

SUBJECTS OF ADMINISTRATIVE LIABILITY FOR THE ILLEGAL USE OF THE INTELLECTUAL PROPERTY RIGHTS

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The article analyzes the main approaches to the issues of administrative liability of legal entities existing in the administrative-legal doctrine, analyzes the current legislation of Ukraine by the rules of which provides for the liability of legal entities in the sphere of illegal use of objects of intellectual property rights. Issues of legal liability of legal entities have always been relevant and of practical importance, especially as regards the investigation of problematic issues related to the subjects of administrative responsibility for the illegal use of intellectual property objects.

Legal responsibility in the field of intellectual property protection is governed by a large number of domestic and international legislation, among which, in addition to the rules of special legislation, administrative law plays a leading role. However, there are drawbacks to special laws in the field of intellectual property protection, with the exception of the Laws of Ukraine «On Protection of Plant Variety Rights» and «Copyright and Related Rights», the rules of which establish the liability of legal entities. Unlike these specific legislative acts, other specialized laws only include the indication that the protection of the personal non-property and property rights of the subjects of intellectual property rights is exercised in the manner prescribed by administrative, civil and criminal law.

At present, the current Code of Administrative Offenses establishes administrative responsibility only for individuals. However, a number of laws have effectively established liability and legal entities, which by their nature cannot be considered as administrative responsibility, as evidenced by a large number of legislative acts, including in the field of protection of intellectual property rights, the prescriptions of which establish liability. legal entities in full, ie contains norms of direct effect. In this case, the procedure for proceeding in these cases, appealing against decisions, decrees, and authorities authorized to impose penalties, is different.

On the basis of doctrinal opinions, analysis of the norms of the current legislation, it was concluded that further scientific search with the further necessity of normative fixation of the said institute in the current administrative-tort legislation of Ukraine.

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