



Brand law

Work program of the discipline (Syllabus)

Details of the discipline	
Level of higher education	<i>Second (master's)</i>
Field of knowledge	<i>08 «Law»</i>
Specialty	<i>081 «Law»</i>
Educational program	<i>Information Law & Intellectual Property Law</i>
Discipline status	<i>Normative</i>
Form of study	<i>full-time / distance / mixed</i>
Year of education, semester	<i>1th year (master's), spring semester</i>
The scope of discipline	<i>120 hours, 4 credits of ECTS</i>
Semester control / control measures	<i>test</i>
Timetable	http://roz.kpi.ua/
Language of instruction	<i>English</i>
Information about the course leader / teachers	<i>Lecturer, Practical / Seminar: PhD in Law – Viktoriia Dmytrenko, e-mail: dmytrenko.viktoriia@iil.kpi.ua</i>
Course placement	<i>Campus, Sikorsky Google Classroom</i>

Curriculum of the discipline	
------------------------------	--

1. Description of the discipline, its purpose, subject of study and learning outcomes

In order to be successful in the market of goods and services, in addition to providing quality services and selling quality products, it is necessary to stand out among other manufacturers and service providers with the help of a trademark and commercial name. In order for the trademark to be successful, it is necessary to correctly issue it and choose the classes. In order to promote our country among other countries of the world, it is necessary to stand out with national products determined by the geography and traditions of Ukraine. This will be facilitated by the registration of geographical indications, which will act as a kind of visiting card of our country.

Mastering the "Brand Law" course, the student will learn why to register trademarks, which trademarks are "strong", what are the criteria for legal protection of trademarks, how to choose the right classes for goods and services, what are the rights and obligations of the owner of a trademark certificate, which is a "commercial name", when the right to it arises, the content of the rights. Students will also gain knowledge about geographical indications, their criteria for legal protection, registration, features of use, especially in connection with the Association Agreement of Ukraine with the EU, the content of rights to geographical indications, etc.

The purpose of the educational component is the formation of the ability to solve problems of a research and/or innovative nature in the field of law.

The subject of the academic discipline is legislative, law-enforcement, doctrinal provisions regarding legal protection of commercial designations.

Normative content of training for higher education applicants:

PLO 6. Reasonably formulate one's legal position, be able to oppose, evaluate evidence and present convincing arguments.

PLO 7. Discuss complex legal problems, propose and substantiate options for their solution.

PLO 13. Analyze and evaluate the practice of application of individual legal institutions.

Correspondence of learning outcomes to competencies in accordance with the Standard of Higher Education in specialty 081 "Law" for the second (master's) level of higher education:

Integral competence – the ability to solve problems of a research and/or innovative nature in the field of law – is the goal of the educational component.

General competencies (soft skills):

GC1. The ability to abstract thinking, analysis and synthesis.

GC 3. The ability to search, process and analyze information from various sources.

GC 7. The ability to make informed decisions.

Special (professional, subject) competencies:

SC2. Ability to analyze and evaluate the impact of the legal system of the European Union on the legal system of Ukraine.

SC6. The ability to justify and motivate legal decisions, to give detailed legal arguments.

SC9. The ability to apply an interdisciplinary approach in the assessment of legal phenomena and law enforcement activities.

SC11. The ability to critically evaluate the effectiveness of representation and protection of the rights, freedoms and interests of clients.

SC12. Ability to establish ethical standards of legal activity, standards of professional independence and responsibility of a lawyer.

SC13. The ability to convey information, ideas, the content of problems and the nature of optimal solutions to specialists and non-specialists in the field of law with proper reasoning.

Learning outcomes:

- select a strategy for comprehensive legal protection of trademarks (from choosing a trademark, selecting classes, its registration and use);

- to analyze the protectability of marks in the field of intellectual property;

- use knowledge about the peculiarities of legal protection of commercial names and geographical indications, other types of brand-right objects and the possibility of their use.

Competencies:

- the ability to provide advice on comprehensive protection of trademarks, geographical indications, commercial names;

- the ability to prepare legal documents regarding the legal protection of brand-right objects;

- the ability to distinguish between different objects of brand law, their legal protection and practical significance.

2. Prerequisites and postrequisites of the discipline (place in the structural and logical scheme of education according to the relevant educational program)

Knowledge of the basics of intellectual property law acquired at the first (bachelor's) level of higher education in the course of studying "Civil Law", "Intellectual Property Law" is desirable for successful mastering of the academic discipline.

3. The content of the discipline

Topic 1. Brand law: concepts, objects, subjects of law, features.

Topic 2. Trademark: concepts, types, conditions of legal protection.

