

**SYLLABUS FROM THE DISCIPLINE**  
**INTELLECTUAL PROPERTY AND PRIVATE INTERNATIONAL LAW**



**I semester**

**Lectures:** according to the schedule

**Seminars:** according to the schedule

**Teacher team:**

**Lecturer:** Krutko Iryna Mykolayivna

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**Hours of reception and consultation:** every Tuesday from 12.30-14.00

**Course web page:** <http://do.kart.edu.ua/>

**Additional information materials:** <http://metod.kart.edu.ua>

The Constitution of Ukraine proclaims the right of everyone to property, including intellectual property. Intellectual property is the result of human creativity. In this regard, intellectual property, and especially industrial property rights (inventions, industrial designs and marks for goods and services) acquires special significance not only as a means of self-expression, but also as a commercial value. The results of creative activity appear in several aspects: as an idea, as a scientific, cultural heritage of society, information, as a material carrier and as property rights arising from their creation. The discipline "Intellectual Property and Private International Law" has a complex character, namely economic and legal nature.

The study of the discipline "Intellectual Property and International Private Law" provides an in-depth study of relations on the creation and circulation of intellectual property, firm mastery of the legal mechanism of their regulation, obtaining the necessary skills to qualify creative activities, and protection of property and personal non-property rights of authors and owners. both in Ukraine and abroad.

The result of studying the discipline "Intellectual Property and Private International Law" is the acquisition by students of universal professional competencies in the use of intellectual property and private international law in the activities of the enterprise.

Professional competencies - autonomy and responsibility and communication, are determined by the ability to use the basic provisions of current legislation in the field of intellectual property, legal terms, concepts and theories of intellectual property law in the course of economic activity. Personal competencies are defined through the ability to independently analyze scientific and practical problems, conduct comparative legal analysis, independently analyze and summarize case law, as well as to protect intellectual property.

Communications are manifested in: free possession of terminology in the field of intellectual property rights and skills of working with the Civil Code of Ukraine and other sources for the definition of intellectual property; ability to further self-improvement in the field of intellectual property.

Autonomy and responsibility: the ability to independently analyze and summarize judicial practice; independently solve scientific and practical problems in the field of activities related to the transfer of intellectual property rights; understand the reasons, conditions and trends of change of legal doctrine in the field of implementation and regulation of intellectual property; participate in the development of regulations in accordance with the profile of their professional activities; to carry out professional activities on the basis of developed legal awareness, legal thinking and legal culture.

Key competencies that students acquire after studying the discipline "Intellectual Property and Private International Law":

1. Political and social - the ability to work towards achieving socially useful goals;
2. Communicative - mastery of technologies of oral and written communication, including different languages;
3. Special - readiness to perform professional actions independently, objective assessment of one's own work, readiness to take specific actions if necessary;
4. Cognitive - the ability to learn throughout life, the ability to increase and actualize their own potential, self-development.

General subject competencies are formed in accordance with a certain range of disciplines in the training of students.

### **Why should you choose this course?**

For Ukraine, European integration is a way to modernize the economy, overcome technological backwardness, attract foreign investment and new technologies, create new jobs, increase the competitiveness of domestic producers, enter world markets, especially the EU market.

To achieve this goal, it is necessary to have an idea of the legal mechanism that governs the legal relations between economic entities around the world. Each country has its own legislation. And it is the rules of private international law (WFP), in a broad sense, regulate any international relations of private law (civil, commercial, family, labor, currency, land, procedural). The subject of WFP's legal regulation is not only civil law relations, but also relations in the currency, financial, tax and customs spheres, and at this stage of state development these issues are the most significant. The essence of WFP is very clearly expressed in the Law on WFP of China (§ 1 "Purpose of the law"): "This law is adopted to determine the law applicable to civil law relations that extend beyond one state, to allow cross-border civil disputes and protect the legitimate rights and interests of individuals. "

An integral part of international economic relations is the use of intellectual property.

