

PROTECTION OF COPYRIGHT IN THE EU

Goal: Defining features of copyright protection in the EU and stages of development

Copyright in the objective sense is a body of law governing the range of public relations for the creation and use of works of science, literature and the arts.

The essence of copyright and related rights is not only that for copyright and related rights recognized set of rights and personal non-property nature, but also that the law gives them the opportunity to apply measures to recognize and remedy.

An important milestone in shaping the international system of copyright was signed July 17, 1952 in Geneva Universal Copyright Convention. New rules of international law governing the use of copyright in the digital environment, including the Internet, was enshrined in the Copyright Treaty, adopted by the Diplomatic Conference on December 20, 1996 at the World Intellectual Property Organization.

In the second half of the twentieth century, copyright was considered one of the essential human rights reflected in the Universal Declaration of Human Rights proclaimed by the United Nations on 10 December 1948 (Article 27), the International Covenant on Economic, Social and Cultural law, adopted within the organization 16 December 1966 (Article 15).

Part of the special system of EU law is the institution of intellectual property rights. His appearance and development strongly associated with intellectualization of human life, the development of information technology and culture. Creating a single European market requires the harmonization of national laws of the Member States, and improving the protection of intellectual property rights at the international level.

Directive - the most common type of EU regulations in the field of intellectual property. Of the fifteen EU directives on regulation of legal relations associated with intellectual property, eight belong to the protection of copyright and related rights.

— Council Directive 89/552/EU of 3 Oct. 1989 on the coordination of certain provisions recognized laws, regulations and administrative provisions of the Member States relating to television broadcasting;

— Council Directive 91/250/EU of 14 May 1991 on the legal protection of computer programs;

— Council Directive 92/100/EU of 19 November 1992 on rental right, lending right and certain related rights of intellectual property;

— Council Directive 93/83 EU of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission;

— Council Directive 93/98 /EU of October 29, 1993 on the harmonization of the term of protection of copyright and certain related rights;

— Directive of the European Parliament and of the Council 96/9 / EU of 11 March 1996 on the legal protection of databases;

— Directive of the European Parliament and of the Council 2001/84 / EU of 27 September 2001 on the resale right for the benefit of the original work;

— Directive of the European Parliament and of the Council 2001/29 / EU of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society.

Intellectual property is distributed in countries - members of the EU, directly affecting the national system of legal protection. His example shows the positive impact of Eastern European countries that have already gained membership in the EU (Poland, Czech Republic, Slovakia, the Baltic states, Hungary). For these countries focus on EU law was an important factor in the development of national legislation, given the fact that many aspects of intellectual property rights relevant rules ahead of EU-level regulation of the World Intellectual Property Organization, and in some cases - and the development of US intellectual property rights.

Intellectual property EU formed a long, difficult and very difficult. The main problem was the fact that this law is territorial in nature, that legal protection of intellectual property is provided in one state is not valid in other states. In addition, in different countries there are differences in the levels of health, especially the practice of law. Every state primarily to ensure national rights holders, generally contrary to the purposes and principles of the Single Market.

An important impetus for the development of integration processes in the field of intellectual property within the EU was developed in the practice of the Court of Justice doctrine of "exhaustion of patent rights." Its essence is that the owner of the rights to the products of intellectual activity can not use national intellectual property laws to prevent the export or import of these products and thereby limit not only the scope of the principle of free movement of goods and services, and competition in the EU.

To implement the harmonization and unification of legislation and prevent the use of intellectual property for the purpose of unfair competition governing bodies of the EU take measures such as participation in the major international organizations for protection of intellectual property, preparation of special sections for the agreements on the accession of future members, but the main thing is relevant resolutions of the EU.

All regulations of the EU in the field of intellectual property belonging to "secondary law" EU related to the legislative work of the Council and the

Commission of the European Communities involving the European Parliament. Normative activities of the Community based on competence, which is clearly defined in the founding treaties of the EU, especially in ch. 1, Art. 249 of the Treaty on the Community. According to it, the governing bodies of the EU belong to the Council, the Commission, the European Parliament entitled under the contract provided it to issue regulations. Thus, the main regulators of integration processes in the EU acts of EU - regulations, directives, decisions. Intellectual property rights in the EU are governed mainly regulations and directives.

Thus, the institution of intellectual property rights is part of the special system of EU law EU. His appearance and development strongly associated with intellectualization of human life, the development of information technology and culture. Creating a single European market requires the harmonization of national laws of the Member States, and improving the protection of intellectual property rights at the international level.

Intellectual property is distributed in countries – members of the EU, directly affecting the national system of legal protection. So, continuing multistage process of convergence of national systems of legal regulation of intellectual property. Given this, there is a special procedure for the implementation of EU directives into domestic law, related to the adoption of special laws or regulations of the Member States.

Interstate agreements establish mutual rights and obligations of the participating countries and is the main legal form of cooperation in the field of copyright and related rights.

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ВНУТРІШНЬО ПЕРЕМІЩЕНІ ОСОБИ ТА ЇХ МІСЦЕ В РЕФОРМУВАННІ СОЦІАЛЬНОЇ СФЕРИ

Тимчасова окупація Автономної Республіки Крим, м. Севастополя та проведення антитерористичної операції в окремих районах Луганської та Донецької областей стали серйозним випробуванням для України та її громадян. Сотні тисяч людей змінили своє місце проживання та праці. Особливо стресовою і травматичною ситуацією ці події стали для дітей, інвалідів, осіб похилого віку. Такі особи, беззаперечно потребують захисту та забезпечення з боку держави, в першу чергу, соціального. Ці обставини стали викликом для держави, суспільства та сучасної науки права соціального забезпечення. Проблема внутрішнього переміщення, у теперішньому її вигляді, є абсолютно новою та малодослідженою. Таким чином, визначення правового статусу та шляхів удосконалення правового регулювання внутрішньо переміщених осіб – одне із головних завдань.

Сьогодні вже стало очевидним, що в науці з'явився раніше невідомий, новий суб'єкт – внутрішньо переміщені особи. Поява останнього постала актуальним питанням у праві соціального забезпечення. У науковій юридичній літературі поширені такі терміни як: «внутрішні мігранти», «вимушені переселенці», «особи, переміщені всередині країни», «внутрішньо переміщені особи» та інші. В англомовних джерелах усі ці поняття відповідають терміну «*internally displaced persons*», що дослівно перекладається як внутрішньо переміщені особи (далі – ВПО). Вперше цей термін був закріплений у Керівних принципах з питань переміщення осіб всередині країни [1] ООН (1998), в яких сформульовані права внутрішньо переміщених осіб і зобов'язання держав щодо до цієї категорії населення. Вказані принципи хоча і не є обов'язковими, проте засновані на нормах міжнародного права, отже покликані бути орієнтиром для країн при плануванні і розробці ефективних заходів, необхідних при вирішенні проблем внутрішньо переміщених осіб.