МИНИСТЕРСТВО ОБРАЗОВАНИЯ РЕСПУБЛИКИ БЕЛАРУСЬ

Белорусский национальный технический университет

Кафедра «Иностранные языки»

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INTELLECTUAL PROPERTY BASICS

(английский язык)

Основы интеллектуальной собственности

Электронный учебный материал

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В электронном учебном материале представлен комплекс текстов и упражнений на тему интеллектуальная собственность. Содержится аутентичный материал, тематически связанный с основами интеллектуальной собственности, а также защитой прав на интеллектуальную собственность. Оригинальные тексты и задания ориентированы на освоение профессиональной терминологии, и активное использование специальной лексики в предметной области.

Данный материал предназначен лицам, изучающим профессионально-ориентированный английский язык в сфере таможенного дела и внешнеэкономической деятельности. Он может быть также использован в качестве дополнительного материала на интенсивных курсах и курсах повышения квалификации.

CONTENTS

UNIT 1

TEXT 1.1 THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

The World Intellectual Property Organization (WIPO) is the United Nations specialized agency. It seeks to develop a balanced and accessible International Intellectual Property system, which rewards creativity, stimulates innovations, and contributes to economic development while safeguarding public interests.

Intellectual Property (IP) refers to creations of the mind: literary and artistic works, inventions, symbols, names, images, and designs used in commerce.

The WIPO is the oldest organization in the field of IP protection. Actually, it was created at the diplomatic conference in 1893. The two offices applying the administrative functions of the Paris Convention for the Protection of Industrial Property and Bern Convention for the Protection of Literary and Artistic Works united in a single entity — the United International Bureau for the Protection of Intellectual Property.

The member states wanted to make this International Bureau a fully fledged intergovernmental organization. That is why in 1967 in Stockholm the WIPO was created through the signing of the Convention. The WIPO is headquartered in Geneva (Switzerland).

In 1974 the WIPO became a UN specialized agency. Under the agreement, the WIPO should stimulate creativity and promote IP protection all over the world through the cooperation between countries.

Currently, the WIPO includes 192 member-states. It is made up of more than 90 per cent of all countries. The WIPO Director General is Francis Gurry.

The WIPO main functions are:

- assisting campaigns development to improve IP protection all over the world and to harmonize national legislations in this field;
- signing international agreements on IP protection;

- applying the administrative functions of the Paris and Berne Unions;
- rendering technical and legal assistance in the field of IP;
- collecting and disseminating the information, conducting researches and publishing their results;
- ensuring the work of the services facilitating the international IP protection;
- applying any other appropriate actions.

The prime and most important WIPO function is administering multilateral international conventions, i.e. depositing treaties, states' instruments of accession, of conflicts settlement, ensuring treaties review, applying the registration functions for treaties reviewing the international registration of IP objects.

Today, the WIPO administers the treaties in the fields of industrial property, copyright and related rights.

Since 1998, the WIPO Worldwide Academy has been preparing human resources in the field of IP protection. The Academy has a Distance Learning Centre helping obtain knowledge via Internet. Particular highlight is WIPOnet-project, the IP global network ensuring on-line connection with business processes of national agencies. Settlement of IP-related commercial conflicts is a perspective direction of the WIPO activities. In 1994, the WIPO Arbitration and Mediation Centre was created. It renders assistance in settling such conflicts.

In the recent years, the WIPO structure has been reorganized, e.g. the Organization's strategic goals have been reviewed and broadened. The WIPO administration thinks that the renewed goals will help the WIPO apply its mandate more actively while considering fast changing external situation and the persistent need to solve problems in the field of IP in the 21stcentury.

On April 26, 1970, Belarus joined the World Intellectual Property Organization (WIPO).

The State Committee on Science and Technology (SCST) became the head body dealing with the WIPO (the resolution (No.877) adopted by

the Council of Ministers of the Republic of Belarus on November 21, 2017).

The legal basis of the cooperation between the Republic of Belarus and the WIPO was laid in December 2000 by signing the Cooperation Programme between Belarus and the WIPO.

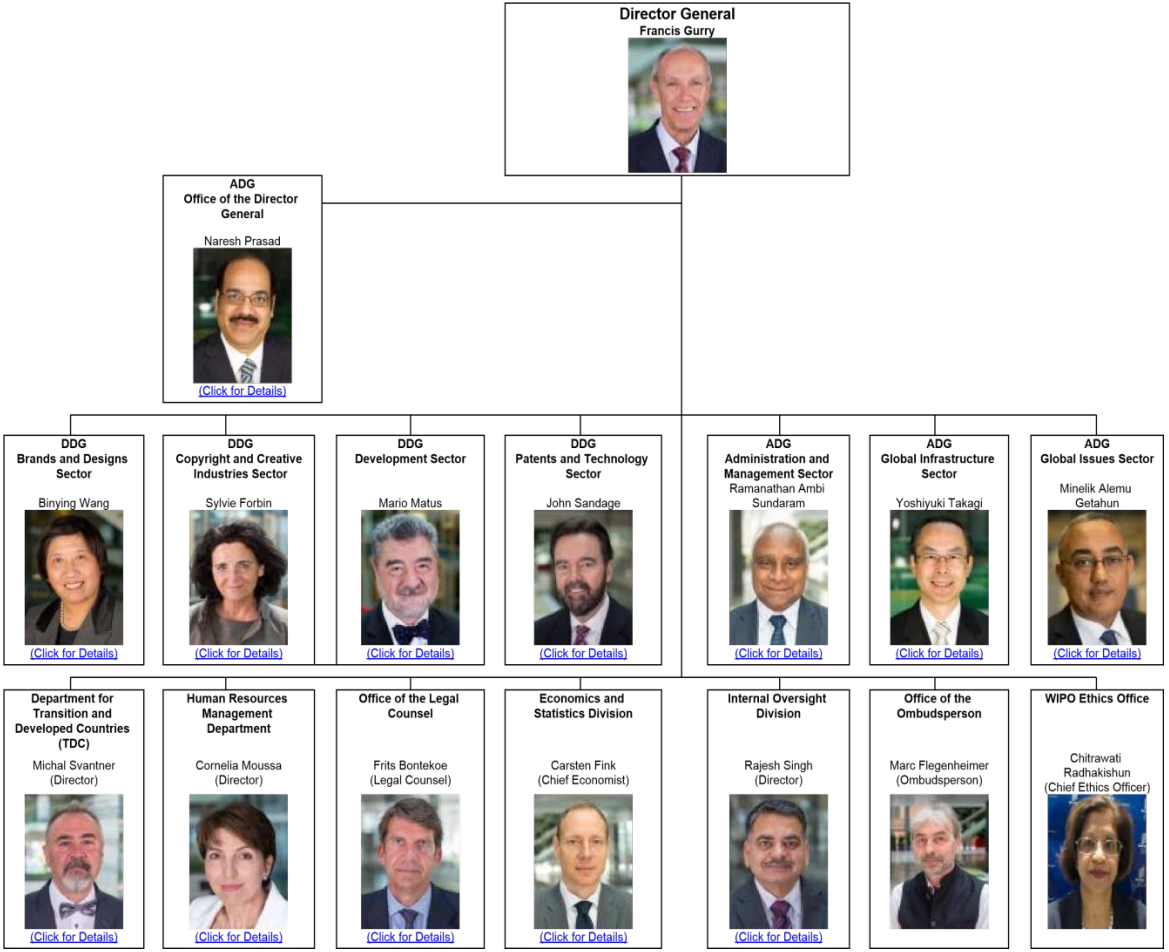
Currently, the cooperation with the WIPO is regulated by the mentioned Programme, the Memorandum on Cooperation between the Republic of Belarus and the WIPO, the Protocol on Cooperation between the WIPO and the National Intellectual Property Centre for Training in the Field of Intellectual Property in Belarus, and the Joint Declaration on Strengthening the Intellectual Property System and Development of Innovations in Belarus.

