



Commercialization of intellectual property rights

Work program of the discipline (Syllabus)

Details of the discipline

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| 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), autumn 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

It is important to create objects of intellectual property rights not for the sake of the very fact of their existence, but for their commercialization. The results of intellectual and creative activity should be used, thereby strengthening the country's economy.

By mastering the course "Commercialization of intellectual property rights", the student will gain knowledge about the essence of commercialization, methods of commercialization, methods of using objects of intellectual property rights, legal forms of commercialization.

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 on the commercialization of economic rights of intellectual property.

Normative content of training for higher education applicants:

PLO 4. Make a presentation of your research on a legal topic, using primary sources and techniques of legal interpretation of complex problems arising from this research, argue the conclusions.

PLO 9. Generate new ideas and use modern technologies in the provision of legal services.

PLO 12. Conduct a comparative legal analysis of individual legal institutions of different legal systems, taking into account the relationship between the legal system of Ukraine and the legal systems of the Council of Europe and the European Union.

PLO 18. To use information and communication and digital technologies for the implementation and protection of citizens' rights to intellectual property, access to service, information and knowledge in modern time's information society.

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 2. The ability to conduct research at an appropriate level.

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

GC 4. The ability to adapt and act in a new situation.

GC 5. The ability to communicate in a foreign language in the professional sphere, both orally and in writing.

GC 6. The ability to generate new ideas (creativity).

GC 7. The ability to make informed decisions.

GC 9. The ability to work in an international context.

GC 10. The ability to develop and manage projects.

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.

SC3. The ability to analyze and evaluate the impact of the Convention on the Protection of Human Rights and Fundamental Freedoms, as well as the practice of the European Court of Human Rights on the development of the legal system and law enforcement in Ukraine.

SC5. The ability to use modern legal doctrines and principles in law-making and in the process of applying institutions of public and private law, as well as criminal justice.

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

SC8. Ability to use mediation and other legal tools of alternative out-of-court proceedings and resolution of legal disputes.

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.

SC14. The ability to independently prepare drafts of regulatory and legal acts, justify the social conditionality of their adoption, predict the results of their impact on relevant social relations.

SC16. Ability to systematically apply legislation in the field of legal protection of intellectual property and commercialization of technologies.

The task of the educational component is the formation of the following learning outcomes:

- knowledge and understanding of the essence of commercialization of intellectual property rights, methods of commercialization, methods of using objects of intellectual property rights, legal forms of commercialization;
- knowledge and understanding of the features of commercialization of intellectual property rights;
- the ability to use knowledge in practice.

As a result of mastering the educational component, students will be able to:

- provide advice on the commercialization of intellectual property rights;
- prepare legal documents regarding the commercialization of intellectual property rights.

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. General characteristics of legal relations regarding objects of intellectual property rights in innovative activities.

Topic 2. The concept, content, ways of doing commercialization of intellectual property rights.

Topic 3. Use of intellectual property rights.

Topic 4. General characteristics of agreement forms of commercialization of intellectual property rights.

Topic 5. Agreements regarding the granting of permission to use objects of intellectual property rights.

Topic 6. Agreements on alienation of intellectual property rights. State registration of the fact of the alienation of intellectual property rights.

Topic 7. Agreements on the creation of objects of intellectual property rights by order.

Topic 8. Commercialization of intellectual property rights in innovative activity. Agreement forms of commercialization of innovative activity.

Topic 9. Management of intellectual property rights in the process of their commercialization.

Topic 10. Protection of intellectual property rights in the process of their commercialization.

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. Коваль І.Ф. Комерціалізація прав інтелектуальної власності. К.: Юрінком Інтер, 2018. 272 с.
2. Мироненко Н.М. Договірні форми реалізації прав інтелектуальної власності на комерційні позначення. К.: Інтервервіс, 2017. 230 с. (*In the university library*).
3. Право інтелектуальної власності: підручник / за заг. ред. С.Б. Булеци, О.І. Чепис. Ужгород: РІК-У, 2019. 488 с. (*In the university library*);
4. Право інтелектуальної власності: підручник / за заг. ред. О.І. Харитонової. Київ: Юрінком Інтер, 2019. 539 с. (*In the university library*);
5. Інтелектуальна власність та авторське право: навчальний посібник/ І.М. Чістякова та інші. Київ: Каравела, 2019. 203 с. (*In the university library*).

