

Human rights in the modern world are a problem, the solution of which lies at the center of practical activity of the international community and each state. The state elected by folk should defend the rights, however they aren't always observed. Even today rich people have more power and rights, sometimes their interests become beyond rights of ordinary people. Our world should exterminate this problem; everybody must fight for his rights and defend them. Moreover it is necessary to respect other people's rights.

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## **ANALYSIS OF JUDICIAL PRACTICE OF PROTECTION OF RIGHTS TO INVENTIONS (UTILITY MODELS)**

To start with, the number of disputes over the violation of the rights to inventions and utility models is steadily increasing. The law of Ukraine "On the Protection of Rights to Inventions and Utility Models" does not properly regulate the relations related to the resolution of disputes on this object of patent rights, as it indicates only the list of possible patent disputes.

The rules for the protection of the rights to utility models (inventions) in the legislation of Ukraine need to be improved. In particular, in contrast to the Law of Ukraine "On Copyright and Related Rights" (section V of the law, which defines types of violations of copyright (related rights), the procedure for the protection, special methods of protecting rights, ways to ensure a claim in cases

of copyright and related law violations, inventions (utility models), industrial designs contain only two special articles on patent rights violations and ways of protecting rights. Some rules on how to protect the rights to utility models (inventions) are enshrined in Civil and Commercial codes. Therefore, courts should turn to court practice when considering cases.

For example, the resolution of the Plenary meeting of the Supreme Economic Court of Ukraine dated October 17, 2012 No. 12 "On Some Issues of the Practice of Resolving Disputes Related to the Protection of Intellectual Property Rights", which is very helpful for courts in considering cases in this category, contains interpretation and analysis of only a few aspects of resolution of patent disputes.

The list of litigations gives an opportunity to indirectly conclude on possible ways to protect patent rights. At the same time, establishing the fact of using the invention (utility model), industrial design, infringement of the rights of the holder of a patent, the conclusion and execution of license agreements is not the means of protecting rights. These circumstances, which are subject to clarification during the trial, are the grounds for the claim.

It should be emphasized that any violation of the rights of the patentee recognizes any use of the invention (utility model) that is carried out without patentee's permission, except in cases explicitly provided for by law (these are actions that are not recognized as violations of the rights of the patentee, provided for in Article 31 of the Law of Ukraine "On the Protection of the Rights to Inventions and Utility Models ": the right of the previous user, usage without a commercial purpose, for scientific purposes, in the experimental procedure, in extraordinary circumstances, etc.).

Therefore, we consider that the Patent law of Ukraine (the Law of Ukraine "On the Protection of the Rights to Inventions and Utility Models") should be supplemented by the rules on the types of violations of patent rights, on special ways of protecting the rights to inventions (utility models).

In conclusion, it is worth saying that it is necessary to extend the national legislation for the proper protection of the rights of the holder of a patent for the invention (utility model). It is expedient to borrow from copyright such way of protection as compensation for the violation of patent rights with the adoption of appropriate amendments to the Laws of Ukraine "On the Protection of Rights to Inventions and Utility Models".