Belarus and the WIPO cooperate in the following main directions:

- improving the national legislation in the field of Intellectual Property (IP) taking into account the experience of other countries and the international harmonization tendencies;
- strengthening the IP role in the appropriate fields of scientific, technical, and economic activities conducted in Belarus by different business entities;
- improving the law enforcement activities in Belarus to prevent, identify, and suppress violations in the field of IP;
- strengthening the technical basis and increasing the scientific and technical potential of the National Intellectual Property Centre personnel.

The work on these directions is based on the cooperation between the Ministry of Foreign Affairs, the National Intellectual Property Centre (NIPC), and The State Committee on Science and Technology (SCST).

The WIPO gives advice to Belarusian colleagues on various IP aspects and their application for economic and social development, in particular, on the Law of the Republic of Belarus “On Copyright and Related Rights”.


Director General
Francis Gurry
ADG
Office of the Director General
Naresh Prasad
(Click for Details)
DDG
Brands and Designs Sector
Binying Wang
(Click for Details)
DDG
Copyright and Creative Industries Sector
Sylvie Forbin
(Click for Details)
DDG
Development Sector
Mario Matus
(Click for Details)
DDG
Patents and Technology Sector
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Rajesh Singh (Director)
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Office of the Ombudsperson
Marc Flegenheimer (Ombudsperson)
WIPO Ethics Office
Chitrawati Radhakishun (Chief Ethics Officer)

Vocabulary

a balanced and accessible International Intellectual Property system	сбалансированная и доступная международная система интеллектуальной собственности
suppress violations	подавлять нарушения
headquarters	штаб-квартира
disseminate the information	распространять информацию
a fully fledged intergovernmental organization	полноценная межправительственная организация

I. Answer the following questions.

1. What is the World Intellectual Property Organization?
2. What is the goal of the WIPO?
3. What is Intellectual Property?
4. When and where was the WIPO created?
5. Where is the headquarters of the WIPO?
6. How many countries are the member-states of the WIPO?
7. Who is the WIPO Director General?
8. What are the main functions of the WIPO?
9. When did Belarus join the WIPO?
10. What is the head body dealing with the WIPO in Belarus?
11. How does Belarus cooperate with the WIPO?

II. Find the synonyms in the text.

1. to search, to look for
2. to encourage
3. to cooperate, to support
4. to protect
5. to combine
6. to make better, to develop
7. to gather, to compile
8. to spread, to distribute
9. available

III. Match the words with their definitions.

1. to develop	a) to help
2. to assist	b) to organize or do something
3. to promote	c) the ability to produce new ideas or things using skill and imagination
4. to harmonize	d) to grow or change and become more advanced
5. to render	e) to be suitable together, or to make different people, plans, situations, etc. suitable for each other
6. to conduct	f) to encourage something to happen or develop
7. to publish	g) to write something that is then printed in a book, newspaper, magazine, etc.
8. creativity	h) to give someone a decision, opinion, help, etc.

IV. Translate the sentences into English.

1. Генеральный директор Всемирной организации интеллектуальной собственности (ВОИС) сказал, что есть две основные тенденции, которые оказывают влияние на сектор интеллектуальной собственности и экономический рост в целом.
2. Организация Объединенных Наций должна также содействовать поддержанию непрерывного диалога по вопросам политики между представленными в странах учреждениями Организации Объединенных Наций и правительствами соответствующих стран.
3. Международному сообществу следует продолжить свои усилия по сохранению сбалансированности и эффективности международной системы интеллектуальной собственности в соответствии с согласованными рекомендациями Повестки дня ВОИС в области развития.

4. Мы настоятельно призываем развивающиеся страны продолжать укреплять их координацию и участие в обсуждениях и переговорах в ВОИС, с тем, чтобы обеспечить учет и полную интеграцию аспекта развития в международной системе интеллектуальной собственности.

5. После некоторого периода, в течение которого действовали двусторонние торговые соглашения, были заключены первые многосторонние соглашения, в частности Парижская конвенция по охране промышленной собственности1883 года и Бернская конвенция об охране литературных и художественных произведений 1886 года.

6. Бернская конвенция была принята под эгидой Совета Европы.

V. Read the text and translate it into English.

ВОИС имеет две цели: (1) содействовать защите интеллектуальной собственности во всем мире посредством сотрудничества между государствами и, в случае необходимости, в сотрудничестве с любой другой международной организацией; и (2) обеспечить административное сотрудничество между профсоюзами.

Интеллектуальная собственность включает две основные отрасли: промышленная собственность, главным образом, изобретения, товарные знаки и промышленные образцы; и авторское право, главным образом на литературные, музыкальные, художественные, фотографические и кинематографические произведения.

В Конвенции ВОИС перечислены права на интеллектуальную собственность в отношении литературных, художественных и научных произведений; выступления артистов; фонограммы; вещание; изобретения во всех областях человеческой деятельности; научные открытия; промышленные образцы; торговая марка; знаки обслуживания; и коммерческие названия и обозначения. Конвенция также предлагает защиту от недобросовестной конкуренции и охватывает все другие права, вытекающие из интеллектуальной деятельности в промышленной, научной, литературной или художественной областях.