4.2. Additional materials and resources:

1. Дмитренко В. В. Місце договорів на виконання науково-дослідних, дослідно-конструкторських та технологічних робіт серед договорів у сфері інтелектуальної власності. *Право і суспільство*. 2021. № 4. С. 41-48. URL: <https://ela.kpi.ua/handle/123456789/47526>; URL: http://pravoisuspilstvo.org.ua/archive/2021/4_2021/8.pdf
2. Dmytrenko V. V. Technology Transfer Agreements in the System of Intellectual Property Agreements. *Innovative views in European fundamental scientific-practical legal studies*: International scientific conference (Baltic International Academy, Riga, the Republic of Latvia, December 28-29, 2021). Riga, Latvia: "Baltija Publishing", 2021. P. 54-56. URL: <https://ela.kpi.ua/handle/123456789/47576>; URL: <http://www.baltijapublishing.lv/omp/index.php/bp/catalog/download/197/5485/11527-1?inline=1>
3. Dmytrenko V. V. Regarding state registration of facts of contractual disposal of intellectual property rights. *Legal science, legislation and law enforcement: traditions and new European approaches*: International scientific and practical conference (Cuiavian University in Włocławek, Włocławek, the Republic of Poland, July 9-10, 2021). Włocławek: "Baltija Publishing", 2021. P. 48-52. URL: <https://ela.kpi.ua/handle/123456789/47765>; URL: <http://www.baltijapublishing.lv/omp/index.php/bp/catalog/download/157/4651/9811-1?inline=1>
4. Дмитренко В. В. Щодо праворозуміння понять «недійсний договір» та «неукладений договір» у сфері інтелектуальної власності. *Створення, охорона, захист і комерціалізація об'єктів права інтелектуальної власності*: матеріали IV Всеукраїнської науково-практичної конференції (КІП, м. Київ, 22 квітня 2021 р.). Київ: КІП імені Ігоря Сікорського, 2021. С. 105-110. URL: <http://imm-mmi.kpi.ua/proc/article/view/229624>
6. Дмитренко В. В. Особливості договору про створення за замовленням і використання об'єкта права інтелектуальної власності. *Підприємництво, господарство і право*. №11. 2020. С. 24-28. URL: <http://pgp-journal.kiev.ua/archive/2020/11/4.pdf>

7. Dmytrenko V. V. Agreements on Administration of Titles to Knowhow. *Science and Innovation*. 2019. № 15 (3). P. 62–75. URL: <http://scinn-eng.org.ua/sites/default/files/pdf/2019/N3/Dmytrenko.pdf>
8. Якубівський І. Є. Набуття, здійснення та захист майнових прав інтелектуальної власності в Україні: монографія. Львів: ЛНУ імені Івана Франка, 2018. 522 с.
9. Горська К., Жихарев О., Кашинцева О., Недогібченко Є., Работягова Л., Петренко І., Улітіна О. Розпорядження майновими правами інтелектуальної власності: збірних типових форм договорів та коментар до них. К.: Інтервервіс, 2018. 96 с. URL: https://drive.google.com/file/d/1791holU6HDSfhxk4oNzRWU_Smt5Mmq8m/view
10. Андрощук Г.О., Атаманова Ю.Є., Дідук А.Г. та ін. Договір комерційної концесії: теорія, законодавство, судова практика: монографія. К.: НДІ ІВ НАПрН України, 2018. 212 с. URL: <https://drive.google.com/file/d/1waRBIy8nnvxInJUiYIpgj-gsuEvOtiL-/view>
11. Пічкур О. Порядок виконання операції щодо укладення ліцензійного договору. К.: Інтервервіс, 2018. 56 с. URL: https://drive.google.com/file/d/1G_iZOeEz1hkxTalKaNMGvJaJHN7EXGBB/view
12. Сусліков Л.М., Студеняк І.П. Створення об'єктів інтелектуальної власності. Ужгород: Видавництво УжНУ "Говерла", 2020. 419 с. (бібліотека Університету).
13. Кузьмін О.Є., Сай Л.П., Пшик-Ковальська О.О., Гнилянська Л.Й. Інтелектуальна власність: економіко-правові та міжнародні аспекти: практикум. Львів: Растр-7, 2021. 210 с. (*In the university library*).