Topic 3. Trademark registration in Ukraine. Legal requirements for a trademark application. Drawing up a list of goods and services.

Topic 4. Examination of a trademark application. Reasoned response in favor of trademark registration. Objection to the trademark application regarding non-compliance of the designation given in it with the conditions for granting legal protection.

Topic 5. Recognition of the trademark as well-known in Ukraine.

Topic 6. Trademark registration in foreign countries.

Topic 7. Geographical indications: concepts, types, conditions of legal protection.

Topic 8. Registration of geographical indications.

Topic 9. Commercial names: concept, structure, legal entities and content of their rights.

4. Training materials and resources

To successfully study the educational component, it is enough to study the educational material taught in the lectures, as well as to get acquainted with:

4.1 Basic literature:

1. Право інтелектуальної власності: підручник / за заг. ред. С.Б. Булеци, О.І. Чепис. Ужгород: РІК-У, 2019. 488 с. (бібліотека Університету);
2. Право інтелектуальної власності: підручник / за заг. ред. О.І. Харитонової. Київ: Юрінком Інтер, 2019. 539 с. (бібліотека Університету);
3. Інтелектуальна власність та авторське право: навчальний посібник/ І.М. Чістякова та інші. Київ: Каравела, 2019. 203 с. (бібліотека Університету).
4. Посібник для суддів з інтелектуальної власності /І.М. Бенедисюк та ін. К.: К.І.С., 2018. 424 с. URL: http://www.nsj.gov.ua/files/1541665727IntellProperty_Handbook_.pdf

4.2. Additional materials and resources:

1. Дмитренко В. В. Щодо можливості віднесення фізичних осіб до суб'єктів права інтелектуальної власності на торговельну марку. *Юридичний науковий електронний журнал*. 2022. № 4. С. 132-135. URL: <https://ela.kpi.ua/handle/123456789/47524>; URL: http://www.lsej.org.ua/4_2022/28.pdf
2. Методичні рекомендації з окремих питань проведення експертизи заявки на знак для товарів і послуг. К.: ДП «Укрпатент», 181 с. URL: https://ukrpatent.org/i_upload/file/metod-rek-tm-05112018.pdf
3. Тофіло А.В., Левічева О.Д. Набуття прав інтелектуальної власності. К., 322 с.
4. Судова практика Суду Європейського Союзу у сфері інтелектуальної власності. К.: Твінінг. 220 с. URL: https://www.businesslaw.org.ua/wp-content/Intel_prop_book_web.pdf

4.3 Legislative and other documents:

1. Цивільний кодекс України: Закон України від 16 січня 2003 р. № 435-IV. URL: <https://zakon.rada.gov.ua/laws/show/435-15#Text> (дата звернення: 15 серпня 2022 р.)
2. Про охорону прав на знаки для товарів і послуг: Закон України від 15 грудня 1993 р. № 3689-XII. URL: <https://zakon.rada.gov.ua/laws/show/3689-12#Text> (дата звернення: 15 серпня 2022 р.)
3. Про правову охорону географічних зазначень: Закон України від 16 червня 1999 р. № 752-XIV. URL: <http://zakon.rada.gov.ua/laws/show/752-14> (дата звернення: 15 серпня 2022 р.)
4. Правила погодження питань про внесення позначення, що містить офіційну назву держави «Україна», до знака для товарів і послуг: Затверджено Наказом Міністерства освіти і науки від 4 серпня 2010 р. № 790. URL: <https://zakon.rada.gov.ua/laws/show/z0939-10#Text> (дата звернення: 15 серпня 2022 р.)
5. Про затвердження Регламенту Апеляційної палати Національного органу інтелектуальної власності: Наказ Міністерства розвитку економіки, торгівлі та сільського господарства України від 2 березня 2021 р. №433. URL: <https://zakon.rada.gov.ua/laws/show/z0610-21#n766> (дата звернення: 15 серпня 2022 р.)
6. Правила складання, подання та розгляду заявки на видачу свідоцтва України на знак для товарів і послуг: Затверджено наказом Держпатенту України від 28 липня 1995 р. №116 (редакція від 14 червня 2011 р.). URL: <https://zakon.rada.gov.ua/laws/show/z0276-95#Text> (дата звернення: 15 серпня 2022 р.)
7. Положення про Державний реєстр свідоцтв України на знаки для товарів і послуг: Затверджено Наказом Міністерства освіти і науки від 10 січня 2002 р. № 10 (редакція від 25 липня 2011 р.). URL: <https://zakon.rada.gov.ua/laws/show/z0064-02#Text> (дата звернення: 15 серпня 2022 р.)
8. Положення про Комісію щодо погодження питань про внесення позначення, що містить офіційну назву держави "Україна", до знака для товарів і послуг: Затверджено Наказом Міністерства освіти і науки від 7 жовтня 2003 р. № 677 (редакція від 10 січня 2012 р.). URL: <https://zakon.rada.gov.ua/laws/show/z0931-03#Text> (дата звернення: 15 серпня 2022 р.)
9. Інструкція про подання, розгляд, публікацію та внесення до реєстрів відомостей про передачу права власності на знак для товарів і послуг та видачу ліцензії на використання знака (міжнародного знака) для товарів і послуг: Затверджено Наказом Міністерства освіти і науки від 3 серпня 2001 р. № 576 (редакція від 25 липня 2011 р.). URL: <https://zakon.rada.gov.ua/laws/show/z0718-01#Text> (дата звернення: 15 серпня 2022 р.)

