

**Ministry of Education and Science of Ukraine**  
**Yaroslav Mudryi National Law University**  
**Civil Law Department № 1**

**SYLLABUS OF ACADEMIC DISCIPLINE**  
**«International Intellectual Property Law»**

**The level of higher education** - the second (master's) level

The degree **of higher education** - master's degree

**Branch of knowledge** – 29 "International Relationships"

**Specialty** - 293 "International Law"

**Discipline status** - compulsory

**The recruitment year** is 2022

Kharkiv - 2022

**Syllabus of the academic discipline** «International Intellectual Property Law / Міжнародне право інтелектуальної власності» for students of higher education of the second (master's) level of the higher field of knowledge of education 29 "International Relationships" specialty 293 "International Law".  
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**Developer:**

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Phd in Law, Associate Professor

Approved at the meeting of the Civil Law Department № 1

(protocol no 1 of 1 September 2022)

*The head of the department* is Valentina Ivanivna Borysova,  
PhD in law, professor

### Data about the teacher

<b>The name of the academic discipline</b>	International Intellectual Property Law
<b>Type of academic discipline</b>	compulsory
<b>Teacher</b>	Natalia Ye. Yarkina, Associate Professor of the Civil Law Department № 1 PhD in Law, associate professor
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<b>Consultations</b>	The teacher is at the department according to the developed schedule of individual consultations St. Pushkinska, 77, aud. 31
<b>Online consultations</b>	<a href="https://us04web.zoom.us/j/7156356477?pwd=Qy8zNituV2NGbDZZQkExdWNwbFkrZz09">https://us04web.zoom.us/j/7156356477?pwd=Qy8zNituV2NGbDZZQkExdWNwbFkrZz09</a>  Conference ID: 715 635 6477 access code: 9eZKb7

### *Abstract of the academic discipline*

The essence of international legal protection of intellectual property is revealed, including key concepts, principles, theories, as well as the specifics of the regulation of relations with respect to objects of copyright and related rights, patent law, commercial designations. The areas of activity of the World Intellectual Property Organization, its role in the development of international cooperation in the field of intellectual property protection are outlined. International legal treaties in the field of intellectual property protection, mechanisms and consequences of implementing their provisions into the national legal order are considered. The methods of conflict regulation of intellectual property relations are analyzed, in particular, conflict bindings of national systems. Special attention is paid to the regional system of legal protection of intellectual property in EU countries and the impact of EU Directives on the harmonization of national laws in this area. The procedure for the registration of intellectual property rights according to the international registration procedure, the specifics of resolving disputes on the issue of obtaining security documents and protecting the rights of subjects from violations are studied. The mechanisms and level of implementation of

international standards of legal protection of intellectual property in the legislation of Ukraine are characterized.

### *The purpose and tasks of the academic discipline*

*The purpose of the educational discipline* is to form a system of scientific knowledge in the field of legal regulation of international relations of intellectual property at both the universal and regional levels, to develop the basic abilities and skills of applying the norms of international intellectual property law, to activate the analytical activity of students of higher education, to conduct research work in the sphere of legal regulation of international intellectual property relations and the international system of legal protection of intellectual property.

#### *Tasks:*

- acquisition by students of theoretical knowledge developed by the science of international intellectual property law in the field of international relations of intellectual property;
- development of regulatory material, which is the result of cooperation between states and other subjects in the field of legal protection of intellectual property;
- identification of current problems in the development of legal regulation of relations between subjects of international intellectual property law and directions of modern scientific research in this field;
- familiarization with the practice of international bodies that consider cases related to the provision of legal protection, protection of intellectual property rights, international regulation of intellectual property relations, as well as interpretation of provisions of EU Directives and Regulations;
- formation of skills and abilities to apply the norms of international intellectual property law in practical activities, taking into account the problems of the development of international relations in the field of legal protection of

intellectual property and processes of harmonization of national laws.

***Academic discipline in the structure of the educational and professional program. Interdisciplinary connections***

*Prerequisites* : European private international Law, European Union Law and its system, WTO Law, International contract Law.

