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CIVIL LAW FORMS OF FORECLOSURE ON DEBTOR'S INTELLECTUAL PROPERTY RIGHTS AND THEIR LEGAL CONSEQUENCES

The article highlights the issue of possible forms of foreclosure on intellectual property rights. It was found what kinds of legal acts regulate these issues and what kinds of forms exist. Thus, the author identifies the following civil legal forms of foreclosure on intellectual property rights: executive inscriptions by a notary; court judgment; arbitration court judgment; agreement on transfer of intellectual property rights, licensing agreement, compulsory licensing, public auction. The author proposed amendments to Article 1108 of the Civil Code of Ukraine, namely to present paragraph 1 of Article 1108 of the Civil Code of Ukraine as follows: “A person having an exclusive right for permitting the use of the intellectual property (a licensor) may or must assign another person (a licensee) a written authority for the right to use this object in certain limited sphere (license to use an object of the intellectual property right)” in order to make possible application of the use of compulsory license. The necessity of foreclosure on intellectual property rights with help of court decision is explained. A clear procedure for removing obstacles to the emergence of new forms of foreclosure in the event of not fulfilling the main obligation of pledge contract has been concluded, where the subject is intellectual property rights. The necessity of mandatory changes to a wide range of laws regulating tradability of intellectual property rights is discovered and substantiated.