


МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ
ХАРКІВСЬКИЙ НАЦІОНАЛЬНИЙ ЕКОНОМІЧНИЙ УНІВЕРСИТЕТ
ІМЕНІ СЕМЕНА КУЗНЕЦЯ



"ЗАТВЕРДЖУЮ"

Заступник керівника
(професор з науково-педагогічної роботи)

 М.В. Афанасьєв

Intellectual Property
(Інтелектуальна власність)

робоча програма навчальної дисципліни

Галузь знань
Спеціальність
Освітній рівень
Освітня програма

Всі галузі
Всі спеціальності
Другий (магістерський)
Всі програми

Вид дисципліни
Мова викладання, навчання та оцінювання

вибіркова
англійська

Завідувач кафедри туризму



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Simon Kuznets Kharkiv National University of Economics



Intellectual Property
(Інтелектуальна власність)

Syllabus for Master degree students

Branch of knowledge	All branches
Speciality	All Specialities
Educational level	Secondary (master degree)
Educational programme	All programs

Type of the course
Teaching and evaluation language

Selective
English

Head of the Tourism Department

O. Sushchenko

Kharkiv
S. Kuznets KhNUE
2020

Approved at the meeting of the Department of Tourism.
Protocol №1 of 28.08.2019

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Calendar of the syllabus of an academic discipline renewal and re-approval

Academic year	Date of the Department of Tourism meeting	Minutes number	Signature of the Head of the Department

1. Introduction

Description of the Academic Discipline:

Under the conditions of universal intellectualization of economy the information and knowledge turn to motive power of innovative development of a society. Creative intellectual activity receives the status of priority strategic activity, and problems of stimulation and protection of intellectual property become prime both for the separate states, and for the world community as a whole. It is conventional, that the innovative model of development is based on an effective utilization of a mental potential, large-scale introduction in the economic circulation of intellectual work products, growth of scales of an intellectual property turnover, purposeful and system reproduction of scientific areas which form a kernel of the newest technological way.

Complexity of the economic nature of intellectual property, constant dynamic development of its objects and the mechanism of commercialization draw increasing attention of science officers and experts, transforming research of this phenomenon in one of the most actual economic problems. In this connection development and introduction of a discipline "Intellectual Property" to the program of experts preparation is actual.

The Purpose of the Academic Discipline "Intellectual Property" is mastering knowledge and practical skills in the sphere of protection and the order of property rights of intellectual property.

The primary goals of the given discipline are mastering knowledge generalized in the theory and practice of intellectual property management and their fastening on practical employment, formation skills in decision-making concerning the decision of problems of intellectual property development in the context of innovative progress of domestic economy.

Course	4	
Term	1	
Credits ECTS	5	
Classroom learning	Lectures	32
	Seminars, practical lessons	32
Individual work		86
Final control	Test	

Structural-logical scheme of the discipline

Previous disciplines	Following disciplines
Economic Theory	Innovative Management and Marketing
Micro-economics	Management of Development
Civil Law	Management of Foreign economic relations

2. Professional competences:

Competence	Competence constituents
Ability to identify the characteristics of intellectual property	Knowledge, skills and abilities of formation and using of intellectual property
Ability to determine the structure of industrial property	
Ability to formation and develop copyright and associated rights	
Ability to protect and safety of intellectual property rights	
Ability to valuate of intellectual property	
Ability to international cooperation in the sphere of intellectual property	

3. The Syllabus of the Academic Discipline

Module 1. The essence of Intellectual Property

Theme 1. Intellectual property as an economic and legal category

The origin of the theory of property during the epochs of the Ancient World and the Middle Ages. The evolution of the theory of property in XVII - XIX centuries. The Modern theory of property.

Intellectual property as a result of intellectual creative activity. Interpretation of the concept "intellectual property" in economic literature in view of different theoretic and methodological approaches. Intellectual property rights. The theory of exclusive rights.

