

TO THE QUESHTION OF CRIMINAL LIABILITY FOR VIOLATION OF ANIMAL BREEDS AS OBJECT OF INTELLECTUAL PROPERTY RIGHTS

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In the article on the basis of national legislation implemented study on criminal liability for violation of animal breeds as object of intellectual property rights and recommendations for improvement expressed existing legislation.

Criminal liability, invention, breed animals, selective breeding to achieve, object of protection, object of intellectual property rights.

One of the areas of improvement in animal breeding activity is the modernization of criminal responsibility for offenses in this area. An investigation of the legal regulation of breeding activity and responsibility in criminal law was made by scholars such as S. Kovalyeva, N. Kuzmina, V. Lebedev, P. Matishevsky, N. Havronyuk, A. Yara et al. However, the features of criminal liability for violations of tribal activities remain little studied and require further attention.

Prerequisite for the development of civil society and ensuring the development of the economic potential of the country and its competitive ability is the legal protection of intellectual and artistic activities, including, breeding and breeding achievements. Of great importance in this case belongs to the criminal law.

Article 177 of the Criminal Code "Violation of rights to inventions, utility models, industrial designs, topographies of integrated circuits, a variety of plants, rationalization proposal" provides for liability for infringement of intellectual property rights arising in the field of scientific and technological activities.

Research level criminal liability for violation of animal breeds in the science of criminal law and the law of Ukraine is not enough. Therefore , it is appropriate to base the notion of criminal liability for violation of animal breeds – a kind of legal liability, which provides criminal exposure is to limit the rights and freedoms of the person responsible for the wrongful acts that violate the right to breed animals, determined conviction Court and carried out by special bodies of executive power of the state.

Under Part 1 of Art. 2 of the Criminal Code of Ukraine base criminal liability recognized person committing socially dangerous act containing an offense under this Code. According to the foundation of criminal liability for violation of animal breeds is subject committing socially dangerous act containing the crime in this area.

Selection achievement in the field of livestock breeding - a group of breeding animals, created as a result of purposeful creative activity, has useful new economic signs and steadily transmits their descendants , and therefore , as the author claims , the invention also relates to . With such a statement difficult to accept. Law of Ukraine " On Protection of Rights to Inventions and Utility Models" defines "invention" (utility model) as a result of human intellectual activity in any field of technology, comparing it with the concept of " selective achievement " of the above , it should be noted that one common feature of these concepts is that they are the result of creative intellectual activity . About their differences , they concluded that : selective breeding to achieve – is to live an organic nature and invention, material object , the object of the material world ; essential feature of the invention according to the current legislation, it is possible to reproduce.

The whole system of patent law is based on the possibility of information transfer characteristics of the invention . Repeat the same selective breeding to achieve by classical breeding methods , it is practically impossible ; selective breeding to achieve, as opposed to the invention is characterized by the following specific features as uniformity and stability. So, on the basis of the above statements can be concluded that the selection tribe - reaching as animal breeds is not an invention, and is the object that requires special regime of criminal law protection .