

**LEGAL REGULATION OF ENGINEERING MONITORING**  
**In the study INTELLECTUAL PROPERTY APC**

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*The article examines the influence of regulation engineering monitoring the study of intellectual property.*

***Monitoring, method, property, engineering.***

**Problem.** It is well known that any society is impossible without a process of education. The education system has three components: education, science and culture. This three whale of modern civilization. As you know, the culture, scientific and technological level of production, economic efficiency, social and technological progress in general and the welfare of society largely depends on the level and effectiveness of creative activity in society.

**Analysis of recent research.** World experience shows that countries where education, science and culture gives the highest priority, are among the countries with highly developed economy [1, p.7]. As you know, the right to private - sector, the primary objective of which is to ensure legal system of objects of private property - the means of production and food production. Intellectual property is a right to works of science, literature, art and invention. These intellectual property rights, in turn, are the products of the production facilities of private property is also regulated by copyright and patent law. According to the Law of Ukraine "On information", information activities - a set of activities designed to meet the information needs of companies and the state. The main types of information are obtaining, distributing and storing information. Obtaining information is to acquire, purchase, storage, according to the current legislation of Ukraine, documented or publicly announced information by citizens, legal persons and the state. According to the Law "On Scientific and Technical Information" scientific information activity - a set of activities designed to meet the needs of citizens, legal persons and the state of scientific and technical information,

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that is gathering, analytical processing, recording, storage, retrieval and dissemination. Monitoring (Eng. - Monitoring) - this collection of information, data in the mass media [2, P. 231].

Among these tools are the works, articles and other intellectual property that are, for example, in public libraries. Thus, according to American experts, it is the country's information resources, ultimately, determine its ability to make strategic decisions in the field of economic competitiveness, defense, energy independence. In this regard, the US base of scientific and technical information resources belong to the strategic nature [3, P. 371].

It should be noted that in the information business is uncertainty with the concept of ownership of the product of intellectual activity, which in turn is the subject of intellectual property. For example, according to the definition of Koduksu Ukraine administratyvni infringement, intellectual property and authorship are literary works, phonograms, databases, scientific discoveries, vynohody more. This is a literary work and scientific or technical articles and the author can exercise his right to use this article or parts of it, only with his permission, although he uses in his articles from other sources.

According to the definition, the author is the person who wrote any work, work, writing, etc., And developed a plan, design and so on. [4, P. 22].

Copyright - a section of civil law, which regulates relations connected with the creation and use (publications, citations, etc.) works of science, literature and art [5, p.17].

**The purpose of research** -justify regulation engineering monitoring the study of intellectual property.

**Results.** As you know, most scientific works used information obtained from other sources (articles, scientific works). The essence of the first part of the information is to obtain information from other documents, respectively, are the works that someone created that is the subject of intellectual property. In the author's right not installed signs of intellectual property, as set forth in the patent law - vidminosti features and similarities in the formula for the invention.

The absence of legally enforceable intellectual property attributes object can cause legal conflicts within the rules of civil pryavtnoho, information, administrative and criminal law, regulatory law that the authors. This in turn makes in some cases any illegal activities within the second part - vidtvorynenni a report. Accordingly, to improve the efficiency of information it is expedient to improve information legislation. For example, it is advisable to supplement the Civil and Criminal Codes of Ukraine and the Code of Ukraine on Administrative Offences developing appropriate amendments regarding copyright.

For example, it should be noted that to ensure the smooth conduct of information activities (monitrynhu) in agriculture Ukraine must not be outlined for signs of the circuit works as objects of copyright (intellectual

property). In the author's view the main feature of the circuit works as an object of copyright is originality information.

By definition [6, p 10] "The author - creator of anything sostavitel, creator whatsoever any artistic Works, proekta, Inventions."

This expression is a basis to conclude that the basis for legal recognition of authorship is the recognition of the novelty of the work. The above is confirmed by the following: Tvorchyst a purposeful search of human activity, which results in something qualitatively new that vyriznyuyetsya nepovtornisttyu, oryhinalnisttyu and socio-historical unikalnisttyu.

The emergence of the term "intellectual property" falls at the end of the seventeenth century. It first appeared in French law on the basis of the theory of natural law.

World Intellectual Property Organization (WIPO), the concept of intellectual property includes:

1. Industrial property that mainly includes inventions, trademarks and industrial designs;
2. Copyright law relating to literary, musical, artistic, photographic and audiovisual works.

Thus intellectual property - the result of creative activity.

According to vyscheykladennym - author - creator of the new owner of the property in the event of intellectual novelty in his work element novelty. The Civil Code of Ukraine, which entered into force on 01.01.2004. Legal regulation of intellectual property dedicated Volume IV «Intellectual Property».

Art. 420 CC "Intellectual property" to the intellectual property of interest in agriculture engineering monitoring in Ukraine includes:

- literary works;
- computer program;
- databases;
- scientific discoveries;
- inventions, utility models, industrial designs;
- layout (topographies) of integrated circuits;
- innovations;
- plant varieties, animal breeds;

Due to the fact that the main subject of monitoring in agriculture is Ukraine - information from public sources that enhance the effectiveness of innovation policy in Ukraine, the main focus of legal regulation of information (monitoring) the study of intellectual property law compliance intellectual property that is tailored to suit the concept of novelty.