VI. Read the text and translate it into English.

Структура ВОИС

Парижский и Бернский союзы имеют ассамблею, состоящую из государств-членов, которая собирается раз в два года Исполнительный комитет, избираемый Генеральной Ассамблеей, состоящий из одной четверти государств-членов, собирается ежегодно. У других союзов, в большинстве случаев, есть собрание, но нет исполнительного комитета.

Сама ВОИС имеет четыре органа: Генеральная Ассамблея, Конференция, Координационный комитет и секретариат, называемый Международным бюро.

Генеральная Ассамблея состоит из всех государств-участников Конвенции ВОИС, которые также являются членами любого из союзов. Он собирается раз в два года и имеет высший авторитет среди всех органов.

Конференция состоит из всех государств-участников Конвенции ВОИС, независимо от того, являются ли они членами одного или нескольких союзов. Он собирается раз в два года для обсуждения вопросов, представляющих общий интерес в области интеллектуальной собственности, а также для разработки программы технической юридической помощи ВОИС и бюджета на эту программу.

Координационный комитет собирается ежегодно. Он состоит из членов исполнительного комитета Парижского или Бернского союза или обоих.

Международное бюро, расположенное в Женеве, является секретариатом различных руководящих органов ВОИС и союзов. В 2006 году он состоял из 938 человек из 95 стран, возглавляемых Генеральным директором. Арпад Богш из Соединенных Штатов был избран на пост генерального директора с момента создания ВОИС в 1974 году. В 1997 году его сменил Камил Идрис из Судана в качестве Генерального директора.

TEXT 1.2 THE HISTORY OF WIPO

BIRPI is the acronym of Bureaux intemationaux reunis pour la protection de la propriete intellectuelle, usually translated into English by United International Bureaux for the Protection of Intellectual Property. BIRPI was the predecessor organization to the World Intellectual Property Organization (WIPO). BIRPI started in 1883, and WIPO superseded it 87 years later, in 1970.

The nucleus of the intergovernmental organization or, at least, of the international secretariat that BIRPI later became, was the "International Bureau" established by the 1883 Paris Convention for the Protection of Industrial Property.

Three years later, in 1886, another "International Bureau" was created, this time by the Berne Convention for the Protection of Literary and Artistic Works.

The two International Bureaus were under "the high supervision" of the Government of the Swiss Confederation which, in 1893, "united" them, that is, placed them under the same director and gave them the same staff.

The words "Intellectual Property" in BIRPI's title came into use much later, in the nineteen-fifties. Before that, "industrial property," mainly covering the property in inventions (patents), trademarks and industrial designs, and "intellectual property" or "copyright" were the expressions commonly used. However, as from the nineteen-fifties "intellectual property" has been understood as covering both industrial property and copyright.

By the early nineteen-sixties, BIRPI had developed into an international secretariat, with a director and some 50 staff. Until 1960, the headquarters were in the capital of Switzerland, Berne. In that year, the headquarters were moved to Geneva. French was the only working language of the Secretariat.

BIRPI "administered" not only the Paris Convention and the Berne Convention but also the "special agreements" concluded under the Paris Convention, "under" meaning that only States party to the Paris Convention are eligible to adhere to those agreements and that the latter may not contravene the provisions of the former.

By 1967, there were five such special agreements: the Madrid Agreement Concerning the International Registration of Marks, concluded in 1891; the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, also concluded in 1891; the Hague Agreement Concerning the International Deposit of Industrial Designs, concluded in 1925; the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, concluded in; and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, concluded in 1958. The names of cities in the titles of these and other treaties denote the place where the diplomatic conference that adopted the treaty was held.

Both the Paris and the Berne Conventions and four of the five Agreements provide that the countries party to them "constitute a (Special) Union." And those Unions were under the supervision of the Swiss Government, which appointed the director and staff of BIRPI, the common secretariat of the six Unions, and which handled the finances of BIRPI.

At the 1967 diplomatic conference in Stockholm, when WIPO was established, the administrative and final clauses of all then existing multilateral treaties administered by BIRPI were revised. They had to be revised because member States wished to assume the position of full governing body of the Organization (WIPO), thus removing the supervisory authority of the Swiss Government, to give WIPO the same status as all the other comparable intergovernmental organizations and to pave the way for it to become a specialized agency of the United Nations system of organizations.

Most of the intergovernmental organizations now called specialized agencies did not exist before the Second World War. They were created for the specific purpose of dealing with a particular subject or field of activity at the international level. However, some intergovernmental organizations, such as the International Labor Office (ILO), the Universal Postal Union (UPU) and the International Telecommunication Union (ITU) were in existence, and had become the responsible intergovernmental organizations in their respective fields of activity long before the establishment of the United Nations. After the United Nations was established, these organizations became specialized agencies of the United Nations system.

Similarly, long before the United Nations was established, BIRPI was the responsible intergovernmental organization in the field of intellectual property. WIPO, the successor to BIRPI, became a specialized agency of the United Nations when an agreement was signed to that end between the United Nations and WIPO which came into effect on December 17, 1974.

The agreement between the United Nations and WIPO recognizes that WIPO is, subject to the competence of the United Nations and its organs, responsible for taking appropriate action in accordance with its basic instrument and the treaties and agreements administered by it, inter alia, for promoting creative intellectual activity and for facilitating the transfer of technology related to industrial property to developing countries in order to accelerate economic, social and cultural development.

I. Answer the following questions.

1. What is BIRPI?
2. What two conventions were signed in 1883 and 1886?
3. Where were the headquarters of the first BIRPI?
4. What was the working language of the secretariat?
5. What special agreements had been signed by 1967?
6. What was reached at the 1967 diplomatic conference in Stockholm?

II. Translate the following organizations and legal documents into English.

1. Объединенные международные бюро по охране интеллектуальной собственности;
2. Парижская конвенция по охране промышленной собственности;
3. Бернская конвенция по охране литературных и художественных произведений;
4. Мадридское соглашение о международной регистрации знаков;
5. Мадридское соглашение о пресечении ложных или вводящих в заблуждение указателей источника на товарах;

6. Гаагское соглашение о международном депонировании промышленных образцов;
7. Ниццкое соглашение о международной классификации товаров и услуг для целей регистрации знаков;
8. Лиссабонское соглашение об охране наименований мест происхождения и их международной регистрации;
9. Международное бюро труда (МОТ);
10. Всемирный почтовый союз (ВПС);
11. Международный союз электросвязи (МСЭ).

III. Translate the phrases in the sentences into English.

1. This Ассамблея should know that Canada имеет полное право serve on Совета Безопасности.
2. Государства have the right присоединяться к или нет that treaty.
3. Рабочий язык of regional states is определяют by the regions themselves.
4. Организационный комитет, составляющий основное ядро Комиссии, is best placed to discuss those and several other cross-cutting and thematic issues.
5. Договор будет оставаться в силе until December 2012 and может быть продлен или заменен earlier by a subsequent соглашением.
6. The Ассамблея will then consider the progress made and decide on the convening of a дипломатической конференции.
7. Together, итоги этих конференций and summits составляют повестку дня в области международного развития.

