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ENTITIES AS COPYRIGHT PROPRIETORS

The issues of copyright proprietors were considered in one way or another by many scholars who studied the institute of copyright. At this stage of its development, civil law has developed definitive approaches to understanding the copyright proprietors, and this has been embodied in legislative norms. In particular, there is no doubt the correctness of the delineation of the concepts of "author" and "copyright proprietor", since the latter is broader in its content. The modern legal doctrine proceeds the fact that a legal entity can not be the author of a work, because the work is created only by the creative work of an individual. Thus, a legal entity can create organizational, material conditions for the creative work of a person, but he or she can not be an author [1, c.574].

According to Art. 7 of the Law "On Copyright and Related Rights" the copyright proprietors are the authors of works, their heirs and the persons to whom the authors or their heirs transferred their copyright property rights [2]. However, many issues related to the emergence and the realization of copyright by a legal entity remains either vague or controversial. In modern civil studies, the role of a legal entity is reduced to the status of secondary proprietors. Thus, the secondary proprietors of copyright should be understood as the fiscal or entities who did not participate in the creation of a work of science, literature and art, but acquired a certain amount of property rights of intellectual property to the work by law or by contract. Secondary proprietors of copyright to the work may be: heirs of the author; an employer; a customer.

These persons may be the copyright proprietors to the work by law only in the case when this right was not previously transferred to them by the contract to other persons fully or partly. Thus, not only physical, but also a legal entity can be the copyright proprietor to the work under the contract [3, c.112].

However, the legislation of Ukraine provides for the occurrence of copyright in a legal entity, even from the moment of the creation of the work, that is, on the original grounds. But at the same time, this ownership of rights is often complicated by the parallel occurrence of rights to the same object in other persons - direct authors of the work. In this case, the realization of joint copyrights encounters certain difficulties and accordingly requires more detailed regulation than it is carried out by the Civil Code of Ukraine. Conflict situations that arise in the realization of rights to official objects, require a detailed study of relations both at the time of creation of the work, and after that. The problem of the expediency of providing a legal person with certain non-proprietary copyright rights remains uncertain.

It should be noted that a legal entity occupies a significant place among all the parties in the copyright relationship. The grounds for acquiring its copyrights vary in their diversity and affect the scope of copyright of such a subject. It also depends on the specifics of the legal entity's implementation of copyright, and the ability to enforce their judicial protection [4, p.551].

Also, it is worth noting that they need analysis and provisions on the grounds for the acquisition and ways of implementing the copyright of a legal entity, the specifics of the implementation of copyright, owned jointly by legal entities and others. Such research will help to identify the main ways to improve the legislation in the field of copyright and to supplement it with modern security mechanisms.

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