*Necessities*: Corporate law and EU governance, Law enforcement issues (professional and practical competences).

*Post-requisites*: -

***Expected learning outcomes of a student of higher education***

As a result of mastering the academic discipline, the student of higher education must demonstrate the following learning results:

LR-1. Demonstrate knowledge of key concepts, principles, theories of international legal protection of intellectual property, specifics of regulatory approaches in international copyright and patent law, legal protection of commercial designations.

LR-2. Demonstrate knowledge of the main functions, tasks, directions of activity of WIPO in the field of intellectual property protection, characterize the current state and prospects for the development of effective international cooperation in this field.

LR-3. Carry out a logical, critical and systematic analysis of international agreements in the field of legal protection of intellectual property, to be aware of the needs, mechanisms and consequences of the implementation of their norms in the national legal order.

LR-4. Demonstrate knowledge of methods of conflict regulation of intellectual property relations; demonstrate the skills of applying the conflict of

laws norms of international treaties, as well as the conflict of laws of national systems.

LR-5. Characterize the regional system of legal protection of intellectual property in the EU countries, professionally and critically assess the influence of EU Directives on the harmonization of certain issues of intellectual property protection.

LR-6. Demonstrate knowledge of basic international legal conventions in the field of copyright and related rights, features of the emergence, exercise and protection of these rights; characterize the functions and mechanisms of interaction of organizations of collective management of property copyright and related rights.

LR-7. Demonstrate knowledge of international agreements in the field of legal protection of inventions, utility models, industrial designs, commercial designations; determine the security capacity and scope of legal protection of these objects; understand the registration procedures for international applications for the issuance of security documents.

LR-8. Demonstrate knowledge of the main mechanisms and procedures for resolving disputes regarding obtaining protective documents for intellectual property objects, as well as protecting the rights of subjects from violations.

LR-9. To carry out a critical analysis of the practice of national and international courts, to interpret the provisions of international treaties, EU Directives and Regulations, to make informed decisions based on the theoretical knowledge obtained and the generalization of law enforcement practice.

LR-10. Provide professional advice on the implementation and protection of intellectual property rights in relations with a foreign element; argue and present the legal position regarding the resolution of the legal conflict between the participants of the relationship.

LR-11. Identify problems of legal regulation of intellectual property rights, propose ways to overcome them in accordance with the principles of international intellectual property law, taking into account the practice of international courts, the experience of international organizations, modern doctrine on the relevant

issues.

LR-12. Professionally assess the level of implementation of international standards of legal protection of intellectual property in the legislation of Ukraine, understand the needs and ways of harmonizing national systems at the current stage, formulate proposals for improving national legislation.

### **Types of educational activities and independent work for students of full-time higher education**

<b>No</b>	<b>Classes (in contact with the lecturer)</b>		<b>Individual work (in hours)</b>
	<b>Topics of lectures</b>	<b>Topics of practical classes</b>	
1	The concept of intellectual property and general principles of its international legal protection	The concept of intellectual property and general principles of its international legal protection	8
2	International agreements in the field of protection of intellectual property rights.	International agreements in the field of protection of intellectual property rights.	8
3	International copyright	International copyright	8
4	Adjacent rights in international private law	Adjacent rights in international private law	8
5	Collective management of property rights of subjects of copyright and related rights	Collective management of property rights of subjects of copyright and related rights	8
6	International protection of rights to inventions and utility models	International protection of rights to inventions and utility models	8
7	International protection of rights to industrial designs	International protection of rights to industrial designs	10
8	International protection of trademark rights	International protection of trademark rights	16
9	International protection of the name of the place of origin of goods (geographical indication).	International protection of the name of the place of origin of goods (geographical indication).	8

### **Types of educational activities and independent work for students of higher education of distant form of education**

No	Topics of lectures	Topics of practical classes	Individual work (in hours)
1	The concept of intellectual property and general principles of its international legal protection	The concept of intellectual property and general principles of its international legal protection	110
2	International copyright	International copyright	
3	International protection of rights to inventions and utility models	-	