IV. Translate the sentences into English.

1. Эти законодательные поправки вступили в силу в 2011 году.
2. Его предшественник в ходе выполнения своих полномочий стремился найти идеальные решения огромных проблем, с которыми сталкивается человечество.
3. Он надеется, что его преемник сможет укрепить работу Комиссии в трех ключевых областях.

4. В работе совещания участвовали также представители межправительственных организаций и международных учреждений, занимающихся вопросами сотрудничества.
5. Руководящему органу Международного союза электросвязи было предложено действовать в качества надзорного органа за соблюдением Конвенции.
6. За период 1951 - 2005 годов было принято тридцать шесть многосторонних договоров.
7. Поэтому в настоящее время было бы преждевременным созывать дипломатическую конференцию для проведения переговоров о принятии международной конвенции.

V. Read and translate the text about the structure of the WIPO.

WIPO has three Governing Bodies: the Conference, the General Assembly and the Coordination Committee.

The members of the Conference are all the States that are members of WIPO.

The members of the General Assembly are all the States that are not only members of WIPO but that are also members of the Paris and/or Berne Unions. In other words, the General Assembly is a body in which the members of at least one of the two "main" Unions (Paris and Berne) make the decisions, thereby giving them a certain preponderance since some of the important decisions-for example, the election of the Director General-are reserved for the General Assembly.

The members of the Coordination Committee are (automatically) the members of the Executive Committee of the Paris Union and the Executive Committee of the Berne Union, with some ad hoc members which belong to neither of the two Unions but are members of WIPO.

Each of the Unions has an Assembly (not a General Assembly but a (simple) Assembly), that is, a body of which all the members of the Union (that adhere at least to the administrative and final clauses of the Stockholm Act (1967) of the Paris Convention or the Paris Act (1971) of the Berne Convention) are members. At the time of the Stockholm Conference, there were six such Unions (Paris, Berne, Madrid (Marks), Hague, Nice and Lisbon). The two great ones-Paris and Berne-also have, each, a separate Executive Committee, elected from among the members of each Union. Their number is one-fourth of the members of the Union

concerned. Switzerland is ex officio a member of both Executive Committees.

On July 14, 1992, 131 States were members of WIPO; the WIPO Coordination Committee had 52 members, the Paris Executive Committee 26 members, and the Berne Executive Committee 23 members.

The texts adopted at Stockholm provided that the Conference and the General Assembly of WIPO and the Assemblies of the Unions would have to meet in regular session once every three years. This period, however, proved to be too long and, in any case, did not correspond to the practice of most of the other specialized agencies. The main governing bodies of those agencies normally meet every second year. WIPO and the Unions adopted the same frequency, through an amendment of the relevant treaties, in 1977 and 1980, and, since then, the General Assembly and the Conference of WIPO and the Assemblies of the Unions meet in ordinary session once every second year, in the years with an odd number.

The lower-ranking governing bodies, the Coordination and Executive Committees, meet in ordinary session each year. The ordinary sessions are usually held towards the end of September.

The WIPO Coordination Committee does continue to have an important role in the election of the Director General and in staff matters. Only a person proposed by the Coordination Committee may be elected Director General. The Staff Rules were established and are regularly modified by the Coordination Committee. The Deputy Directors General and any staff member of directorial rank, although appointed by the Director General, are appointed after the approval of the Coordination Committee is given, as far as Deputy Directors General are concerned, and after the advice of the Coordination Committee is heard.

UNIT 2

TEXT 2.1 INTELLECTUAL PROPERTY RIGHTS

At the present stage of development of productive forces and formation of a postindustrial society, intellectual property relations turn from sphere of realization of human potential to a basic source of social and economic development of the nation. Nowadays intellectual property relation transformed in important component of social and economic basis of a society, and objects of intellectual property turned into defining factor of a social reproduction.

Intellectual activity is a process of mental activity, focused both on comprehension of human knowledge in a certain field, and on development and implementation of new knowledge to solve various problems (scientific, industrial, socio-cultural, etc.). The result of creative activity is an intellectual product, which under certain conditions (legal protection, classification, promulgation, etc.) becomes the intellectual property of its creator or a person to whom property rights are transferred according to the law or the contract.

According to the definition of the World Intellectual Property Organization, intellectual property (IP) means legal rights, which result from intellectual activity in the industrial, scientific, literary and artistic fields. There are several compelling reasons for promoting and protecting intellectual property. First, the progress and well-being of humanity rest on its capacity to create and invent new works in the areas of technology and culture. Second, the legal protection of new creations encourages the commitment of additional resources for further innovation. Third, the promotion and protection of intellectual property spurs economic growth, creates new jobs and industries, and enhances the quality and enjoyment of life. An efficient and equitable intellectual property system can help all countries to realize intellectual property's potential as a catalyst for economic development and social and cultural well-being. The intellectual property system helps strike a balance between the interests of innovators and the public interest, providing an environment in which creativity and invention can flourish, for the benefit of all.

Intellectual property rights (IPR) refers to the legal rights given to the inventor or creator to protect his invention or creation for a certain period of time. IPRs allow creators, or owners, of patents, trademarks or copyrighted works to benefit from their own work or investment in a creation. These rights are outlined in Article 27 of the Universal Declaration of Human Rights, which provides for the right to benefit from the protection of moral and material interests resulting from authorship of scientific, literary or artistic productions.

Generally speaking, intellectual property law aims at safeguarding creators and other producers of intellectual goods and services by granting them certain time-limited rights to control the use made of those productions. Those rights do not apply to the physical object in which the creation may be embodied but instead to the intellectual creation as such. Intellectual property is traditionally divided into two branches, “industrial property” and “copyright.”

The Convention Establishing the World Intellectual Property Organization (WIPO), concluded in Stockholm on July 14, 1967 provides that “intellectual property shall include rights relating to:

- literary, artistic and scientific works,
- performances of performing artists, phonograms and broadcasts,
- inventions in all fields of human endeavor,
- scientific discoveries,
- industrial designs,
- trademarks, service marks and commercial names and designations,
- protection against unfair competition,
- all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.”