4.3 Legislative and other documents:

1. Цивільний кодекс України: Закон України від 16 січня 2003 р. № 435-IV. URL: <http://zakon.rada.gov.ua/laws/show/435-15> (дата звернення: 15 серпня 2022 р.).
2. Про авторське право і суміжні права: Закон України від 23 грудня 1993 р. № 3792-XII. URL: <https://zakon.rada.gov.ua/laws/show/3792-12> (дата звернення: 15 серпня 2022 р.).
3. Про охорону прав на винаходи і корисні моделі: Закон України від 15 грудня 1993 р. № 3687-XII. URL: <http://zakon3.rada.gov.ua/laws/show/3687-12> (дата звернення: 15 серпня 2022 р.).
4. Про охорону прав на промислові зразки: Закон України від 15 грудня 1993 р. № 3688- XII. URL: <http://zakon.rada.gov.ua/laws/show/3688-12> (дата звернення: 15 серпня 2022 р.).
5. Про охорону прав на знаки для товарів та послуг: Закон України від 15 грудня 1993 р. № 3689-XII. URL: <http://zakon.rada.gov.ua/laws/show/3689-12> (дата звернення: 15 серпня 2022 р.).
6. Про охорону прав на компонування напівпровідникових виробів: Закон України від 5 листопада 1997 р. № 621/97-ВР. URL: <https://zakon.rada.gov.ua/laws/show/621/97-%D0%B2%D1%80#Text> (дата звернення: 15 серпня 2022 р.).
7. Про охорону прав на сорти рослин: Закон України від 21 квітня 1993 р. № 3116-XII. URL: <https://zakon.rada.gov.ua/laws/show/3116-12#Text> (дата звернення: 15 серпня 2022 р.).
8. Про затвердження зразків документів: Наказ МОН від 28.12.2004 № 986. URL: <https://zakon.rada.gov.ua/rada/show/v0986290-04> (дата звернення: 15 серпня 2022 р.).
9. Про затвердження мінімальних ставок винагороди авторам технологій та особам, які здійснюють їх трансфер: Постанова КМУ від 04.12.2019 р. № 1030. URL: <https://zakon.rada.gov.ua/laws/show/1030-2019-%D0%BF#Text> (дата звернення: 15 серпня 2022 р.).
10. Про державну реєстрацію авторського права і договорів, які стосуються права автора на твір: Постанова КМУ від 27.12.2001 р. № 1756. URL: <https://zakon.rada.gov.ua/laws/show/1756-2001-%D0%BF#Text> (дата звернення: 15 серпня 2022 р.).
11. Про затвердження Інструкції про подання, розгляд, публікацію та внесення до реєстру відомостей про передачу права власності на винахід (корисну модель) та видачу ліцензії на використання винаходу (корисної моделі): наказ Міністерства освіти і науки України від 16 липня 2001 р. № 521. URL: <https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=z0644-01&print=1> (дата звернення: 15 серпня 2022 р.).
12. Про затвердження Інструкції про подання, розгляд, публікацію та внесення до реєстру відомостей про передачу права власності на промисловий зразок та видачу ліцензії на використання промислового зразка: наказ Міністерства освіти і науки України від 3 серпня 2001 р. № 574. URL: <https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=z0716-01&print=1> (дата звернення: 15 серпня 2022 р.).
13. Про затвердження Інструкції про подання, розгляд, публікацію та внесення до реєстру відомостей про передачу права власності на топографію інтегральної мікросхеми та видачу ліцензії на використання топографії інтегральної мікросхеми: наказ Міністерства освіти і науки України від 3 серпня 2001 р. № 577. URL: <https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=z0719-01&print=1> (дата звернення: 15 серпня 2022 р.).
14. Про затвердження Інструкції 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: наказ Міністерства освіти і науки України від 3 серпня 2001 р. №576. URL: <https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=z0718%2D01&p=1111410261307734#Text> (дата звернення: 15 серпня 2022 р.).