#### *Independent work of students*

Independent work of students is carried out in the following forms:

- written homework assignments;
- assimilation of theoretical material on the topics of practical classes;
- revision of lecture materials;
- work in information networks;
- development of additional literature;
- development of cases;
- essay on highly specialized issues;
- creation of a training course portfolio and its presentation;
- writing abstracts, reports and their presentation;
- preparation and publication of scientific articles, theses of scientific reports;
- participation in student scientific and practical conferences;
- compiling a bibliography on the relevant topic;
- generalization of court practice;
- commenting on sources of international law, as well as national law of Ukraine and foreign countries;
- other forms of work.

Tasks and methodical recommendations for independent work are given in



Methodical materials for the academic discipline "International intellectual property Law " for students of the second (master's) level of higher education in the field of knowledge 29 "International Relationships" specialty 293 "International Law".

***Educational, methodical and information support  
academic discipline***

*Normative and legal acts*

1. Convention Establishing the World Intellectual Property Organization (as amended on September 28, 1979). World Intellectual Property Organization. URL.: <https://www.wipo.int/wipolex/en/treaties/textdetails/12412>
2. Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (as adopted on May 20, 2015). World Intellectual Property Organization. URL.: <https://www.wipo.int/wipolex/en/treaties/textdetails/15625>
3. Berne Convention for the Protection of Literary and Artistic Works (Berne, 1886). URL.: [https://zakon.rada.gov.ua/laws/show/995\\_051#Text](https://zakon.rada.gov.ua/laws/show/995_051#Text)
4. Universal Copyright Convention (1952). URL.: [https://zakon.rada.gov.ua/laws/show/995\\_052#Text](https://zakon.rada.gov.ua/laws/show/995_052#Text)
5. The Hague Act of the (1960) Hague Agreement Concerning the International Registration of Industrial Designs. URL.: <https://www.wipo.int/wipolex/en/treaties/textdetails/12528>
6. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. URL.: [https://zakon.rada.gov.ua/laws/show/984\\_005-01#Text](https://zakon.rada.gov.ua/laws/show/984_005-01#Text)
7. Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property. URL.: [https://zakon.rada.gov.ua/laws/show/984\\_003-06#Text](https://zakon.rada.gov.ua/laws/show/984_003-06#Text)

8. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC. URL.: [https://zakon.rada.gov.ua/laws/show/984\\_022-19#Text](https://zakon.rada.gov.ua/laws/show/984_022-19#Text)
9. Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market Text with EEA relevance. URL.: [https://zakon.rada.gov.ua/laws/show/984\\_002-14](https://zakon.rada.gov.ua/laws/show/984_002-14)
10. Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission. URL.: [https://zakon.rada.gov.ua/laws/show/994\\_433#Text](https://zakon.rada.gov.ua/laws/show/994_433#Text)
11. WIPO Copyright Treaty (1996). URL.: [https://zakon.rada.gov.ua/laws/show/995\\_770#Text](https://zakon.rada.gov.ua/laws/show/995_770#Text)
12. WIPO Performances and Phonograms Treaty (1996). URL.: [https://zakon.rada.gov.ua/laws/show/995\\_769#Text](https://zakon.rada.gov.ua/laws/show/995_769#Text)
13. Patent Cooperation Treaty (1970). URL.: [https://zakon.rada.gov.ua/laws/show/895\\_001#Text](https://zakon.rada.gov.ua/laws/show/895_001#Text)
14. The Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs. URL.: [https://www.wipo.int/edocs/pubdocs/en/designs/453/wipo\\_pub\\_453.pdf](https://www.wipo.int/edocs/pubdocs/en/designs/453/wipo_pub_453.pdf)
15. On copyright and neighboring rights: Law of Ukraine dated 01.12.2022 № 2811-IX. URL: <https://zakon.rada.gov.ua/laws/show/2811-20#Text>
16. On geographical indications of alcoholic beverages: Law of Ukraine dated 01.12.2022 № 2800-IX. URL: <https://zakon.rada.gov.ua/laws/show/2800-20#Text>
17. On the effective management of the property rights of rights holders in the field of copyright and (or) related rights: Law of Ukraine dated 15.05.2018 № 2415-VIII. URL.: <https://zakon.rada.gov.ua/laws/show/2415-19#Text>