The areas mentioned as literary, artistic and scientific works belong to the copyright branch of intellectual property. The areas mentioned as performances of performing artists, phonograms and broadcasts are usually called “related rights,” that is, rights related to copyright. The areas mentioned as inventions, industrial designs, trademarks, service marks and commercial names and designations constitute the industrial property branch of intellectual property. The area mentioned as protection against unfair competition may also be considered as belonging to that branch, the more so as Article 1 of the Paris Convention for the Protection of Industrial Property includes “the

repression of unfair competition" among the areas of "the protection of industrial property".

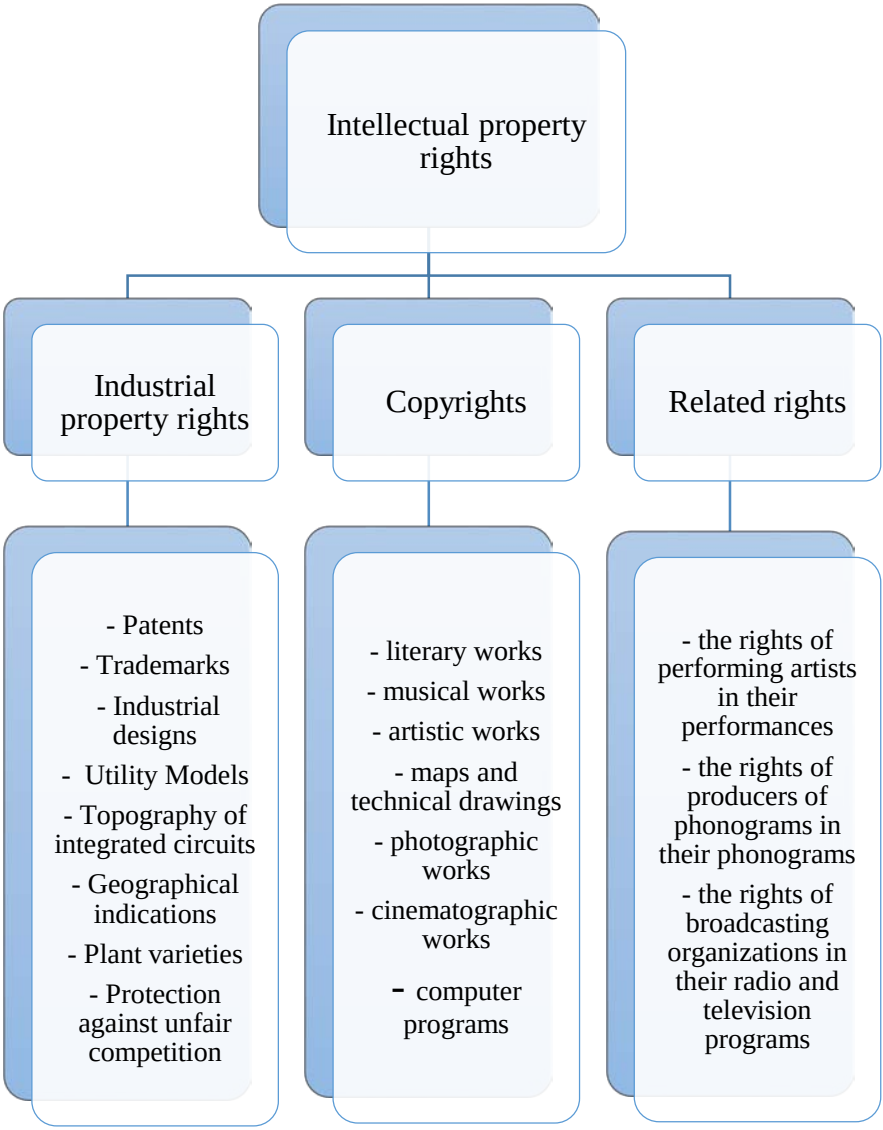
The subject of intellectual property rights is a creator (creators) of the object of intellectual property that may be the author, performer, inventor, and other persons who own personal non-property and (or) property intellectual property rights.

Giving authors, artists and creators incentives in the form of recognition and fair economic reward increases their activity and output and can also enhance the results. By ensuring the existence and enforceability of rights, individuals and companies can more easily invest in the creation, development and global dissemination of their works. This, in turn, helps to increase access to and enhance the enjoyment of culture, knowledge and entertainment the world over, and stimulates economic and social development.

Vocabulary

comprehension of human knowledge	понимание человеческих знаний
development and implementation	разработка и внедрение
promulgation	обнародование
compelling reasons	убедительные причины
to outline	обрисовать, наметить в общих чертах
to spur economic growth	стимулировать экономический рост
equitable intellectual property system	беспристрастная система интеллектуальной собственности
a catalyst for economic development	катализатор экономического развития
to be embodied	быть воплощенным
human endeavor	человеческие усилия
to constitute	составлять
industrial property	промышленная собственность
copyright	авторское право
related rights	смежные права

output	результат
enforceability	обладание исковой силой



I. Answer the following questions.

1. What is intellectual activity?
2. What is the result of creative activity?
3. What is intellectual property?
4. Why is it necessary to protect intellectual property?
5. What does intellectual property right mean?
6. What is the aim of an intellectual property law?
7. What is the classification of intellectual property?
8. Who is the subject of intellectual property?

II. Match the words with their definitions.

1.	incentive	A.	an effort or attempt to do something
2.	endeavor	B.	something that encourages a person to do something
3.	to embody	C.	to represent a quality or an idea exactly
4.	catalyst	D.	the ability to understand completely and be familiar with a situation, facts, etc.
5.	comprehension	E.	a condition, event, or person that is the cause of an important change
6.	promulgation	F.	the public announcement of something
7.	to outline	G.	to give the main facts about smth; to describe smth

III. Give the synonyms to the following words. Find them in the text.

1. result, outcome;
2. to form, to compose, to consist of;
3. progress, evolution, growth;
4. unbiased, impartial;
5. to motivate, to encourage;
6. forceful and persuasive;
7. to spread, to distribution;
8. realization.

IV. Translate the phrases into English in the following sentences.

1. Веские доводы marshalled in support of each point of view appear рациональными и убедительными and cannot be simply dismissed.
2. They must воплощать core democratic values in their work.
3. That circumstance did not deprive the information in a data message of legal effect, validity or исполнимости (применимости исковой силы).
4. Меньшие результаты would undermine authority even further.
5. This will provide States non-parties with стимулстать его участниками.
6. They представляют собой препятствия to peacemaking and peacebuilding.
7. The Government did not отказывается от официальной помощи; it рассматривает ее как катализатор.
8. Устойчивое развитие emphasizes a holistic, беспристрастного и дальновидного подхода to decision-making at all levels.
9. The huge new factory стимулировал экономический рост in the entire region.
10. The Secretary уполномочен принимать меры that include обнародование правил и положений.