10. Правила складання, подання та проведення експертизи заявки на реєстрацію географічного зазначення: Затверджено Наказом Міністерства розвитку економіки, торгівлі та сільського господарства України від 12 березня 2021 р. № 536-21. URL: <https://zakon.rada.gov.ua/laws/show/z0649-21#Text> (дата звернення: 15 серпня 2022 р.)
11. Положення про Державний реєстр України назв місць походження товарів і прав на використання зареєстрованих кваліфікованих зазначень походження товарів: Затверджено Наказом Міністерства освіти і науки від 13 грудня 2001 р. № 798 (редакція від 25 липня 2011 р.). URL: <https://zakon.rada.gov.ua/laws/show/z1086-01#Text> (дата звернення: 15 серпня 2022 р.)
12. Положення про перелік видових назв товарів: Затверджено Наказом Міністерства освіти і науки від 12 грудня 2000 р. № 583. URL: <https://zakon.rada.gov.ua/laws/show/z0061-01#Text> (дата звернення: 15 серпня 2022 р.)
13. Порядок сплати зборів за дії, пов'язані з охороною прав на об'єкти інтелектуальної власності: Затверджено Постановою Кабінету Міністрів України від 23 грудня 2004 року №1716 (редакція від 30 грудня 2020 р.). URL: <https://zakon.rada.gov.ua/laws/show/1716-2004-%D0%BF#Text> (дата звернення: 15 серпня 2022 р.)
14. Паризька конвенція про охорону промислової власності від 20.03.1883 р. URL: https://zakon.rada.gov.ua/laws/show/995_123#Text (дата звернення: 15 серпня 2022 р.)
15. Мадридська угода про міжнародну реєстрацію знаків від 14.04.1891 р. URL: https://zakon.rada.gov.ua/laws/show/995_134#Text (дата звернення: 15 серпня 2022 р.)
16. Протокол до Мадридської угоди про міжнародну реєстрацію знаків від 28.06.1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_583#Text (дата звернення: 15 серпня 2022 р.) (*Мадридський протокол*)
17. Ніццька угода про Міжнародну класифікацію товарів і послуг для реєстрації знаків від 15.06.1957 р. URL: https://zakon.rada.gov.ua/laws/show/995_066#Text (дата звернення: 15 серпня 2022 р.)
18. Віденська угода про заснування Міжнародної класифікації зображувальних елементів знаків від 12.06.1973 р. URL: https://zakon.rada.gov.ua/laws/show/995_h33#Text (дата звернення: 15 серпня 2022 р.)
19. Договір про закони щодо товарних знаків від 27.10.1994 р. URL: https://zakon.rada.gov.ua/laws/show/995_102#Text (дата звернення: 15 серпня 2022 р.) (*TLT*)
20. Сінгапурський договір про право товарних знаків від 27.03.2006 р. URL: https://zakon.rada.gov.ua/laws/show/995_h54#Text (дата звернення: 15 серпня 2022 р.)
21. Найробський договір про охорону Олімпійського символу від 26.09.1981 р. URL: <https://www.wipo.int/treaties/en/ip/nairobi/index.html> (дата звернення: 15 серпня 2022 р.)
22. Лісабонська угода про захист зазначень місця походження виробів та їх міжнародної реєстрації від 31.10.1958 р. URL: <https://www.wipo.int/treaties/en/registration/lisbon/index.html> (дата звернення: 15 серпня 2022 р.)
23. Мадридська угода про санкції за неправдиві та неправильні позначення походження виробів від 14.04.1891 р. URL: <https://www.wipo.int/treaties/en/ip/madrid/index.html> (дата звернення: 15 серпня 2022 р.)
24. Угода про торговельні аспекти прав інтелектуальної власності від 15.04.1994 року. URL: https://zakon.rada.gov.ua/laws/show/981_018#Text (дата звернення: 15 серпня 2022 р.) (*Угода TRIPS*).
25. Угода про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони: Міжнародний документ від 27.06.2014. Набрання чинності від 1.09.2017. URL: https://zakon.rada.gov.ua/laws/show/984_011#Text (дата звернення: 15 серпня 2022 р.)