This is of great importance in the intensive development of the market of intellectual property rights, turning them into an important factor in the competitiveness of the enterprise and the economy as a whole. A modern specialist in any field needs knowledge of theory and practice in intellectual property and private international law to carry out professional activities in economic conditions. Acquired practical skills can be used in solving specific legal situations that arise in the field of international private law relations.

So, if you want to learn how to stand up for your rights, then you should definitely take this course!

Acquaintance with the specified course will help students to acquire the corresponding theoretical knowledge and skills, to be guided in the current legislation, to work with the international regulatory legal acts, correctly to apply legal norms to concrete practical situations.

### **Course overview**

This course, which is studied according to the study schedule and gives students a deep mastery of theoretical knowledge of intellectual and private international law and the acquisition of practical skills in the application of laws, principles, methods, technologies and procedures; acquisition of skills and formation of competencies in legal relations for the regulation of intellectual property rights and private international law, property and personal non-property rights of authors, the grounds for their emergence and implementation ..

Number of ECTS credits - 3.

Lectures - 30 hours.

Practice - 15 hours.

The course is taught according to the schedule. It is accompanied by text material and group lessons. Students will have the opportunity to apply the acquired knowledge and

solve practical problems during discussions in the classroom and the development of relevant tasks, their solutions and drafting documents.

### Course resources

Information about the course is posted on the University website (<http://kart.edu.ua>), including the curriculum, lecture materials, tasks and rules of course evaluation).

Additional material and links to electronic resources are available on the University's website in the section "distance learning" along with the issues to consider during the preparation for discussion in the audience. The necessary preparation must be completed before the next lecture. You have to be prepared for discussions and brainstorming - we want to know what you think!

### Course topics

1 semester. For full-time study

Week	Number of hours	Lecture topic	Number of hours	Theme of laboratory, practical, seminars
1	2	3	4	5
1,2	4	General provisions on intellectual property rights	4	General provisions on intellectual property rights
3,4,5	6	General characteristics of intellectual property law institutions	6	General characteristics of intellectual property law institutions
6,7	4	Means of intellectual property protection	4	Means of intellectual property protection
		1 module		1 module
8,9	4	General principles of private international law (WFP)	4	Means of intellectual property protection
10	2	Subjects of WFP. Property right	2	Subjects of WFP. Property right
11,12	4	Ownership in WFP. Transactions and obligations in the WFP	4	Ownership in WFP. Transactions and obligations in the WFP
13,14	4	Labor relations in WFP. International civil proceedings and arbitration	4	Labor relations in WFP. International civil proceedings and arbitration
		2 module, credit		2 module, credit

For distance learning

Week	Number of hours	Lecture topic	Number of hours	Theme of laboratory, practical, seminars
1	2	3	4	5
	2	General provisions on intellectual property rights. Characteristics of intellectual property law institutions	2	General provisions on intellectual property rights. Characteristics of intellectual property law institutions
	2	Means of intellectual property protection	2	General characteristics of intellectual property law institutions
	2	General principles of private international law (WFP). Subjects of WFP. Property right	2	General principles of private international law (WFP). Subjects of WFP. Property right
	2	Deeds and obligations in the WFP. Labor relations in the WFP. International civil proceedings and arbitration	2	Deeds and obligations in the WFP. Labor relations in the WFP. International civil proceedings and arbitration
		test		

### Evaluation rules

When filling in the student's test report and test book (individual curriculum), the grade set on a 100-point scale must be transferred to the national scale (5, 4, 3,) and the ECTS scale (A, B, C, D, E)

Determination of the name on a state scale (assessment)	Determining the name on the ECTS scale	On a 100-point scale	ECTS rating
EXCELLENT - 5	Excellent - excellent performance with only a small number of errors	90-100	A
GOOD - 4	Very good - above average with a few errors	82-89	B
	Well - in general correct work with a certain number of gross errors	75-81	C
SATISFACTORY - 3	Satisfactory - not bad, but with many shortcomings	69-74	D
	Enough - the performance meets the minimum criteria	60-68	E

