement of national legislations through the conclusion of international conventions and agreements in the field of patent protection, etc.

Analysis of the existing regulatory framework of the process of legal regulation of the international exchange of IP made it possible to prove the following areas of improvement as the formation mechanism of effective control by customs bodies ensuring compliance with the customs of the movement of intellectual activity results in Russian and global economy; and the use of financial instruments to support the development of the national innovation system of Russia.