

SUBJECTS OF ADMINISTRATIVE ACTIVITY IN SPHERE OF PROTECTION OF RIGHTS TO PLANT VARIETIES

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The article presents the analysis of existing approaches in legal and administrative science to the definition of the control mechanism, which allows to support the structural and functional approach and to emphasize the main elements of the procedural and institutional mechanism of control in the sphere of selection achievements in plant breeding.

Subjects, bodies of executive power, administrative activities, protection, plant varieties.

In the conditions of innovative development of the world economy significantly increases the role of public administration in General and state management in the sphere of intellectual property in particular. This is due to not only the necessity of a transformation of the current legislation of the countries due to the transition to a postindustrial society, but also the need for the activities of Executive authorities in the development and implementation of the organizational influences on the intellectual property rights for the protection of the subjects of intellectual property rights owned intellectual property.

Today the main purpose of state control in the sphere of protection of plant varieties is the creation and building of such a system of bodies of Executive power, which shall meet the interests of citizens, society and state. However, despite the fact that the management activity of the Executive bodies are constantly in view, scientists administrativelaw, activity

management activity of the Executive authorities in the field the protection of plant varieties, there is insufficient attention to that and causes the relevance of this article.

The purpose of this article is to analyze the current system of state management in the sphere of protection of plant varieties and introduction of proposals on improvement of the activity of Executive bodies in this sphere. Since the main subject of the impact of administrative law is the activity of Executive bodies in the study of the system of subjects of administrative activities in the sphere of protection of rights to plant varieties as the object of intellectual property rights, first and foremost, we will be conducting a study of those subjects of governmental activity in which the state is responsible for implementation of the state policy in the sphere of protection of intellectual property rights. It should be noted that individual questions of activity of subjects of administrative activity in the sphere of protection of intellectual property were the subject of modern scientific developments of Russian scientists.

In our opinion the current system of subjects of administrative activity in the sphere of protection of rights to plant varieties can not fully ensure the protection of subjective rights of breeders, patent owners and owners of intellectual property rights on distribution of varieties. With the aim of improving the protection of selection achievements in agriculture of Ukraine, believe, plant varieties, as the object of intellectual property rights should be allocated in a separate legal institution. To this end, we offer you to create the State service on protection of selection achievements in agriculture of Ukraine, which in its activity must be subordinated to the Ministry of agrarian policy and food of Ukraine.

Proposed name and the submission complies with the legal aspects of the protection of varieties of plants as non-traditional intellectual property rights and transfer of modern biotechnology techniques, concerns the creation of these objects. In addition, given the need for further development

of the settlement of the contractual relationship between scientific breeding and commercial seed structures between creative individuals and groups mental work and their employers, which is the basis of Economics breeding and seed business, the creation of such a service would be consistent with the protection of breeders ' rights, patent owners and owners of intellectual property rights on distribution of varieties.