Spheres of intellectual property rights: the industrial property, the copyright and the adjacent rights. Subjects of intellectual property relations. Objects of intellectual property. Variety of sights concerning the structure of intellectual property objects.

Theme 2. The essence and structure of the industrial property

The essence and structure of the industrial property. Attributes of objects which are a part of the industrial property. The basic subjects of the industrial property relations. Objects of a patent right: the inventions useful to model, industrial samples. The basic conditions of patentability of the invention. The basic conditions of granting of a right protection to useful models. The major conditions of a right protection of industrial samples.

The trademark. A slogan. A brand. Classification of trademarks for the goods and services. The company name. Differences of trademarks and service marks from company names. Functions of means of the individualization of participants of a civil turnover, the goods and services.

Nonconventional objects of intellectual property: a know-how, a trade secret, inadmissible of an unfair competition. Topology (topography) of integrated microcircuits, conditions of its protection ability.

Theme 3. Features of the formation and development of copyrights and the associated rights

The essence of the copyright. Specific attributes of the copyright. The basic subjects of the copyright: founders, authors of derivative products and collections, other subjects. The copyright objects and their specific attributes. Classification of the copyright objects. The copyright principles. Personal non-property and property rights.

Theme 4. Features of the formation and development of the associated rights

The associated rights, their attributes. Subjects and objects of the associated rights. The executors rights. The manufacturers rights of records. The rights of radio and cable announcement organizations. The coordination of personal, individual and public interests as one of the basic purposes of copyrights and associated rights.

Module 2. Preconditions and stimulus of intellectual property development in market economy

Theme 5. Safety and protection of intellectual property rights

Substantiation of need the safety and protection of intellectual property rights. The mechanism of intellectual property rights protection. The formation of institute of protection

and intellectual property rights protection as law of an information society development. The essence of intellectual property rights protection.

Patent right, its characteristics. Functions of patenting. Main principles of a patent right. The patent. The basic economic concepts of patents. Patent system of intellectual property rights protection. Objects of a patent right: the inventions useful to model, industrial samples, computer programs and etc. Patent descriptions.

Protection of copyright and associated rights. A sign on protection of the copyright. A substantiation of protection necessity and the associated rights protection. Discrepancy of economic and legal relations concerning safety and protection copyright and associated rights. "Piracy" in the sphere of intellectual property, its form, a direction of struggle against it. Counterfeiting. A right protection of intellectual property newest objects (database).

Theme 6. Actual problems of intellectual property commercialization

The essence of intellectual property commercialization. The basic ways of the order of intellectual property rights. The basic subjects of attitudes to intellectual property commercialization. The market of intellectual property, its segments: the market of copyrights, the market of the rights to databases, the market of the rights to trademarks and service marks, the market of patent rights and etc.

The licence agreement. Subjects of the licence agreement. The essence of the licence, kinds of licences. The licence contract and its attributes.

Economic feasibility of licencing. Forms of compensation payment for the licence: lump-sum payment, a royalty. The price of the licence, methods of its definition.

Theme 7. The international cooperation in the sphere of intellectual property

The formation of the global market of the rights to the objects of intellectual property. The problems of settlement of the international relations in the sphere of intellectual property. Interest of the innovative countries a high level of intellectual property rights protection. A piracy and counterfeiting as the global problems of the present. Forms of purchase of intellectual property rights under conditions of transnational innovative activity. The world intellectual property organization, directions of its activity. The world trade organization and its role in regulation of the international relations in the sphere of intellectual property. The agreement on trading aspects of intellectual property rights.

The international cooperation in the sphere of a patent right. The Parisian convention on protection of the industrial property, its position. The contract on patent cooperation. The European patent department, directions of its work.

The international aspects of protection and protection of copyright and associated rights. The Bern convention on the literature and works of art protection.

Theme 8. The formation of intellectual property institute in Ukraine

National innovative system. The value of intellectual property in the formation of national innovative system. The obstacles on the way of national innovative system formation in Ukraine.