18. On protection of rights to inventions and utility models: Law of Ukraine dated 15.12.1993 № 3687-XII. URL.: <https://zakon.rada.gov.ua/laws/show/3687-12#Text>
19. On the protection of rights to signs for goods and services: Law of Ukraine dated 15.12.1993 № 3689-XII. URL.: <https://zakon.rada.gov.ua/laws/show/3689-12#Text>
20. On protection of rights to industrial designs : Law of Ukraine dated 15.12.1993 № 3688-XII. URL.: <https://zakon.rada.gov.ua/laws/show/3688-12#Text>
21. On legal protection of geographical indications : Law of Ukraine dated 16.06.1999 № 752-XIV. URL.: <https://zakon.rada.gov.ua/laws/show/752-14#Text>
22. Convention for the Protection of Producers of Phonogram Against Unauthorized Duplication of Their Phonograms (Geneva, 1971). URL.: [https://zakon.rada.gov.ua/laws/show/995\\_124#Text](https://zakon.rada.gov.ua/laws/show/995_124#Text)
23. Madrid Agreement Concerning the International Registration of Marks (1891). URL.: [https://zakon.rada.gov.ua/laws/show/995\\_134#Text](https://zakon.rada.gov.ua/laws/show/995_134#Text)
24. Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome, 1961). URL.: [https://zakon.rada.gov.ua/laws/show/995\\_763#Text](https://zakon.rada.gov.ua/laws/show/995_763#Text)
25. Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957). URL.: [https://zakon.rada.gov.ua/laws/show/995\\_066#Text](https://zakon.rada.gov.ua/laws/show/995_066#Text)
26. Association Agreement between the European Union and the European Atomic Energy Community and their member states, of the one part, and Ukraine, of the other part (2014). URL: [https://zakon.rada.gov.ua/laws/card/984\\_011](https://zakon.rada.gov.ua/laws/card/984_011)
27. Agreement on Trade-Related Aspects of Intellectual Property Rights of 1994 (TRIPS). URL: [https://www.wto.org/english/docs\\_e/legal\\_e/31bis\\_trips\\_01\\_e.htm](https://www.wto.org/english/docs_e/legal_e/31bis_trips_01_e.htm)

*Basic literature*

1. Androschuk, G. O. (2014). *Patent law: international legal regulation*: Kyiv: Research Institute of Intellectual Property of National Academy of Sciences of Ukraine.
2. Dakhno, I. I. (2016). *International private law*. Kyiv: MAUP.
3. Khridochkin, A. V., Vikhlyaev, M. Yu., & Lomakina, A. A. (2022). *Encyclopedia of intellectual property*. Odesa: "Helvetika" Publishing House.
4. Sviatotskyi, O. D. (ed). (2023). *Protection of intellectual property rights: the experience of the United States of America. Coll. of documents, materials, articles*. Kyiv: "In Yure" Publishing Center.
5. Iolkin, Ya. O. (2011). *Trademarks in Ukraine and the European Union*. Kyiv: Research Institute of the National Academy of Sciences of Ukraine, "Lazurite-Polygraph".
6. Kapitsa, Yu.M., Stupak, S.K., & Zhuvaka, O.V. (2012). *Copyright and related rights in Europe*. Kyiv: Logos.
7. Vaytsekhovska, O. R., Rudenko, O. V. (2023). *International private law: special part*. Kharkiv: Law.
8. Dovgert, A.S., & Kisil, V.I. (eds). *International private law. Special part*. Kyiv: Alerta.
9. Bilousova, E.M., & Yakovyuk, I.V. (eds). (2021). *International private law*. Kharkiv: Law.
10. Romashko, A.S., Verba, I.I., & V.V. Prigoda. (2013). *International treaties and agreements in the field of intellectual property*. Kyiv: NTUU "KPI".
11. Skordomalya, V. (2004). *EU Intellectual Property Law*. Kyiv: ESIIR named after Taras Shevchenko.
12. Judicial practice of the Court of the European Union in the sphere of intellectual property. Kyiv. 2016.
13. Orlyuk, O.P. (ed). (2010). *Legal support of the sphere of intellectual property in Ukraine in the context of European integration: conceptual foundations*. Kyiv: Lazurite-Polygraph.