4.4 Information resources:

1. Офіційний сайт Всесвітньої організації інтелектуальної власності - www.wipo.int
2. Офіційний сайт EUIPO <https://euipo.europa.eu/>
3. Офіційний сайт Міністерства економіки України- www.me.gov.ua
4. Офіційний сайт УКРНОІВІ – <https://ukrpatent.org/uk>

Educational content

5. Methods of mastering the discipline (educational component)

Lectures and practical classes are planned as part of the study of the academic discipline during the semester, and the doing of modular control work is planned.

Conducting lectures is carried out using a complex of methods, in particular problem-based (allows finding a solution, acquire new knowledge based on known facts), partial search (allows coming to a conclusion on the basis of partial data, incomplete information), as well as verbal (narration, explanation, conversation,

discussion, which allows attracting the audience to active participation in the lecture), visual (presentations, other visual material) and other methods. Conducting practical classes is carried out using practical, visual, verbal, problem-based, partially research-based and other groups of methods. Analytical, inductive, deductive methods are used among teaching methods based on the nature of the logic of knowledge.

In order to form competences and program learning outcomes, the educational process is carried out using, in particular, an express survey on the subject of the practice session, discussion of judicial practice, analysis of legal cases, solving legal situations, testing.

Zoom video conferencing services, Sikorsky distance learning platform, Campus are used during distance learning.

<p align="center">The name of the topic of the lecture and a list of main questions, tasks for the student's independent work</p>
<p>Topic 1. Brand law: concepts, objects, legal subjects, features. Concept and features of brand law. Objects of brand rights. Subjects of brand rights and the content of their rights.</p> <p>Tasks for the student's independent work: Domain names as means of individualization on the Internet</p>
<p>Topic 2. Trademark: concepts, types, conditions of legal protection. The concept of a trademark. National and international legal regulation. Types of trademarks in Ukraine. Trademark object, scope of legal protection. Certification of the right to a trademark, term of validity of economic rights. Terms of legal protection of trademarks. Grounds for refusing to grant legal protection to a designation. Choosing a trademark. Preliminary search for identical and similar to the degree of confusion of the designations/registered trademarks of other persons submitted for registration. Subjects of the right to trademarks and the content of their rights.</p> <p>Tasks for the student's independent work: Non-traditional trademarks. Compare the types of trademarks registered in Ukraine and the EU.</p>
<p>Topic 3. Trademark registration in Ukraine. Legal requirements for a trademark application. Compiling a list of goods and services. International classification of goods and services for registration of marks. Selection of the list of goods and services. Application for trademark registration in Ukraine and its elements. Filing of an application for registration, an image of a designation, a list of goods and services. Submission of a trademark application to UKRNOIVI. Application submission date. Priority. Emergence of economic rights to a trademark.</p> <p>Tasks for the student's independent work: Corresponding classes for goods and services.</p>
<p>Topic 4. Examination of a trademark application. Reasoned response in favor of trademark registration. Objection to a trademark application regarding non-compliance of the designation given in it with the conditions for granting legal protection. Examination of a trademark application. Formal examination. Qualification examination. Examination solutions are possible. Withdrawal of application. Division of the application. Reasoned response in favor of trademark registration. Objection to the trademark application regarding non-compliance of the designation given in it with the conditions for granting legal protection. Publication on the issuance of a certificate. Registration of a trademark in Ukraine and issuance of a certificate. Scope of legal protection. Appealing the decision. Rights and obligations arising from the certificate. Use of the trademark. Termination of validity of the certificate and recognition as invalid. The right to re-registration.</p> <p>Tasks for the student's independent work: 1. Use of the designation for a long time as a basis for its registration. 2. Familiarize yourself with samples of motivated answers in favor of trademark registration.</p>
<p>Topic 5. Recognition of a trademark as well-known in Ukraine. Protection of the right to a well-known trademark. Factors that are taken into account when recognizing a trademark as well-known. Regulations of the Appeals Chamber. Procedure for recognition of a trademark by the Appeals Chamber, well-known in Ukraine.</p> <p>Tasks for the student's independent work: Familiarize yourself with the Procedure for Trademark Recognition by the Appeals Chamber, well known in Ukraine.</p>
<p>Topic 6. Trademark registration in foreign countries.</p>