Statutory acts in the sphere of intellectual property in Ukraine. The concept of the development of national system of intellectual property right protection. Intellectual property right according to the Civil code of Ukraine. The problems of formation of institute of intellectual property institute in Ukraine and directions of their solution.

The order of evaluation of studying results

The system of evaluation of the developed competencies of students takes into account the types of tasks, which according to the curriculum include lectures, seminars, practical studies, as well as independent work. Assessment of competencies gained by students is based on a 100-point accumulation system. In accordance with the Provisional Regulations "On the Procedure for Assessing the Results of Students' Learning Based on the Accumulated Score-Rating System of S. Kuznets KhNUE", control procedures include:

the current control during the semester at lectures, practical classes, seminars is estimated by the sum of points (the maximum amount is 100 points; the minimum amount that allows a student to complete the discipline is 60 points);

the module control carried out in the form of written control work, taking into account the current control over the relevant content module and aims to integrate the evaluation of the student's learning outcomes after studying the material from the logically completed part of the discipline – a content module;

the final / semester control, conducted in the form of a final test, according to the educational schedule.

The current assessment procedure. Assessment of student's knowledge during seminars and practical classes is carried out according to the following criteria:

the degree of understanding and comprehension of the theory and methodology of problems under consideration; the degree of comprehension of the actual discipline material; acquaintance with the recommended literature, as well as contemporary literature on the issues under consideration; the ability to combine theory with practice when considering production situations, solving tasks, performing calculations in the process of performing individual tasks and tasks submitted in an audience; logic, structure, style of presentation in written works and presentations in the audience, ability to substantiate own point of view, to generalise information and to draw conclusions; arithmetical correctness of the tasks performance; the ability to conduct a critical and independent assessment of certain problem issues; the ability to explain alternative views and own point of view, position on a particular problem issue; application of analytical approaches; quality and clarity of reasoning; logic, structuring and substantiation of conclusions on a specific problem; independence of work; literacy of presentation of the material; use of comparison methods, generalisations of concepts and phenomena; formatting of a work.

The general criteria for evaluating non-auditing independent work of students are: the depth and strength of knowledge, the level of thinking, the ability to systematise knowledge on specific topics, the ability to make sound conclusions, the possession of categorical apparatus, skills and techniques of performing practical tasks, the ability to find the necessary information, carry out its systematisation and processing, self-realisation on practical lessons and seminars.

The final control of the knowledge and competences of students for the discipline is carried out on the basis of the final test, the task of which is to check the student's understanding of the programme material in general, the logic and interrelations between the individual sections, the ability to use the accumulated knowledge creatively, the ability to formulate a student's attitude to a particular problem of the discipline etc.

A student should be considered certified if the sum of the points obtained on the basis of the final / semester test makes 100. The minimum number of points for the current and module control during the semester is 60.

The final score for the academic discipline is calculated by the points obtained during the current control using the accumulation system. The total score for a semester is: "60 points and higher – passed", "59 points and less – failed", and is entered into the discipline registry.

Results scale: national and ECTS

The amount of points for all types of educational activities	ECTS score	National score	
		for an exam, term paper (work), training	for a final test
90 – 100	A	excellent	passed
82 – 89	B	good	
74 – 81	C		
64 – 73	D	satisfactory	
60 – 63	E		
35 – 59	FX	unsatisfactory	failed