14. Orlyuk, O.P., & Svyatotskyi, O.D. (eds). (2007). Intellectual property law: Acad. Course. Kyiv: In Yure.
15. Yaroshevskaya, T. V. (2020). *Problems of protection of industrial property rights in Ukraine*. Dnipro: Publisher of Bila K. O.

#### *Additional literature*

1. Androschuk, H. (March 20, 2020). The Geneva Act of the WIPO Lisbon Agreement entered into force. *Legal Gazette online*.
2. Vasiliev, E.O. (2022). Development of international legal protection of industrial property in the 20th century. Retrieved from [http://lsej.org.ua/12\\_2022/3.pdf](http://lsej.org.ua/12_2022/3.pdf)
3. Drobyazko, V. S. (2021). *Historical and theoretical and practical aspects of the formation and development of the international system of protection of related rights*. Kyiv: Interservice.
4. Kapitsa, Y. (2016). The single European patent and new patenting opportunities in the European Union. *Theory and practice of intellectual property*, 2, 17-27.
5. Kapitsa, Y. M. (2009). International legal regulation in the field of technology transfer and national priorities: problems of correlation. *Private law and entrepreneurship*, 8, 155-159.
6. Kybenko, E.R. (2014). Case history: pledge of patents (property rights to inventions) in private international law. *Law and innovation*, 1/2, 156-161.
7. Komzyuk, L.T. Harmonization of the protection of rights to "orphan works" in the EU as a factor in the development of media law in the information society. Retrieved from <http://ippi.org.ua/sites/default/files/13kltmis.pdf>
8. Kulchyi, I.M. (2019). Geographical indication of the origin of agricultural products: legal realities and prospects in the conditions of European integration. *Problems of legality*, 146, 103 – 112.

9. Lukyanov, D.V., Shumilo, I.A., & Lukan, M.O. (2020). Conflict regulation of cross-border inheritance of copyright. *Bulletin of the National Academy of Legal Sciences of Ukraine*, Vol. 27, No. 2, 60-80.

10. Maidanyk, R. A. (2012). Regarding the issue of innovations and intellectual property rights in international private law. *University scientific notes*, 1 (41), 217 - 225.

11. Popovych, T. G. (2016). Peculiarities of the regulation of registration of geographical indications in the context of Ukraine's implementation of the Association Agreement with the EU. Retrieved from <http://www.ppp-journal.kiev.ua/archive/2016/15/47.pdf>

12. Postryhan, V.S. (2022). Regarding the issue of approximation of domestic copyright protection standards to European standards. *New Ukrainian law*, Issue 6. Volume 2. DOI <https://doi.org/10.51989/NUL.2022.6.2.19>

13. Romanadze, L.D. (2008). The procedure for compensation for damages caused by improper use of trademarks in international private law. *Actual problems of the state and law*, 255 – 262.

14. Soroka, N. E. (2019). *Copyright and related rights in the information society: European experience*. Kharkiv: Law.

15. Yarkina, N.Ye. (2023). Exploitation Copyrights for a Work Created by an Employee: Trends of Legal Regulation in Ukraine and EU Countries. *Theory and Practice of Jurisprudence*, 1(23).