Unsatisfactory - 2	Unsatisfactory - you need to work before you get credit (without re-studying the module)	35-59	FX
	Unsatisfactory - serious further work required (re-study of the module)	<35	F

Tasks for independent work:

- Students must complete an individual assignment during the semester. For timely and correct performance of the task 25 points are accrued to the current modular control. Points are not awarded for a failed task. The required amount of the task is 50% for the first modular control and 100% for the second modular control. The course of the current task and questions for discussion are sent to the teacher's e-mail or checked by him personally.
- Students should review one student's or group's work during the semester in person and express their criticism.

№ з/п	The name of the topic of the task
1	Legal form of realization of the right to intellectual property objects
2	Legal protection of copyright and related rights
3	Legal protection of means of individualization of participants in trade, goods and services
4	International legal protection of intellectual property.
5	Protection of intellectual property rights
6	General characteristics of the Law of Ukraine "On Private International Law" of June 23, 2005
7	Stages of law enforcement in private international law (draw up a scheme)
8	Percentage Structure for establishing the content of foreign legislation in accordance with the European Convention on Information on Foreign Legislation of 1968
9	The procedure for establishing the content of foreign law provided by the current legislation of Ukraine.
10	Features of the legal status of international organizations as subjects of WFP.
11	Features of the legal status of transnational corporations as subjects of WFP.
12	Features of creation and activity of offshore companies
13	International legal regulation of foreign investment. Guarantees of property rights of foreign investors in WTO agreements
14	The relationship between the concepts of "agreement in private international law" and "foreign trade agreement"
15	Legal problems of choosing the right in relation to part of the transaction and in relation to its various parts
16	Conflict of law regulation of international contracts of sale of goods
17	Peculiarities of concluding, executing and terminating contracts of sale in accordance with the 1980 Vienna Convention on Contracts for the International Sale of Goods.
18	General characteristics of WTO agreements on international trade
19	Concepts and types of international transportation. International transport

	organizations and their role in the unification of legislation on international transport
20	International sea transportation. Brussels Convention for the Unification of Certain Rules of Bill of Lading, 1924 (ed. 1968). United Nations Convention on the Carriage of Goods by Sea 1978 International Maritime Organization (IMO)
21	International rail transportation. Agreement on International Rail Transport (COTIF) 1980 Agreement on International Rail Transport (SMGS) 1951 (ed. 1992). Limits of liability of railways due to damage or loss of cargo
22	International road transport. Convention on Contracts for the International Carriage of Goods by Road (CCT) 1956 Customs Convention on the International Carriage of Goods under Cover of a TIR Carnet of 14 November 1975 p. Liability of the trucker for loss of cargo
23	International air transportation. Montreal Convention for the Unification of Certain Rules for International Carriage by Air of 28 May. 1999 International Civil Aviation Organization (ICAO). Liability of the air carrier to passengers and shippers for non-compliance with the terms of the contract
24	Legal characteristics of the conflict of laws "law of the location of the thing" (lex rei sitae) and other conflict of laws, which are used in resolving conflicting issues of property relations
25	Historical and legal aspects of the formation of the conflict rule - the law of the location of the thing (lex rei sitae) in the countries of the Romano-Germanic system of law and the Anglo-American system of law
26	Resolving conflicting issues of property rights under the laws of Ukraine, other countries of the Romano-Germanic legal system and the countries of the Anglo-American legal system.
27	Legal analysis of international conventions on state immunity
28	The procedure for establishing the content of foreign law provided by the current legislation of Ukraine
29	Procedure for establishing the content of foreign law in accordance with the European Convention on Information on Foreign Law 1968

Attending lectures:

Points for this component are awarded in general, if the student did not attend more than 50% of lectures in the module without good reason. 1 point is awarded for attending each lecture. The maximum amount is 10 points.

