

CUSTOMS ASPECTS IN THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

Таможенные аспекты в защите прав интеллектуальной собственности

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One of the main functions of customs authorities is to ensure the protection of intellectual property rights within their competence. The customs authorities of a state maintain their national customs registers of intellectual property in accordance with their legislation.

Intellectual property refers to intellectual creations: inventions, literary and artistic works, symbols, names and images, which are used in commerce.

Intellectual property rights are like any other property rights. They allow creators or owners of patents, trademarks or copyright works to benefit from their own work or investment in the creation [1].

An efficient and equitable intellectual property system can help all countries to realize the potential of intellectual property as a catalyst for economic development and social and cultural well-being. The intellectual property system helps to strike a balance between the interests of innovators and public interest, creating favourable conditions for creativity and inventions for the benefit of all.

An intellectual property right is inextricably linked to trade. It is for this reason that customs authorities are obliged to regulate this right.

The World Intellectual Property Organization and the World Trade Organization are organizations that regulate an intellectual property right on a global scale .

In the Eurasian Economic Union the regulation of this right is carried out on the basis of normative legal acts of the Eurasian Economic Commission, the Customs code and national legislation.

In order to protect the rights on the objects of intellectual property as well as to ensure effective suppression of the circulation of counterfeit goods, it is envisaged:

- coordination of actions to prevent, detect, suppress and investigate violations of the rights on the objects of intellectual property, as well as to improve the activities of the authorized bodies of the Union's member states;
- harmonization and improvement of legislation in the field of protection of the rights on the objects of intellectual property in the customs territory;

- ensuring continuous monitoring of the situation in the field of protection of the rights on the objects of intellectual property [2].

The existing practice shows that to prevent violations of intellectual property rights, the most effective instruments of influence on violators of copyright and related rights are administrative and criminal.

Belarus is characterized by quite severe punishment for the violation of intellectual property rights. The term of up to five years' imprisonment is established for a person who has committed such an offence [3].

It is necessary to ensure the systematic development of intellectual potential to help Belarus develop science, innovation, production, culture, agriculture, energy and transport at an accelerated pace. [4].

Thus, the key factor determining the order and protection of goods containing the objects of intellectual property is the customs register of intellectual property objects. The main directions of detection and prevention of violations in this area are accurate declaration of goods containing the objects of intellectual property and control after the release of goods by customs authorities. This will make it possible to prevent the introduction of counterfeit goods that may be dangerous for consumers.

Литература

1. World Intellectual Property Organization [Электронный ресурс]. – Режим доступа: <https://www.wipo.int>. – Дата доступа: 15.03.2019.

2. Таможенный кодекс Евразийского экономического союза [Электронный ресурс]. – Режим доступа: <https://customs-service.by>. – Дата доступа: 09.03.2019.

3. ЕЭК – Евразийская экономическая комиссия [Электронный ресурс]. – Режим доступа: <http://www.eurasiancommission.org>. – Дата доступа: 17.03.2019.

4. Pravo.by [Электронный ресурс]. – Режим доступа: <http://pravo.by>. – Дата доступа: 16.03.2019.