

**PROBLEMS OF CRIMINAL RESPONSIBILITY OF JURIDICAL
PERSONS FOR VIOLATION OF RIGHTS TO OBJECTS OF
INTELLECTUAL PROPERTY**

O.S. YARA, *PhD (Law)*,

National University of Life and Environmental Sciences of Ukraine

The questions of subject of crime for infringement of right on legal objects of intellectual property are researched.

Subject of crime, social relations, intellectual property law, objects of intellectual property.

The discussions that are going on in modern criminal law theory on the criminal liability of legal persons, are not new. They repeatedly raised in the pages of literature. Weighing the fact that using the rights for the copyrights and industrial property rights, trade secrets majority of violations committed just legal entities consider it appropriate to draw attention to the following.

On the issue related to the criminal liability of legal persons, attention is drawn to the Convention on Cybercrime, Art. 8 which states that each of the Parties to the Convention shall adopt such legislative and other measures as may be necessary to establish as criminal offenses under its domestic law, intentional wrongful actions that lead to loss of property of another person by: a) any input, alteration, deletion or suppression of computer data; b) any interference with the functioning of a computer system; with fraudulent or dishonest intent of procuring, without right, an economic benefit for himself or another person.

In addition, Art. 10 "Corporate liability" United Nations Convention against Transnational Organized Crime states that each State Party shall take such measures as considering its legal principles can establish the liability of legal persons for participation in serious crimes. This article provides that States Parties must comply with the legal principles in determining the liability of legal persons, which may be criminal, civil or administrative. The presence of such liability should not prevent the criminal liability of individuals who have committed crimes. Guidelines for establishing criminal liability or other legal entities recognized domestic law of each State Party.

Current Ukrainian criminal legislation does not provide for criminal liability of legal persons. According ch. 1, Art. 18 Criminal Code of Ukraine offender is a natural person of sound mind who has committed a crime in the age which according to the Criminal Code may be criminal liability.

Adoption of the Law of Ukraine "On the liability of legal persons for corruption" from June 11, 2009 generated a new discussion questions on the criminal liability of legal persons. The spectrum of scientific opinions different from the possibility of objections to the possibility of recognizing the subjects of criminal liability of legal persons. Especially acute these discussions are among scientists and CIS, primarily Russia.

According to the author, our study suggests unreasonableness establish criminal liability of legal persons for violation of intellectual property rights. In addition, the entity is an abstract legal structure while criminal punishment has its own repressive aimed at will and psychological relationship to the crime. Unlike an individual, entity or does not have the mind or will. According fault legal person can not be installed by the same rules as the individual fault.