

including typical conditions (typical contracts are generally contracts of adhesion).

It should be noted that there are problems in application of public contract on

practice caused by imperfection of its regulation and absence of appropriate rules as for public contracts rendering health care service, public services, and so on.

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LICENSE AGREEMENT AS A FORM OF COMPLEX INTELLECTUAL PROPERTY

According to the Constitution of Ukraine, which guarantees every citizen freedom of the literary, artistic, scientific and technical creativity, our independent state successively creates its own mechanisms of creation, consolidation and implementation of intellectual property rights, moral and material interests, which arise from its different types, which are the expression of complex intellectual property.

Results of scientific and technical activity and their implementation in the form of complex intellectual property, their safe legal protection and use will ensure sustainable economic development through continuous improvement of technical processes which are peculiar to modern production and provide output, competitive both in domestic and global market.

Certain aspects of the license agreement for the use of copyright items, including complex intellectual property and appearance of civil rights and responsibilities thereof as well as other issues were considered in the writings

of many domestic and foreign scholars.

The license agreement must be concluded in writing. In the case of non-written form of agreement for use of a literary work, such an agreement is declared invalid (Part 2 of Art. 1107 of the Civil Code of Ukraine). Exceptions may be established by law considering cases when such a contract may be concluded verbally. According to Paragraph 1 of Art. 33 of the Law of Ukraine "On Copyright and Related Rights" verbal agreement may be negotiated for the use (publication) of work in periodicals (newspapers, magazines).

Parties to a license agreement are: the licensor – the person who owns the exclusive intellectual property rights (the person who has economic rights) and licensee – the person to whom the contract grants permission for use of intellectual property rights (license).

The content of the license agreement includes the following terms: 1) the type of license. In terms of the rights granted, there are exclusive, individual and non-exclusive licenses.