15. Про затвердження Інструкції про реєстрацію договору про передачу майнового права на сорт і договору про передачу права на використання сорту: наказ Міністерства аграрної політики України від 21 липня 2003 р. №244. Дата державної реєстрації: 8 серпня 2003 р. URL: <https://zakon.rada.gov.ua/laws/show/z0698-03#Text> (дата звернення: 15 серпня 2022 р.).

16. Про деякі питання практики вирішення спорів, пов'язаних із захистом прав інтелектуальної власності: постанова Пленуму Вищого господарського суду України від 17 жовтня 2012 р. № 12. URL: <https://zakon.rada.gov.ua/laws/show/v0012600-12#Text> (дата звернення: 15 серпня 2022 р.).

4.4 Information resources:

1. Website of the World Intellectual Property Organization: <https://www.wipo.int/portal/en/index.html>
2. Website of the EUIPO: <https://euipo.europa.eu/>
3. Офіційний сайт Міністерства економіки України: <https://www.me.gov.ua/?lang=uk-UA>
4. Офіційний сайт ДП «Український інститут інтелектуальної власності» («Укрпатент») – <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. At practical classes, students can present the results of their own research on the subject of the practical session, offer their solution to legal problems regarding the commercialization of intellectual property rights, generate new ideas, present the results of a comparative legal analysis of the specifics of the commercialization of intellectual property rights in Ukraine and, in particular, in the EU countries, to make proposals for improving national legislation in the field of intellectual property law, taking into account the experience of EU countries.

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

| The name of the topic of the lecture and a list of main questions, tasks for the student's independent work |
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| <p>Topic 1. General characteristics of legal relations regarding objects of intellectual property rights in innovative activities.</p> <p>Concept and legal nature of intellectual property. Types of objects of intellectual property rights in innovative activity. Subjects of intellectual property rights and the content of their rights. State system of legal protection of intellectual property.</p> <p>Tasks for the student's independent work:</p> <p>Repeat the topic: The intellectual property law in the system of law of Ukraine.</p> |
| <p>Topic 2. The concept, content, ways of doing commercialization of intellectual property rights.</p> <p>Concept, content of commercialization of rights to intellectual property objects. Ways of doing commercialization of intellectual property rights. Features of commercialization of intellectual property rights owned jointly by several persons. Exhaustion of intellectual property rights. The current state and prospects for the development of legislation aimed at regulating the commercialization of rights to intellectual property objects.</p> |