Thus, as a justification to establish novelty work appropriate to the author's view, use distinct signs and similarity of the work of other

works on kshalt vidminosti features and similarities in the formula for the invention.

The above in the box below. Example of use features patent right, during the information retrieval of information within the law.

Thus, competing firms to obtain positive results were studied engineering solutions company «Dyson», while in the process of information retrieval ignored legality of obtaining primary sources. To test the integrity of competing firms, the head of the company «Dyson», James Dyson, offered a completely new way to achieve the effect of increased purity and power of the machine, which has patented before. After special studies and found that the competitors have copied its design, without his permission, Dyson gave them a claim to court and won, receiving significant financial compensation. If the management company, which used technical solution Dyson in the information activities, bought a license to use Dyson technical developments, it has spent to much less financial resources than those who went to claim the payment of compensation [7, P. 47]. These facts are examples of successful (effective) special studies using patent law provisions during the engineering monitoring to prevent unfair competition (illegal actions) within the Information Law. This experience can be a source of legal regulation of special engineering monitoring studies in agriculture Ukraine. There is also an example of engineering monitoring in the planning of the company. Monitoring studies conducted on the instructions of the manufacturer to determine the direction and trends of modern technology. This in no case could not violate the legal rights of third parties. In the process of information - work with open sources of information - revealed the following facts: first, the experts of the Dutch company «Heerlen», specializing in the production of polymers, polyethylene fabric developed Dupeema SV61, which according to its creators, can be successfully used in technical equipment. The strength of such remedies made from Dupeema SV61, 40% more than traditional strength of Kevlar. Furthermore, products using Dupeema SV61 weigh 15% lower than similar products with Kevlar protective effect [8, P. 6]. Second, the Los Angeles-based company "Amehisan Voduh Ahmoh" began production of light and reliable products based on polyethylene. Their thickness is only five millimeters. The new development was very appropriate, since 2006, the Ministry of Justice of the United States banned the use of products based on Kevlar type Zuion because eventually fabric znoshuvalas by moisture and did not provide adequate protection [8, P. 6].

These results information activities were conducted within the law using patent search. According to a systematic comparative analysis of certain types of information (monitoring) significant efficiency in

conducting scientific research in agriculture has this type of monitoring as patent search. Patent search is one of the most effective tool regulation monitoring in innovation. A striking example of patent search for rapid economic growth can serve as a widely used method in China innovation - "shanchzhay." It represents not only the selection and copying of products developed in developed countries, but also to improve them. According to the Russian correspondent of the "Expert" Mark Zavadsky, the word will soon join in the lexicon of all European languages [10, P.33]. The method "shanchzhay" is that in order to remedy products manufacturer claims its patents are created with legal and minor (minor) technical differences of technical solutions, declared in the patent that allows to produce products without sanctions for unlawful use of a design ( intellectual property). This approach to patent research creates the most effective tool innovation, providing its regulation. This method has allowed China in a very short time become one of the economically developed countries, using innovative achievements of developed countries. This method can be used to improve innovation and Ukraine.

At the same time, it must be pointed out, under the provisions of Art. 50 of the Constitution of Ukraine printed work, the tools and features samples of agrarian technics that do not meet safety for life, health and the environment, in the opinion of the author, not be subject to copyright.

**Conclusion.** The above indicates that regulation monitoring (information) of Ukraine in agriculture required a systematic analysis of the legality of the use of information types.

### References

1. LM Suslikov Patent / LM Suslikov, VS Dordyay. - K .: CNS, 2005. - 231 p.
2. Komlev NG Dictionary of Foreign Words / NG Komlev. - M .: Eksmo-Press, 1999. - 670 p.
3. AV Sosnin The problems of managing the system of national information resources on the scientific potential of Ukraine / AV Sosnin. - Nauka, Moscow, 2012. - 572 p.
4. the Soviet Ekonomicheskies dictionary / Ed. AM Prokhorov. - M .: SЭ, 1988. - 1599 p.
5. New Dictionary of Ukrainian language. - K .: aconite, 1999. - Vol 2 - 910 p.
6. The explanatory dictionary of Russian language / Ed. DN Ushakov. - M .: Gos. Publishing House Foreign Dictionaries and natsyonalnyh, 1938. - T II - 1562 s.
7. Levytsky C. As razrobotat Strategy / s Levytsky. - Dnepropetrovsk Balance Club, 2004. - 314 p.
8. Puleneprobnyаемы polyethylene // Opening and hypotezy. - 2007. - № 7. - С 6.
9. A. Borisov 130 thousand uluchshennyh bronezhyletov for US Army / A. Borisov // Zarubezhnoe voennoe Review. - 2007. - № 8. - 168 p.
10. Anton Prikhodko. Shanchzhay / Anton Prikhodko // Business, Economy and Law. - 2007. - № 11. - P. 67-69.

*In Article rassmatryvaetsya Effect legal regulation engineering Monitoring Studies in Intellectual Property.*

***Monitoring, method, property, ynzheneryya.***

*The paper examines the impact of regulation engineering monitoring in investigation of intellectual property.*

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