#### *Internet resources*

The official web portal of the Verkhovna Rada of Ukraine - <http://rada.gov.ua/>

The official web portal of the President of Ukraine - <http://www.president.gov.ua>

The official web portal of the Cabinet of Ministers of Ukraine - <http://www.kmu.gov.ua>

The official web portal of the Ministry of Justice of Ukraine -  
<https://minjust.gov.ua/>

The official web portal of the Permanent Mission of Ukraine to the United Nations and other international organizations in Geneva -  
<https://geneva.mfa.gov.ua/posolstvo/2610-wipo>

The official web portal of the State System of Legal Protection of Intellectual Property - <https://ukrpatent.org/uk>

The official web portal of the World Intellectual Property Organization -  
<https://www.wipo.int/portal/en/index.html>

The official web portal of the United Nations - <http://www.un.org/>

The official web portal of the European Union - <http://europa.eu/>

The official web portal of the World Trade Organization is  
<https://www.wto.org>

The official web portal of the Court of Justice of the EU is  
<https://curia.europa.eu>

Almanac of International Law - <http://www.intlawalmanac.net>

Theory and practice of intellectual property -  
<https://inprojournal.org/mainpage/>

Ukrainian journal of international law -  
<http://jusintergentes.com.ua/index.php?lang=uk>

European Journal of International Law - <http://www.ejil.org/archives.php>

### *SEEMC*

Standardized electronic educational and methodological complex of the Department of Civil Law No 1. URL: <https://library.nlu.edu.ua/senmk/item/222-tsyvilne-pravo-ukrainy-1-chastyna.html>

### *Requirements of the teacher*

Students of higher education *must*: regularly attend lectures and practical classes; systematically and actively work on them; convincingly present arguments

when solving tasks; qualitatively perform written tasks, control and independent work, etc. Practical classes missed for valid reasons can be made up after prior agreement with the teacher.

Students of higher education *are recommended to*: participate in scientific conferences, competitions of scientific works, work of the scientific circle of the department, mut-courts, prepare theses of scientific reports, etc.

*A mandatory requirement* for students of higher education is to comply with the norms of the Code of Academic Ethics of the Yaroslavl Mudryi National Law University ([https://nlu.edu.ua/wp-content/uploads/2020/02/kodeks\\_academichnoyi\\_etyky.pdf](https://nlu.edu.ua/wp-content/uploads/2020/02/kodeks_academichnoyi_etyky.pdf)).

During classes in contact with the lecturer, it is allowed to use gadgets only for educational purposes (for example, to view lecture presentations). It is allowed to use laptops and tablets for keeping lecture notes and tracking the necessary information.

### ***Control measures***

Evaluation of the results of mastering the academic discipline " International Intellectual Property Law " provides for current and final control and is carried out on the basis of a cumulative point-rating system.

*Current* knowledge control includes:

- quality control of students' knowledge of the program material during practical classes using the following means: oral, written or express survey, solving practical tasks or problems, participating in the development of a case, defending an essay on the initiative of the student. Current control is aimed at checking the level of preparation of the applicant in studying the current material. In the course of the practical session, the applicant can receive an assessment on a five-point scale (0, 2, 3, 4, 6);
- quality control of the students' assimilation of the program material of the academic discipline, which is carried out at the end of the modules in the form of colloquiums, tests, testing, etc.



During the semester, students of higher education perform tasks for independent work (preparation of a presentation, essay, abstract, etc.). The maximum number of points for independent work is 16 points.

The form of *final control* of the knowledge of higher education students in the academic discipline is the assessment. The minimum number of points to receive credit is 60.

### *Scale of final pedagogical control*

Rating according to the ECTS scale	Definition	Rating on a national scale for credit	Rating according to the 100-point scale used at NYU
<b>A</b>	<b>Excellent</b> - Excellent performance, with only a small number of mistakes	Pass	90 - 100
<b>B</b>	<b>Very good</b> - above average with a few mistakes		80-89
<b>C</b>	<b>Good</b> - generally correct work with a number of minor mistakes		75-79
<b>D</b>	<b>Satisfactory</b> - not bad, but with a significant number of shortcomings		70-74
<b>E</b>	<b>Sufficient</b> – performance meets minimum criteria		60-69
<b>FX</b>	<b>Unsatisfactory</b> - with the possibility of re-examination	Fail	35-59
<b>F</b>	<b>Unsatisfactory</b> - serious further work is required, with compulsory re-study of subject		0 - 34