<p>Trademark registration in foreign countries. Registration of a trademark under the Madrid Protocol. Advantages of international registration according to the Madrid system in comparison with the national procedure of international registration. Trademark registration in the EU. Types of trademarks in the EU.</p> <p>Tasks for the student's independent work: State the advantages of registering trademarks under the Madrid Protocol in comparison with the national procedure for international registration in various foreign countries.</p>
<p>Topic 7. Geographical indications: concepts, types, conditions of legal protection. The concept of geographical indications, their types. National and international legal regulation. Provision of legal protection by geographical indication. State registration. Scope of legal protection. Subjects of the right to geographical indication and the content of their rights. The term of validity of the right of intellectual property on a geographical indication.</p> <p>Tasks for the student's independent work: Legal protection of homonymous geographical indications</p>
<p>Topic 8. Registration of geographical indications. Application for registration of a geographical indication. Subjects of the right to register geographical indications. Product specification. Elements of an application for registration of a geographical indication. Examination of the application. Appealing the decision. Term of validity of economic rights to geographical indication. Warning marking. Termination of geographical indication registration.</p> <p>Tasks for the student's independent work: Protection of geographical indications in accordance with the Association Agreement of Ukraine with the EU</p>
<p>Topic 9. Commercial names: concept, structure, legal subjects and content of their rights. The concept of a commercial name. Correlation of the commercial name with the name of the legal entity. Correlation of commercial names with trademarks. The structure of the commercial name. The emergence of the right to a commercial name and the content of the rights. Termination of the right to a commercial name. Prevention of violation of rights to a commercial name. Protection of rights to a commercial name.</p> <p>Tasks for the student's independent work: Protection of intellectual property rights to a commercial name</p>

Practical training

Name of the subject of the practical training and list of main questions (questions for discussion in practice and tasks for the student's independent work)
<p>Topic 1. Brand law: concepts, objects, legal entities, features. 1. The concept of brand rights. Objects of brand rights. 2. Features of brand law. 3. Subjects of brand rights and the content of their rights</p> <p>Tasks for current control: 1. What are the functions of brand rights? 2. What are the features of the content of the right to commercial designations?</p> <p>Tasks for the student's independent work: Domain names as means of individualization on the Internet.</p>
<p>Topic 2. Trademark: concepts, types, conditions of legal protection. 1. Concept of trademark. National and international legal regulation. 2. Types of trademarks in Ukraine. Trademark object, scope of legal protection. 3. Certification of the right to a trademark, term of validity of economic rights. 4. Terms of legal protection of trademarks. Grounds for refusing to grant legal protection to a designation. 5. Choosing a trademark. Preliminary search for identical and similar to the degree of confusion of the designations/registered trademarks of other persons submitted for registration. 6. Subjects of the right to trademarks and the content of their rights.</p>

Tasks for current control:

1. Which trademark to choose - color or black and white? Which designation is better to register - verbal, pictorial or combined?
2. Is it possible to register identical designations for different classes of goods and services for different applicants?

Tasks for the student's independent work:

Non-traditional trademarks. Compare the types of trademarks registered in Ukraine and the EU.

Topic 3. Trademark registration in Ukraine. Legal requirements for a trademark application.**Compiling a list of goods and services.**

1. International classification of goods and services for registration of marks.
2. Selection of the list of goods and services.
3. Application for trademark registration in Ukraine and its elements. Filing of an application for registration, an image of a designation, a list of goods and services.
4. Submission of a trademark application to UKRNOIVI. Application submission date. Priority. Emergence of economic rights to a trademark.

Tasks for current control:

1. You plan to register the designation as a trademark for the provision of legal services. Select classes. Will you choose the whole class or only specific services that interest you?
2. Familiarize yourself with the trademark application template, image requirements, and recommendations for compiling a list of goods and services.
3. Read the list of goods and services of the International Classification of Goods and Services for registration of marks <https://nice.uipv.org/info/notes>
4. Familiarize yourself with the fees for trademark registration in accordance with the Procedure for paying fees for actions related to the protection of rights to intellectual property objects, approved by Resolution No. 1716 of the Cabinet of Ministers of Ukraine dated December 23, 2004.

Modular control work:

1. Prepare an application for trademark registration, select classes and determine the amount of fees for filing such an application (see the task in Appendix 1)

Tasks for the student's independent work:

Related classes for goods and services

Topic 4. Examination of a trademark application. Reasoned response in favor of trademark registration. Objection against a trademark application regarding non-compliance of the designation given in it with the conditions for granting legal protection.