Degree of involvement:

The purpose of the course is to engage you in a discussion, expand your learning opportunities for yourself and your peers, and give you another way to test your knowledge of law in public administration. Participation will be evaluated based on the number and accuracy of your answers. Issues, although encouraged, are not evaluated in this block. We strive to provide all students with equal and fair opportunities to increase their own involvement. The maximum amount is 10 points.

Practical training:

Evaluated by visits (up to 3 points), the degree of involvement (up to 7 points) and a brief presentation of the task (up to 5 points). The degree of involvement is determined by

participation in the work of the discussion club on jurisprudence. The maximum amount is 15 points.

#### Modular testing:

Evaluated by the correct answers to the test modular questions (10 questions in the test, each correct answer is evaluated in 4 points). The maximum number is 40 points per module.

#### Test:

- The student receives a credit for the results of the modular 1st and 2nd control by accumulating points. The maximum number of points that a student can receive is 100 (up to 60 points of current control and up to 40 points of testing). The arithmetic mean of the sum of modular grades is the credit score. If the student does not agree with the proposed scores, he can increase them on the test, answering questions from the teacher.

#### Teacher team:

Krutko Iryna Mykolayivna (<http://kart.edu.ua/kafedra-etip-ua/istoriya-stvorenniya-kafedri-etip-ua>) - lecturer on jurisprudence at UkrDUZT. Received Areas of research: intellectual law, private international law, contract law, family law, labor law; social security law; Administrative Law; Criminal Law.

Gaivoronska Tetyana Mykolayivna ([www.kart.edu.ua/kafedra-etip-ua](http://www.kart.edu.ua/kafedra-etip-ua) / [kolectuv-kafedru-etip-ua / etip12@ukr.net](mailto:kolectuv-kafedru-etip-ua@ukr.net)) - lecturer on legal issues at UkrDUZT. Received the degree of Ph.D. in the specialty 12.00.06 - land law, agrarian law, environmental law, natural resource law; awarded the academic title of associate professor of the Department of Occupational Safety and Environment at UkrDUZT in 1994. Areas of scientific activity: ecological, land, natural resource relations on railway transport, legal relations on the railways of Ukraine.

#### Program learning outcomes

In the process of studying the discipline, students must master the following skills:

- carry out a comprehensive analysis of intellectual property;
- to form a modern scientific understanding of the essence of intellectual property, methodological links and patterns of development;
- understand the importance of copyright, intellectual property rights in Ukraine and related rights;
- to master practical skills in the legal regulation of patent law;
- to acquire fundamental knowledge on the legal protection of intellectual property and their protection in Ukraine and the world;
- be able to correctly assess the situational circumstances and make optimal decisions on the effectiveness of the application in practice of the rules governing private law relations with a foreign element;
- be able to competently compile relevant documents, such as contracts, applications, receipts, work independently with regulatory materials, educational and special literature;



- be able to quickly find the necessary material, regulations, correctly interpret and apply them in specific situations.
- acquisition of skills in working with regulations;
- application of acquired knowledge in solving practical issues in the field of legal regulation of intellectual property law and private international law.

## Code of Academic Integrity

Violation of the Code of Academic Integrity of the Ukrainian State University of Railway Transport is a serious violation, even if it is unintentional. The code is available at:

<http://kart.edu.ua/documentu-zvo-ua>

In particular, compliance with the Code of Academic Integrity of UkrDUZT means that all work on exams and tests must be performed individually. When working independently, students can consult with teachers and other students, but must solve problems on their own, guided by their own knowledge, skills and abilities. References to all resources and sources (for example, in reports, independent papers or presentations) should be clearly identified and properly designed. In the case of working with other students on individual tasks, you should indicate the degree of their involvement in the work.

## Integration of students with disabilities

Higher education is a leading factor in raising social status, achieving spiritual, material independence and socialization of young people with disabilities and in