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«Полоцкий государственный университет»
Региональный учебно-научно-практический Юридический центр

**ПРАВОВАЯ ЗАЩИТА
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ:
ПРОБЛЕМЫ ТЕОРИИ И ПРАКТИКИ**

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**Правовая защита интеллектуальной собственности: проблемы
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Представлены материалы, в которых рассматриваются вопросы использования объектов интеллектуальной собственности и их правовой охраны, в том числе способы защиты исключительных прав, а также проблемы применения законодательства об интеллектуальной собственности.

Конференция проведена в формате баркемпа. Баркемп – это инновационная неформальная образовательная конференция, открытая для всех, проходящая в формате докладов, лекций, тренингов, презентаций, обсуждений, мастер-классов, питчей и деловых игр.

Издание может быть использовано в научной, учебной, практической деятельности и рекомендуется всем тем, кто интересуется интеллектуальной собственностью.

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COORDINATION OF INTELLECTUAL PROPERTY PROTECTION IN EUROPEAN COUNTRIES

European countries avoid direct government intervention in the regulation of intellectual property rights, with the exception of the legitimation of these rights in regulatory acts and the creation of conditions for their judicial protection. Meanwhile, the majority of issues arising in state practice are not solved by "direct" regulation, but by means of mechanisms of legal coordination, as the most "soft" method of state and legal influence. It is this kind of flexible legal regulation that contributes both to the best protection of intellectual rights and to avoids excessive government interference in the field of intellectual property.

The last decade has seen increased interest as representatives of science and practitioners to the category of "coordination". Such attention is not accidental. It is the phenomenon of coordination allows us to solve seemingly intractable problems, to mitigate the significant contradictions objectively arise between people in the course of their daily activities [1, p. 87]. Coordination is now a science about management as an important means of increasing the efficiency of any organization [2, p. 220], part of its strategy [3, p. 102]. In modern economic theory to the study of cross-functional coordination in a particular structure is given much effort and money [4, p. 22], because coordination is seen by economists as an element of tactics [5, p. 44–47], and as a way of implementation of the strategy at the macroeconomic level [6, p. 44].

Today coordination norms and mechanisms are increasingly being used in law [7, p. 138]. The authors believe that by coordinating the right faster and easier achieved positive results [8, p. 31]. The same applies to intellectual property law.

Secondly, in some countries, as, in particular, in Slovenia, the state coordinates only the sphere of legal usages in the field of intellectual law, thus legalizing these legal customs in any areas. As an example, we point out the Act regulating customs measures relating to the violation of intellectual property rights [14], where issues of customs coordination are considered.

Thirdly, states – new members of the European Union - often create coordinating bodies for “soft” and phased transfer of their legislation to the “European track”. Let us take Romania as an example. Based on such a document as «Measures for the management of cross-sectoral issues in the current negotiations at the level of the EU Council and in the context of the preparation of the Romanian Presidency of the Council» [15], today, the Government has approved via Memorandum the setting up of inter-institutional working groups that will manage cross-sectoral issues in the current EU negotiations, in terms of ensuring consistency in establishing and endorsing national positions, and of proper preparation of Romania’s agenda and priorities to the Presidency of the EU Council in the first semester of 2019. These working groups will operate on the basis of an internal inter-institutional dialogue mechanism and by defining at institutional level the national coordinators on the respective issues.

According to the Memorandum adopted today, the following working groups have been set up at national level: the Working Party on Personal Data Protection will be coordinated by the Ministry of Justice. The group will be composed of representatives of the Ministry of Justice, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Communications and Information Society and representatives of the National Supervisory Authority for Personal Data Processing); Working Group on Intellectual Property – observing the enforcement of intellectual property rights will be coordinated by the Ministry of Economy through the State Office for Inventions and Trademarks. The group will be composed of representatives of the Ministry of Economy, the Ministry of Culture and National Identity, the Romanian Copyright Office, the State Office for Inventions and Trademarks and representatives of the Ministry of Justice.

In Europe, the coordination method of legal regulation is widely used, including in the field of intellectual property protection. This is typical for most countries. This method is more flexible and allows you to achieve greater efficiency of legal regulation with, at the same time, less government influence. In practice, this method is implemented in various ways, reducible to the three

main ones. First, the rules of law on intellectual property often provide for only a restriction of government intervention in this area, or indicate self-regulation in this area of public relations. Secondly, in some countries, the state coordinates only the sphere of legal practices in the field of intellectual law, thus legalizing these legal practices in all areas. Thirdly, states - new members of the European Union - often create coordinating bodies for "soft" and phased transfer of their legislation to the "European track". We believe that such approaches are possible in the European states of the former USSR, including in Belarus, Russia, Ukraine.

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Европейские страны избегают прямого вмешательства государства в регулирование прав интеллектуальной собственности, за исключением закрепления этих прав в нормативных актах и создания условий для их судебной защиты. Между тем большинство вопросов, возникающих в государственной практике, решаются не «прямым» регулированием, а с помощью механизмов правовой координации, как наиболее «мягкого» метода государственно-правового воздействия. Именно такое гибкое правовое регулирование способствует как наилучшей защите интеллектуальных прав, так и избежанию чрезмерного вмешательства государства в сферу интеллектуальной собственности.