1. Examination of the trademark application. Formal examination. Qualification examination.
2. Possible decisions of the examination.
3. Withdrawal of application. Division of the application.
4. A motivated response in favor of trademark registration.
5. Objection to the trademark application regarding non-compliance of the designation given in it with the conditions for granting legal protection.
6. Publication of the issuance of the certificate. Registration of a trademark in Ukraine and issuance of a certificate. Scope of legal protection. Appealing the decision.
7. Rights and obligations arising from the certificate. Use of the trademark.
8. Termination of validity of the certificate and recognition as invalid. The right to re-registration.

Tasks for current control:

1. What is the essence of the formal and qualification examination of an application for trademark registration?
2. What are the responsibilities of the owner of the trademark certificate?
3. State the grounds for termination of the trademark certificate.

Tasks for the student's independent work:

1. Use of the designation for a long time as a basis for its registration.
2. Familiarize yourself with samples of motivated answers in favor of trademark registration.

Topic 5. Recognition of a trademark as well-known in Ukraine.

1. Protection of the right to a well-known trademark. Factors that are taken into account when recognizing a trademark as well-known.
2. Regulations of the Appeals Chamber of the Ministry of Economic Development, Trade and Agriculture. Procedure for recognition of a trademark by the Appeals Chamber, well-known in Ukraine

Tasks for current control:

1. Is it possible to protect trademarks without registration? Give examples.

Tasks for the student's independent work:

Familiarize yourself with the Procedure for Trademark Recognition by the Appeals Chamber, well-known in Ukraine.

Topic 6. Trademark registration in foreign countries.

1. Trademark registration in foreign countries.
2. Trademark registration under the Madrid Protocol. Advantages of international registration according to the Madrid system in comparison with the national procedure of international registration.
3. Trademark registration in the EU. Types of trademarks in the EU.

Tasks for current control:

1. What types of trademarks are registered in the EU, and which in Ukraine?
2. Familiarize yourself with the MM2 international application template for trademark registration.
3. On the EUIPO website <https://euipo.europa.eu/>, familiarize yourself with the mechanism of trademark registration in the EU.

Tasks for the student's independent work:

State the advantages of registering trademarks under the Madrid Protocol in comparison with the national procedure for international registration in various foreign countries.

Topic 7. Geographical indications: concepts, types, conditions of legal protection.

1. The concept of geographical indications, their types. National and international legal regulation.
2. Provision of legal protection by geographical indication. State registration. Scope of legal protection.
3. Subjects of the right to geographical indication and the content of their rights. The term of validity of the right of intellectual property on a geographical indication.

Tasks for current control:

1. Why should geographical indications be protected? What factors influence the registration of geographical indications?
2. Justify why, in particular, argan oil cannot be Ukrainian approved? Give examples of geographical indications known to you.

Tasks for the student's independent work:

Legal protection of homonymous geographical indications.

Topic 8. Registration of geographical indications.

1. Application for registration of geographical indication.
2. Subjects of the right to register geographical indications.
3. Product specification. Elements of an application for registration of a geographical indication.
4. Examination of the application. Appealing the decision.
5. Term of validity of economic rights to geographical indication. Warning marking. Termination of geographical indication registration.

Tasks for current control:

1. What rights do the subjects of the right to a geographical indication have? What are the limitations of the rights of subjects of the right to a geographical indication?
2. Familiarize yourself with the application template for registration of a geographical indication.

Tasks for the student's independent work:

Protection of geographical indications in accordance with the Association Agreement of Ukraine with the EU.

Topic 9. Commercial names: concept, structure, legal subjects and content of their rights. 1. Concept of commercial name.

1. Correlation of the commercial name with the name of the legal entity.
3. Correlation of commercial names with trademarks.

4. Structure of the commercial name.
5. Emergence of the right to a commercial name and content of rights.
6. Termination of the right to a commercial name.
7. Prevention of violation of rights to a commercial name. Protection of rights to a commercial name.

Tasks for current control:

1. When does the right to a commercial name arise? Does it need to be registered?
2. Content of the right to a commercial name.

Tasks for the student's independent work:

Protection of intellectual economic rights to a commercial name

6. Independent student work

Students' independent work includes preparation for classroom classes by mastering lecture materials, studying basic and additional literature and legislation, as well as solving legal cases, practical problems, and preparing drafts of legal documents.