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| <p>Tasks for the student's independent work: Repeat the topic: Correlation of economic rights of intellectual property and property rights.</p> |
| <p>Topic 3. Use of intellectual property rights. The concept and ways of using intellectual property objects. Basis for using intellectual property objects. Free use and fair use of intellectual property objects.</p> <p>Tasks for the student's independent work: Repeat the topic: Limitation of intellectual property rights.</p> |
| <p>Topic 4. General characteristics of agreement forms of commercialization of intellectual property rights. Concepts, types of agreements regarding the commercialization of intellectual property rights. The place of agreements on the commercialization of intellectual property rights in the system of civil law agreements. Form of agreements for commercialization of intellectual property rights.</p> <p>Tasks for the student's independent work: Repeat the topic: Disposition of intellectual property rights.</p> |
| <p>Topic 5. Agreements regarding the granting of permission to use objects of intellectual property rights. The license agreement, its essential terms. Types of licenses. Types of license payments. Commercial concession agreement, its essential conditions.</p> <p>Tasks for the student's independent work: Repeat the topic: Legal characteristics of the license agreement and commercial concession agreement.</p> |
| <p>Topic 6. Agreements on alienation of intellectual property rights. State registration of the fact of the alienation of intellectual property rights. Alienation of intellectual property rights. Agreement on transfer of exclusive intellectual property rights, its essential conditions. State registration of alienation of intellectual property rights.</p> <p>Tasks for the student's independent work: Repeat the topic: Legal characteristics of the agreement on the transfer of exclusive intellectual property rights.</p> |
| <p>Topic 7. Agreements on the creation of objects of intellectual property rights by order. Allocation of intellectual property rights to objects created to order or in connection with the fulfilled of an employment contract. Agreement on creation to order and use of object of intellectual property right.</p> <p>Tasks for the student's independent work: Repeat the topic: Features of the agreement regulation of relations between legal entities regarding the creation of objects of intellectual property rights by order.</p> |
| <p>Topic 8. Commercialization of intellectual property rights in innovative activity. Agreement forms of commercialization of innovative activity. Objects and subjects of innovative activity. General regulations on agreement forms in innovative activities. Technology transfer agreements. Agreement on the creation and transfer of scientific and technical products.</p> <p>Tasks for the student's independent work: Repeat the topic: Agreement for the fulfilled of research, development and technological works.</p> |
| <p>Topic 9. Management of intellectual property rights in the process of their commercialization. Concepts and principles of intellectual property management. The life cycle of the object of intellectual property rights. Management of the object of intellectual property rights at the stage of its creation, acquisition of rights, commercialization, protection of rights, disposal.</p> <p>Tasks for the student's independent work: Repeat the topic: Balance of interests of society and the subject of intellectual property rights.</p> |
| <p>Topic 10. Protection of intellectual property rights in the process of their commercialization. Intellectual property rights protection mechanism. Basis for protection of intellectual property rights. Forms and ways of doing protection of intellectual property rights.</p> <p>Tasks for the student's independent work: Repeat the topic: Special ways to protect intellectual property rights.</p> |

Practical training

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| 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) |
| Topic 1. Practice session 1-2. General characteristics of legal relations regarding objects of intellectual property rights in innovative activities. <ol style="list-style-type: none">1. Concept and legal nature of intellectual property.2. Types of objects of intellectual property rights in innovative activity.3. Subjects of intellectual property rights and the content of their rights.4. State system of legal protection of intellectual property. <p>Questions for discussion in practice:</p> <ol style="list-style-type: none">1. Who can be the author of the results of intellectual and creative activity?2. What state structure ensure the formation and implementation of state policy in the field of intellectual property? <p>Tasks for the student's independent work:</p> <p>Repeat the topic: The intellectual property law in the system of law of Ukraine.</p> |
| Topic 2. Practice session 3-4. The concept, content, ways of doing commercialization of intellectual property rights. <ol style="list-style-type: none">1. Concept, content of commercialization of rights to intellectual property objects.2. Ways of doing commercialization of intellectual property rights.3. Features of commercialization of intellectual property rights owned jointly by several persons.4. Exhaustion of intellectual property rights.5. The current state and prospects for the development of legislation aimed at regulating the commercialization of rights to intellectual property objects. Study of the EU experience. <p>Questions for discussion in practice:</p> <p>Features of co-ownership of intellectual property rights.</p> <p>Tasks for the student's independent work:</p> <p>Repeat the topic: Correlation of economic rights of intellectual property and property rights.</p> |
| Topic 3. Practice session 5-6. Use of intellectual property rights. <ol style="list-style-type: none">1. The concept and ways of using intellectual property objects.2. Basis for using intellectual property objects.3. Free use and fair use of intellectual property objects. <p>Questions for discussion in practice:</p> <p>In what cases can the object of intellectual property rights be used free of charge and without the permission of the subject of the right?</p> <p>Tasks for the student's independent work:</p> <p>Repeat the topic: Limitation of intellectual property rights.</p> |
| Topic 4. Practice session 7-8. General characteristics of agreement forms of commercialization of intellectual property rights. <ol style="list-style-type: none">1. Concepts, types of agreements regarding the commercialization of intellectual property rights.2. The place of agreements on the commercialization of intellectual property rights in the system of civil law agreements.3. Form of agreements for commercialization of intellectual property rights. <p>Questions for discussion in practice:</p> <p>Types of agreements in the field of intellectual property.</p> <p>Tasks for the student's independent work:</p> <p>Repeat the topic: Disposition of intellectual property rights.</p> |

Topic 5. Practice session 9-10. Agreements regarding the granting of permission to use objects of intellectual property rights.