V. Translate the following sentences into English.

1. Римское право основывало принудительное исполнение договора на том принципе, что обе стороны добровольно заключили сделку, поэтому оно было справедливым.
2. В любом случае выпуск конечного производственного процесса регистрируется в стране, в которой находятся дочерние предприятия.
3. Налоговые льготы были очень эффективными в поощрении людей экономить и инвестировать больше своих доходов.
4. Важно, чтобы торговля велась при соблюдении прав промышленной собственности.
5. Я буду прилагать усилия для завершения изобретения.

6. Как законодательство, так и государственная система образования должны воплощать эти принципы фундаментального человеческого равенства.
7. Рост потребительских продаж приводит к ускорению роста экономики.
8. Она привела веские аргументы.
9. Принятие и обнародование этого законопроекта ожидается в ближайшее время.

UNIT 3

TEXT 3.1 COPYRIGHTS AND RELATED RIGHTS

A copyright gives the creator of an original work exclusive rights to it, usually for a limited time. Copyright may apply to a wide range of creative, intellectual, or artistic forms, or "works". Copyright does not cover ideas and information themselves, only the form or manner in which they are expressed. Copyright applies to literary and dramatic works, artistic and musical works, audio and video recordings, broadcasts and cable transmissions. Copyright is also the usual way of protecting software, although some software may be patented if it is a functional part of an invention.

Copyright arises automatically – it does not need to be applied for – and lasts 70 years after the death of the author. For works made for hire as well as anonymous and pseudonymous works, the duration of copyright is ninety-five years from publication or 120 years from creation, whichever is shorter.

Copyright law is a branch of that part of the law which deals with the rights of intellectual creators. Copyright law deals with particular forms of creativity, concerned primarily with mass communication. It is concerned also with virtually all forms and methods of public communication, not only printed publications but also such matters as sound and television broadcasting, films for public exhibition in cinemas, etc. and even computerized systems for the storage and retrieval of information.

The subject-matter of copyright protection includes every production in the literary, scientific and artistic domain, whatever the mode or form of expression. Works eligible for copyright protection are, as a rule, all original intellectual creations. To be protected by copyright law, an author’s works must originate from him; they must have their origin in the labor of the author. But it is not necessary, to qualify for copyright protection, that works should pass a test of imaginativeness, of inventiveness. The work is protected irrespective of the quality thereof and also when it has little in common with literature, art or science, such as purely technical guides or engineering drawings, or even maps. Exceptions to the general rule are made in copyright laws by specific

enumeration; thus laws and official decisions or mere news of the day are generally excluded from copyright protection.

Practically all national copyright laws provide for the protection of the following types of work:

– *literary works:* novels, short stories, poems, dramatic works and any other writings, irrespective of their content (fiction or non-fiction), length, purpose (amusement, education, information, advertisement, propaganda, etc.), form (handwritten, typed, printed; book, pamphlet, single sheet, newspaper, magazine); whether published or unpublished; in most countries "oral works," that is, works not reduced to writing, are also protected by the copyright law;

– *musical works:* whether serious or light; songs, choruses, operas, musicals, operettas; if for instructions, whether for one instrument (solos), a few instruments (sonatas, chamber music, etc.), or many (bands, orchestras);

– *artistic works:* whether two-dimensional (drawings, paintings, etchings, lithographs, etc.) or three-dimensional (sculptures, architectural works), irrespective of content (representational or abstract) and destination ("pure" art, for advertisement, etc.);

– *maps and technical drawings*;

– *photographic works:* irrespective of the subject matter (portraits, landscapes, current events, etc.) and the purpose for which they are made;

– *motion pictures ("cinematographic works"):* whether silent or with a soundtrack, and irrespective of their purpose (theatrical exhibition, television broadcasting, etc.), their genre (film dramas, documentaries, newsreels, etc.), length, method employed (filming "live," cartoons, etc.), or technical process used (pictures on transparent film, videotapes, DVDs, etc.).

– *computer programs* (either as a literary work or independently).

Many copyright laws protect also "works of applied art" (artistic jewelry, lamps, wallpaper, furniture, etc.) and choreographic works. Some regard phonograph records, tapes and broadcasts also as works.

There exist rights related to, or "neighboring on", copyright. These rights are generally referred to as "related rights" (or "neighboring rights,") in an abbreviated expression. It is generally understood that there are three kinds of related rights: the rights of performing artists in

their performances, the rights of producers of phonograms in their phonograms, and the rights of broadcasting organizations in their radio and television programs. Protection of those who assist intellectual creators to communicate their message and to disseminate their works to the public at large, is attempted by means of related rights.

Works of the mind are created in order to be disseminated among as many people as possible. This cannot be done generally by the author himself, for it requires intermediaries whose professional capability gives to the works those forms of presentation that are appropriate to make them accessible to a wide public. A play needs to be presented on the stage, a song needs to be performed by artists, reproduced in the form of records or broadcast by means of radio facilities. All persons who make use of literary, artistic or scientific works in order to make them publicly accessible to others require their own protection against the illegal use of their contributions in the process of communicating the work to the public.

The first organized international response to the need for legal protection of these three categories of related rights was the conclusion in 1961 of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention). While most international conventions follow in the wake of national legislation and are intended to synthesize existing laws, the Rome Convention was an attempt to establish international regulations in a field in which few national laws existed at the time. This meant that most states had to draft and enact laws before they could accede to the Convention. Today, there is a widespread view that the Rome Convention is out of date and in need of revision or replacement by a new set of norms in the field of related rights, even though the Convention was the basis for the inclusion of provisions on the rights of performers, producers of sound recordings and broadcasting organizations in the TRIPS Agreement. For two of the categories of beneficiaries, updated protection is now provided by the WIPO Performances and Phonograms Treaty (WPPT), adopted in 1996 along with the WCT (the two are sometimes referred to collectively as the Internet Treaties), and the Beijing Treaty on Audiovisual Performances (Beijing Treaty) (adopted in 2012 but not yet in force). Discussions continue in the WIPO Standing Committee on Copyright and Related Rights on a new treaty on the rights of broadcasters.

The duration of protection of related rights under the Rome Convention is 20 years from the end of the year in which: (a) the recording is made, in the case of sound recordings and performances included in sound recordings; (b) the performance took place, in the case of performances not incorporated in sound recordings; or (c) the broadcast took place, for broadcasts. Under the TRIPS Agreement, the rights of broadcasting organizations are also to be protected for 20 years from the date of the broadcast. In the TRIPS Agreement and the WPPT, however, the rights of performers and producers of sound recordings are to be protected for 50 years from the date of the fixation or the performance. The Beijing Treaty, when it enters into force, will also provide for a term of protection of 50 years.