Topic/question submitted for independent study
Topic 1. Brand law: concepts, objects, legal subjects, features. Tasks for the student's independent work: Domain names as means of individualization on the Internet
Topic 2. Trademark: concepts, types, conditions of legal protection. Tasks for the student's independent work: Non-traditional trademarks. Compare the types of trademarks registered in Ukraine and the EU.
Topic 3. Trademark registration in Ukraine. Legal requirements for a trademark application. Compiling a list of goods and services. Tasks for the student's independent work: Corresponding classes for goods and services.
Topic 4. Examination of a trademark application. Reasoned response in favor of trademark registration. Objection to a trademark application regarding non-compliance of the designation given in it with the conditions for granting legal protection. Tasks for the student's independent work: <ol style="list-style-type: none"> 1. Use of the designation for a long time as a basis for its registration. 2. Familiarize yourself with samples of motivated answers in favor of trademark registration.
Topic 5. Recognition of a trademark as well-known in Ukraine. Tasks for the student's independent work: Familiarize yourself with the Procedure for Trademark Recognition by the Appeals Chamber, well known in Ukraine.
Topic 6. Trademark registration in foreign countries. Tasks for the student's independent work: State the advantages of registering trademarks under the Madrid Protocol in comparison with the national procedure for international registration in various foreign countries.
Topic 7. Geographical indications: concepts, types, conditions of legal protection. Tasks for the student's independent work: Legal protection of homonymous geographical indications
Topic 8. Registration of geographical indications. Tasks for the student's independent work: Protection of geographical indications in accordance with the Association Agreement of Ukraine with the EU.

Topic 9. Commercial names: concept, structure, legal subjects and content of their rights.

Tasks for the student's independent work:

Protection of intellectual property rights to a commercial name

Policy and control

7. Policy of academic discipline (educational component)

Distance learning is carried out in accordance with the Regulation on distance learning at KPI, named after Igor Sikorsky (https://document.kpi.ua/2020_7-73). Zoom video conferencing services, the Sikorsky distance learning platform, the Campus is used during distance learning. Regular attendance of lectures and practical classes, study with recommended documents, other sources of law are a necessary condition for successful assimilation of the educational course. During training for practical classes, solving legal problems, it is necessary to study with the materials of judicial practice. Activity in lectures is welcome. During the lectures, the teacher can involve students in a legal discussion on problematic issues of the academic discipline. In case of questions regarding educational discipline, the student can clarify them at the lecture for the purpose of further effective assimilation of the educational material. Student activity in the practical session is mandatory. Legal problems (situations) are discussed in the practical session, and the studied material is summarized. If the student was not present at the practice session, the student can score points for the missed topic by completing an online test (access to the test is provided by the teacher) or solving legal problems (by sending the work to the lecturer's email).

University policy

Academic integrity

The policy and principles of academic integrity are defined in Section 3 of the Code of Honor of the National Technical University of Ukraine "Igor Sikorsky Kyiv Polytechnic Institute". Details: <https://kpi.ua/code>.

Norms of ethical behavior

Norms of ethical behavior of students and employees are defined in Section 2 of the Code of Honor of the National Technical University of Ukraine "Igor Sikorsky Kyiv Polytechnic Institute". Details: <https://kpi.ua/code>.

8. Types of control and rating system for assessing learning outcomes

1) Current control: testing, modular control work

The student's rating consists of points obtained from:

1. Taking online tests on each topic (up to 10 points for 1 test). A total of 9 topics are expected to be studied. The test contains 10 questions, for each correct answer 1 point. If the student scores insufficient points for the test, he can additionally complete the legal tasks and send them to the lecturer for review. The total score for online testing is up to 90 points.

2. The modular control work – up to 10 points. Modular control work is carried out in the form of comprehensive online testing. The test consists of 10 questions, for each correct answer 1 point.

2) **Calendar control:** is carried out twice a semester as a monitoring of the current state of meeting the syllabus requirements.

The criterion	I	II
Term	8th week	14th week
Conditions for obtaining a positive result	If the current rating score is at least 50% of the maximum possible at the time of the	If the current rating score is at least 50% of the maximum possible at the time of the

3) Semester control: credit

Conditions for admission to semester control: taking online tests and modular control work allows getting an automatic credit if the number of points is 60 or more. In the case of a lower number of points, it is necessary to complete legal tasks or online tests on those topics from which the number of points is insufficient. If a student scored 60 or more points during the semester, but plans to improve his score, he takes an online test (score from 0 to 20). The minimum score for admission to credit test is 40.

Calculation of the rating scale (R):

The sum of the points of control measures during the semester is:

$$R = 90 + 10 = 100 \text{ points.}$$

Students who scored 60 or more points during the semester receive automatic credit in accordance with the obtained rating. If a student scored 60 or more points during the semester, but plans to improve his score, he takes an online test (score from 0 to 20).