1. The license agreement, its essential terms.
2. Types of licenses.
3. Types of license payments.
4. Commercial concession agreement, its essential conditions.

Questions for discussion in practice:

Comparative analysis: A) license and license agreement; B) license agreement and commercial concession agreement.

Tasks for the student's independent work:

Repeat the topic: Legal characteristics of the license agreement and commercial concession agreement.

Topic 6. Practice session 11. Agreements on alienation of intellectual property rights. State registration of the fact of the alienation of intellectual property rights.

1. Alienation of intellectual property rights.
2. Agreement on transfer of exclusive intellectual property rights, its essential conditions.
3. State registration of alienation of intellectual property rights.

Questions for discussion in practice:

The specifics of alienation of intellectual property rights to an object owned by several persons.

Tasks for the student's independent work:

Repeat the topic: Legal characteristics of the agreement on the transfer of exclusive intellectual property rights.

Topic 7. Practice session 12. Agreements on the creation of objects of intellectual property rights by order.

1. Allocation of intellectual property rights to objects created to order or in connection with the fulfilled of an employment contract. Study of the EU experience.
2. Agreement on creation to order and use of object of intellectual property right.

Questions for discussion in practice:

1. Comparative analysis of royalties and salary. Study of the EU experience.
2. The parties to the agreement on the creation to order and use of the object of intellectual property rights. Practical meaning of the agreement.

Tasks for the student's independent work:

Repeat the topic: Features of the agreement regulation of relations between legal entities regarding the creation of objects of intellectual property rights by order.

Topic 8. Practice session 13-14. Commercialization of intellectual property rights in innovative activity. Agreement forms of commercialization of innovative activity.

1. Objects and subjects of innovative activity.
2. General regulations on agreement forms in innovative activities.
3. Technology transfer agreements.
4. Agreement on the creation and transfer of scientific and technical products.

Questions for discussion in practice:

Comparative analysis of the agreement for the fulfilled of research, development and technological works with the agreements in the field of intellectual property.

Tasks for the student's independent work:

Repeat the topic: Agreement for the fulfilled of research, development and technological works.

Topic 9. Practice session 15-16. Management of intellectual property rights in the process of their commercialization.

1. Concepts and principles of intellectual property management.
2. The life cycle of the object of intellectual property rights.
3. Management of the object of intellectual property rights at the stage of its creation, acquisition of rights, commercialization, protection of rights, disposal.

Questions for discussion in practice:

Impact of intellectual property rights management on their commercialization.

Tasks for the student's independent work:

Repeat the topic: Balance of interests of society and the subject of intellectual property rights.

Topic 10. Practice session 17-18. Protection of intellectual property rights in the process of their commercialization.

1. Intellectual property rights protection mechanism.
2. Basis for protection of intellectual property rights.
3. Forms and ways of doing protection of intellectual property rights.

Questions for discussion in practice:

The importance of alternative ways of dispute resolution in the field of intellectual property.

Tasks for the student's independent work:

Repeat the topic: Special ways to protect intellectual property rights.