Distribution of points by weeks

Themes of the content module		Lectures (active work)	Practical classes (active work)	Tasks by themes (work at practical classes)	Oral test	Competencies-oriented tasks	Presentation	Written control work	TOTAL points for a week
M 1	Theme 1	Week 1	1	1	2				4
		Week 2	1	1			3		5
	Theme 2	Week 3	1	1		2			4
		Week 4	1	1			3		5
	Theme 3	Week 5	1	1		2			4
		Week 6	1	1			3		5
	Theme 4	Week 7	1	1	2			8	12
		Week 8	1	1			3		5
M 2	Theme 5	Week 9	1	1		2			4
		Week 10	1	1			4		6
	Theme 6	Week 11	1	1	2				4
		Week 12	1	1	2				4
	Theme 7	Week 13	1	1			4		6
		Week 14	1	1			3		5
	Theme 8	Week 15	1	1		2		8	12
		Week 16	1	1			3		5
Control	Week 20-22						10	10	
S		16	16	8	8	8	18	26	100

4. References

4.1. Main

1. Коссаk В. М. Право інтелектуальної власності / В. М. Коссаk, І. Є. Якубівський. – К. : Істина, 2007. – 208 с.
2. Фордзюн Ю. І. Основи інтелектуальної власності : навч. посіб. / Ю. І. Фордзюн, В. М. Кабацій ; Мукачів. держ. ун-т. – К. : Кондор, 2012. – 208 с.
3. Ястремська О. О. Інтелектуальна власність : навчальний посібник / О. О. Ястремська. – Х. : Вид. ХНЕУ, 2013. – 124 с.
4. International Bureau of WIPO, World Intellectual Property Organization (WIPO): General Information, WIPO Pub. No. 400 (published annually)
5. "intellectual property". Oxford English Dictionary (3rd ed.). Oxford University Press. September 2005. (Subscription or UK public library membership required.) (Citing Monthly Review, vol. 41. p. 290 (1769): "What a niggard this Doctor is of his own, and how profuse he is of other people's intellectual property.")

4.2. Ancillary

- 6 Атаманова Ю. Є. Право інтелектуальної власності: система міжнародно-правового регулювання. – Харків: ПП «ДИВ», 2014. – 48 с.
7. Гавкалова Н. Л. Формування та використання інтелектуального капіталу / Н. Л. Гавкалова, Н. С. Маркова. – Харків: ХНЕУ, 2006. – 250 с.
8. Дмитришин В. С. Інтелектуальна власність та програмне забезпечення в Україні / В. С. Дмитришин, В. І. Березанська. – К.: Вірлен, 2015. – 312 с.
9. Сімсон О. Е. Інноваційне і креативне право: право знань і творчості: Монографія. – К.: Вид. дім «Ін Юре», 2009. – 264 с.
10. Харитонова О. І. Правовідносини інтелектуальної власності, що виникають внаслідок створення результатів творчої діяльності (концептуальні засади) / О. І. Харитонова. – О. : Фенікс, 2016. – 346 с.
11. Цибульов П. М. Популярно про інтелектуальну власність: Абетка / П. М. Цибульов, В. П. Чеботарьов / Державний департамент інтелектуальної власності. – К.: ТОВ «Альфа-ПІК», 2014. – 56 с.
12. Correa, Carlos Maria; Li, Xuan (2009). Intellectual property enforcement: international perspectives. Edward Elgar Publishing. p. 211. ISBN 978-1-84844-663-2.
13. Intellectual property : patents, trademarks, copyrights, trade secrets. By Catherine J. Holland. Entrepreneur Press, 2007. (KF2980 .I539 2007, Library 4 West)

4.3. Internet Resources

14. Інтелектуальний капітал [Електронний ресурс]. – Режим доступу: www.ndiiv.org.ua
15. Сайт Державного комітету статистики України. – Режим доступу: www.ukrstat.gov.ua
16. Сервер Верховної Ради України. – Режим доступу: www.rada.gov.ua
17. Українське право. – Режим доступу: www.ukrpravo.ua
18. International Bureau of WIPO, Industrial Property Law and Treaties: http://www.wipo.int/cfdiplaw/en/laws_treaties/index.htm
19. Intellectual Property. Сайт персональних навчальних систем ХНЕУ ім. С. Кузнеця – [Електронний ресурс] Режим доступу: <https://pns.hneu.edu.ua/course/view.php?id=1858>