The notion of related rights is understood as meaning rights granted in an increasing number of countries to protect the interests of performers, producers of phonograms and broadcasting organizations in relation to their activities in connection with the public use of authors' works, all kinds of artists' presentations or the communication to the public of events, information, and any sounds or images. The most important categories are: the right of performers to prevent fixation and direct broadcasting or communication to the public of their performance without their consent; the right of producers of phonograms to authorize or prohibit reproduction of their phonograms and the import and distribution of unauthorized duplicates thereof; the right of broadcasting organizations to authorize or prohibit rebroadcasting, fixation and reproduction of their broadcasts.

Vocabulary

copyrights	авторские права
exclusive rights	исключительные права
to apply to a wide range of creative, intellectual, or artistic forms, or "works"	применять к широкому кругу творческих, интеллектуальных или художественных форм или «работ»
to arise automatically	возникает автоматически
to be made for hire as well as anonymous and pseudonymous works	сделанные на прокат, а также анонимные и псевдонимные работы

storage and retrieval of information	хранение и поиск информации
subject-matter of copyright protection	предмет защиты авторских прав
in the literary, scientific and artistic domain	в литературной, научной и художественной сфере
to enjoy copyright protection	пользоваться защитой авторских прав
eligible for copyright protection	право на защиту авторских прав
non-exhaustive, illustrative enumeration	неисчерпывающее, иллюстративное перечисление
choruses, operas, musicals, operettas	музыкальные произведения, оперы, мюзиклы, оперетты
chamber music	камерная музыка
etchings	гравюры
newsreel	кинохроника
works of applied art	произведения прикладного искусства
related rights	смежные права
to disseminate	распространять
intermediary	посредник
the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)	Международная конвенция об охране прав исполнителей, производителей фонограмм и вещательных организаций (Римская конвенция)
to synthesize existing laws	синтезировать(смешивать) существующие законы
to draft and enact laws	разрабатывать и принимать законы
to accede to	присоединиться к
beneficiary	бенефициар (лицо, к выгоде которого что-либо происходит)
the WIPO Performances and Phonograms Treaty	Договор ВОИС по исполнениям и фонограммам
the Beijing Treaty on	Пекинский договор об

Audiovisual Performances	аудиовизуальных исполнениях
incorporated in sound recordings	включены в звукозаписи
without their consent	без их согласия

I. Answer the following questions.

1. What does a copyright give the creator?
2. To what kind of works may copyrights apply?
3. What doesn't a copyright cover?
4. How long does a copyright last?
5. What is the period of protection for works for hire, anonymous and pseudonymous works?
6. What is copyright law?
7. In what case a work can enjoy copyright protection?
8. What works are excluded from copyright protection?
9. What kinds of related rights do you know?
10. What is related right?
11. In what document were the first attempts made to organize international response to the need for legal protection of three categories of related rights?
12. What documents were adopted in 1996 and 2012?
13. What is the period of protection of related rights under the Rome Convention?
14. What is the period of protection of the rights of performers and producers of sound recordings In the TRIPS Agreement and the WPPT?

II. Match the words with their definitions.

1.	copyright	A.	not giving a name
2.	exclusive right	B.	the power, granted by the government to persons, to allow or disallow others from taking certain actions(through legal force)
3.	to apply	C.	a person or group who receives money,

		advantages, etc. as a result of something else
4.	anonymous	D. the legal right to control the use of an original piece of work such as a book, play, or song
5.	pseudonymous	E. having the necessary qualities or satisfying the necessary conditions
6.	retrieval	F. to intentionally not include something
7.	eligible	G. the application of design and aesthetics to objects of function and everyday use
8.	exclude	H. using or given a false name, for example as a writer
9.	applied art	I. the process of finding and bringing back something
10.	synthesize	J. to put separate facts, etc. together to form a single piece of work
11.	beneficiaries	K. to affect or relate to a particular person or situation

III. Give the synonyms of the following words. Find them in the text.

1. to appear, to occur
2. keeping
3. to spread, to distribute,
4. mediator
5. illicit, illegitimate
6. to join, to accept
7. old-fashioned, obsolete
8. to unite, to combine, to connect
9. permission, agreement
10. to forbid, to ban

IV. Translate the phrases in the sentences into English.

1. All cases of охраной авторского права и смежных прав are dealt with by the public prosecution.
2. Derivative works and collections or composite works также имеют право на авторское право, regardless of whether or not the base works themselves are copyrighted.
3. Предметом авторского права shall include the following works irrespective of their content, purpose, form, merit, mode of creation or availability to the public.
4. The Act created a static seventy-five-year term (dated from the date of publication) анонимных произведений, псевдонимных произведений и произведений, сделанных по найму.
5. Grantors and other interested parties может быть предоставлено лишь ограниченное время within which to make a claim or raise a defence.
6. The act provided that авторское право на литературные, кинематографические и музыкальные произведения could be infringed by the making of a film or other mechanical performance incorporating the copyrighted works.
7. The Authority could standardize methods, techniques and equipment for сбора, анализа, хранения и поиска данных.
8. Japanese copyright law охраняет все произведения in which thoughts or sentiments are expressed in a creative way, and which falls within литературной, научной, художественной или музыкальной сфере.
9. Copyright protection is enshrined in the Constitution, которая оговаривает that Citizens shall гарантируется свобода интеллектуального, художественного и научного творчества.
10. It undertakes original research, обобщает имеющиеся наработки и распространяет in the community.
11. The existing laws in the country did not provide a comprehensive competition framework; therefore, it was necessary разработать и принять комплексное законодательство applying to all parts of the economy.

12. Проект поправок are incorporating the provisions of Договора ВОИС по авторскому праву и Договора ВОИС по исполнениям и фонограммам.

V. Put the missing words from the table in the gaps.

– exclude	– tangible products	– to authorize or prohibit
– intermediaries	– to accede	– to negotiate
– providing		– to ratify

1. This right includes the right _____ the reproduction or commercial exploitation or importation for that purpose of a topography or of a semiconductor product manufactured by using the topography.
2. There are 32 organizations _____ copyright consultation services across the country.
3. They include _____ and intangible intellectual or artistic services, with creative content, economic value and market objectives.
4. The absence of registration of cultural property in such inventories shall by no means _____ it from protection against trafficking and related offences.
5. Many on the delegation were _____ who had _____ with members of the legislative and executive branches.
6. In the same resolution, the Assembly also urged Member States _____ the Convention or _____ to it.

VI. Translate the following sentences into English.

1. Авторское право на все публикуемые материалы принадлежит их оригинальным авторам.
2. После прохождения регистрации выдается свидетельство, которое удовлетворяет исключительные права на использование зарегистрированной товарной марки.