6. Independent student work

The independent work of students includes training for classes by mastering lecture materials, studying basic and additional literature and legislation, solving legal cases, practical problems, doing projects of legal documents, as well as conducting own research on the subject of the academic discipline, carrying out a comparative legal analysis of specifics commercialization of intellectual property rights in Ukraine and, in particular, in EU countries.

| Topic/question submitted for independent study |
|---|
| Topic 1. General characteristics of legal relations regarding objects of intellectual property rights in innovative activities. |
| Tasks for the student's independent work: Repeat the topic: The intellectual property law in the system of law of Ukraine. |
| Topic 2. The concept, content, ways of doing commercialization of intellectual property rights. |
| Tasks for the student's independent work: Repeat the topic: Correlation of economic rights of intellectual property and property rights. |
| Topic 3. Use of intellectual property rights. |
| Tasks for the student's independent work: Repeat the topic: Limitation of intellectual property rights. |
| Topic 4. General characteristics of agreement forms of commercialization of intellectual property rights. |
| Tasks for the student's independent work: Repeat the topic: Disposition of intellectual property rights. |
| Topic 5. Agreements regarding the granting of permission to use objects of intellectual property rights. |
| Tasks for the student's independent work: Repeat the topic: Legal characteristics of the license agreement and commercial concession agreement. |
| Topic 6. Agreements on alienation of intellectual property rights. State registration of the fact of the alienation of intellectual property rights. |
| Tasks for the student's independent work: Repeat the topic: Legal characteristics of the agreement on the transfer of exclusive intellectual property rights. |
| Topic 7. Agreements on the creation of objects of intellectual property rights by order. |
| Tasks for the student's independent work: Repeat the topic: Features of the agreement regulation of relations between legal entities regarding the |

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| creation of objects of intellectual property rights by order. |
| Topic 8. Commercialization of intellectual property rights in innovative activity. Agreement forms of commercialization of innovative activity. <p>Tasks for the student's independent work: Repeat the topic: Agreement for the fulfilled of research, development and technological works.</p> |
| Topic 9. Management of intellectual property rights in the process of their commercialization. <p>Tasks for the student's independent work: Repeat the topic: Balance of interests of society and the subject of intellectual property rights.</p> |
| Topic 10. Protection of intellectual property rights in the process of their commercialization. <p>Tasks for the student's independent work: Repeat the topic: Special ways to protect intellectual property rights.</p> |

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 9 points for 1 test). A total of 10 topics are expected to be studied. The test contains 9 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 calendar control | If the current rating score is at least 50% of the maximum possible at the time of the calendar control |

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. Concept and legal nature of intellectual property.
2. Types of objects of intellectual property rights in innovative activity.
3. Subjects of intellectual property rights and the content of their rights.
4. State system of legal protection of intellectual property.
5. Concept, content of commercialization of rights to intellectual property objects.
6. Ways of doing commercialization of intellectual property rights.
7. Features of commercialization of intellectual property rights owned jointly by several persons.

8. Exhaustion of intellectual property rights.
9. The current state and prospects for the development of legislation aimed at regulating the commercialization of rights to intellectual property objects.
10. The concept and ways of using intellectual property objects.
11. Basis for using intellectual property objects.
12. Free use and fair use of intellectual property objects.
13. Concepts, types of agreements regarding the commercialization of intellectual property rights.
14. The place of agreements on the commercialization of intellectual property rights in the system of civil law agreements.
15. Form of agreements for commercialization of intellectual property rights.
16. The license agreement, its essential terms.
17. Types of licenses.
18. Types of license payments.
19. Commercial concession agreement, its essential conditions.
20. Alienation of intellectual property rights.
21. Agreement on transfer of exclusive intellectual property rights, its essential conditions.
22. State registration of alienation of intellectual property rights.
23. Allocation of intellectual property rights to objects created to order or in connection with the fulfilled of an employment contract.
24. Agreement on creation to order and use of object of intellectual property right.
25. Objects and subjects of innovative activity.
26. General regulations on agreement forms in innovative activities.
27. Technology transfer agreements.
28. Agreement on the creation and transfer of scientific and technical products.
29. Concepts and principles of intellectual property management.
30. The life cycle of the object of intellectual property rights.
31. Management of the object of intellectual property rights at the stage of its creation, acquisition of rights, commercialization, protection of rights, disposal.
32. Intellectual property rights protection mechanism.
33. Basis for protection of intellectual property rights.
34. Forms and ways of doing protection of intellectual property rights.

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)