Students who scored less than 60 points during the semester:

- 40 – 59 points – doing credit test (score from 0 to 20);
- 0 – 39 points – are not allowed to credit test, doing tasks from those topics from which the number of points is insufficient and, on the condition of successful collection of points, are allowed to credit test in the future.

Table of correspondence of rating points to grades on the university scale:

Final rating	Rating ECTS	Traditional assessment
100-95	A	Excellent
94-85	B	Very good
84-75	C	Good
74-65	D	Satisfactorily
64-60	E	Enough
< 60	Fx	Not credited (unsatisfactorily)
< 40	F	Not allowed

9. Additional information on the discipline (educational component)

The list of questions that are submitted to semester control:

1. The concept of brand rights: concepts, objects.
2. Peculiarities of intellectual property rights for brand-right objects.
3. Subjects of brand rights.
4. Concept of trademark. National and international legal regulation.
5. Types of trademarks in Ukraine. Trademark object, scope of legal protection.
6. Certification of the right to a trademark, term of validity of economic rights.
7. Terms of legal protection of trademarks. Grounds for refusing to grant legal protection to a designation.
8. Choice of trademark. Preliminary search for identical and similar to the degree of confusion of the designations/registered trademarks of other persons submitted for registration.
9. Subjects of the right to trademarks and the content of their rights.
10. International classification of goods and services for registration of marks.
11. Selection of the list of goods and services.
12. Application for trademark registration in Ukraine and its elements. Filing of an application for registration, an image of a designation, a list of goods and services.
13. Submission of a trademark application to UKRNOIVI. Application submission date. Priority. Emergence of economic rights to a trademark.

14. Examination of a trademark application. Formal examination. Qualification examination.
15. Withdrawal of a trademark application. Division of the application.
16. Reasoned response in favor of trademark registration.
17. Objection to the trademark application regarding non-compliance of the designation given in it with the conditions for granting legal protection.
18. Publication on the issuance of a trademark certificate. Registration of a trademark in Ukraine and issuance of a certificate. Scope of legal protection.
19. Rights and obligations arising from the trademark certificate. Use of the trademark.
20. Termination of validity of a trademark certificate and recognition as invalid. The right to re-registration.
21. Protection of the right to a well-known trademark. Factors that are taken into account when recognizing a trademark as well-known.
22. Procedure for recognition of a trademark by the Appeals Chamber, well-known in Ukraine
23. Registration of a trademark in foreign countries.
24. Registration of a trademark under the Madrid Protocol. Advantages of international registration according to the Madrid system in comparison with the national procedure of international registration.
25. Registration of a trademark in the EU. Types of trademarks in the EU.
26. The concept of geographical indications, their types. National and international legal regulation.
27. Provision of legal protection by geographical indication. State registration. Scope of legal protection.
28. Subjects of the right to geographical indication and the content of their rights. The term of validity of the right of intellectual property on a geographical indication.
29. Application for registration of geographical indication.
30. Subjects of the right to register geographical indications.
31. Elements of an application for registration of a geographical indication. Product specification.
32. Examination of an application for a geographical indication.
33. Term of validity of economic rights to geographical indication. Warning marking. Termination of geographical indication registration.
34. The concept of a commercial name, its functions.
35. Correlation of the commercial name with the name of the legal entity.
36. Correlation of commercial names with trademarks.
37. Structure of the commercial name.
38. Emergence of the right to a commercial name and content of rights.
39. Termination of the right to a commercial name.
40. Prevention of violation of rights to a commercial name. Protection of rights to a commercial name.

Work program of the discipline (syllabus):

Compiled by PhD in Law Viktoriia Dmytrenko

Approved by the Department of Intellectual Property and Private Law (protocol № 2 from 21.09.2022)

Approved by the Methodical Commission of the Faculty of Sociology and Law (protocol № 3 from 22.09.2022)

Tasks for the preparation of a draft application for trademark registration

Prepare:

- 1) application for trademark registration (designation chosen by the student);
- 2) select classes (<https://nice.uipv.org/>);
- 3) suggest possible specific goods and services by class (<https://nice.uipv.org/>);
- 4) determine the cost of fees for submitting a designation for registration in accordance with the Resolution dated 23.12. 2004 No. 1716 "On approval of the Procedure for payment of fees for actions related to the protection of rights to intellectual property objects" (see code 40100-43600) (<https://zakon.rada.gov.ua/laws/show/1716-2004-%D0%BF#Text>);
- 5) substantiate the possibility of obtaining a positive decision on the registration of the designation as a trademark based on the results of the qualification examination, whether it meets the conditions of legal protection.