3. На этой Дипломатической конференции были приняты два договора, а именно Договор ВОИС по авторскому праву и Договор ВОИС по исполнениям и фонограммам.
4. Произведение охраняется авторским правом, если это литературное или художественное произведение.
5. Аналогичный вопрос возникает в отношении товаров, находящихся в процессе транзитной перевозки.
6. Там, где работа выполнена анонимно или под псевдонимом, авторское право истекает через семьдесят лет от конца года создания.
7. Закон об авторском праве Индии допускает авторское право на оригинальные литературные, художественные, музыкальные и драматические произведения, а также на звукозаписи и кинематографические фильмы.
8. Настоящий Сайт является объектом авторского права, согласно которому исключительные права на его использование принадлежат «Flexi Communications».
9. Работа, созданная путём минимального пересказа существующего текста могла считаться новой работой, являющейся объектом авторского права.
10. Действующее законодательство об авторских и смежных правах обеспечивает правовое основание для защиты моральных прав автора на свою работу.
11. В течение 2012-2013 годов четырем нарушителям были вынесены предупреждения в связи с незаконным использованием эмблемы Красного Креста.
12. В 1961 году была подписана Международная конвенция об охране прав исполнителей, изготовителей фонограмм и вещательных организаций, а в 1996 году были заключены Договор ВОИС по авторскому праву и Договор ВОИС по исполнениям и фонограммам, которые вместе известны под названием договоры по Интернету.
13. Постоянный комитет ВОИС по патентному праву рассмотрел ключевые основные вопросы, касающиеся патентного права и практики.

VII. Read the text. Answer the questions below the text.

RIGHTS PROTECTED BY COPYRIGHT

Copyright protects two types of rights. Economic rights allow right owners to derive financial reward from the use of their works by others. Moral rights allow authors and creators to take certain actions to preserve and protect their link with their work. The author or creator may be the owner of the economic rights or those rights may be transferred to one or more copyright owners. Many countries do not allow the transfer of moral rights.

Economic rights. With any kind of property, its owner may decide how it is to be used, and others can use it lawfully only if they have the owner's permission, often through a license. The owner's use of the property must, however, respect the legally recognized rights and interests of other members of society. So the owner of a copyright-protected work may decide how to use the work, and may prevent others from using it without permission. National laws usually grant copyright owners exclusive rights to allow third parties to use their works, subject to the legally recognized rights and interests of others.

Most copyright laws state that authors or other right owners have the right to authorize or prevent certain acts in relation to a work. Right owners can authorize or prohibit:

- reproduction of the work in various forms, such as printed publications or sound recordings;
- distribution of copies of the work;
- public performance of the work;
- broadcasting or other communication of the work to the public;
- translation of the work into other languages; and
- adaptation of the work, such as turning a novel into a screenplay.

Moral rights. The Berne Convention requires its members to grant authors the following rights:

– the right to claim authorship of a work (sometimes called the right of paternity or the right of attribution);

– the right to object to any distortion or modification of a work, or other derogatory action in relation to a work, which would be prejudicial to the author's honor or reputation (sometimes called the right of integrity).

These and other similar rights granted in national laws are generally known as the moral rights of authors. The Berne Convention requires these rights to be independent of authors' economic rights. Moral rights are only accorded to individual authors and in many national laws they remain with the authors even after the authors have transferred their economic rights. This means that even where, for example, a film producer or publisher owns the economic rights in a work, in many jurisdictions the individual author continues to have moral rights.

1. What are two types of rights that copyright protects?
2. What does economic right allow?
3. What does moral right allow?
4. What document can allow others use creation lawfully?
5. What rights does the owner of copyrights have?
6. According to the Berne Convention what rights are granted to the authors?

VIII. Read the text. Answer the questions below the text.

THE ROLE OF WIPO

WIPO is an international organization dedicated to promoting creativity and innovation by ensuring that the rights of creators and owners of IP are protected worldwide, and that inventors and authors are recognized and rewarded for their ingenuity.

As a specialized agency of the United Nations, WIPO provides a forum for its member states to create and harmonize rules and practices for protecting IP rights. Many member states have protection systems that are centuries old, although those systems may require updating to address rapid technological change, while other countries continue to develop new legal and administrative frameworks to protect their patents, trademarks and copyright. WIPO assists its member states in developing these new systems through treaty negotiation, legal and technical assistance, and training in various forms, including in the area of enforcement of IP rights.

The field of copyright and related rights has expanded dramatically as technological developments have enabled new ways of disseminating creations worldwide through such means as satellite broadcasting, compact discs, DVDs, and streaming and downloading from the Internet. WIPO is closely involved in the ongoing international debate to shape new standards for copyright protection in cyberspace.

WIPO administers the following international treaties on copyright and related rights:

• Berne Convention for the Protection of Literary and Artistic Works (1886);

• Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961) (administered with ILO and UNESCO);

• Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (1971);

• Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (1974);

• WIPO Copyright Treaty (WCT) (1996);

• WIPO Performances and Phonograms Treaty (WPPT) (1996);

• Beijing Treaty on Audiovisual Performances (2012, not yet in force);

• Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (2013).

The WIPO Arbitration and Mediation Center provides services for the resolution of international IP disputes between private parties. Such proceedings can include contractual disputes (such as patent and software licenses, trademark coexistence agreements, and research and development agreements) and non-contractual disputes (such as patent infringement). The Center is also recognized as the leading dispute resolution service provider for disputes related to Internet domain names.

1. What is WIPO?
2. How does WIPO assist its member-states in developing new systems?
3. What are the new ways of disseminating creations worldwide?

4. What are the main following international treaties on copyright and related rights administered by WIPO?
5. What does The WIPO Arbitration and Mediation Center provide?

IX. Translate the following text into English.

Что такое авторское право и смежные права?

Законы об авторском праве предоставляют авторам, художникам и другим авторам защиту для их литературных и художественных произведений, обычно называемых «произведениями». Тесно связанной областью являются «смежные права» или права, связанные с авторским правом, которые охватывают права, аналогичные или идентичные правам на авторское право, хотя иногда более ограниченные и более короткие. Обладателем смежных прав являются: исполнители (например, актеры и музыканты) в своих выступлениях; производители фонограмм (например, компакт-дисков) в своих звуковых записях; и вещательные организации в своих радио- и телевизионных программах. Работы, на которые распространяется авторское право, включают, но не ограничиваются: романы, стихи, пьесы, справочные работы, газеты, рекламные объявления, компьютерные программы, базы данных, фильмы, музыкальные композиции, хореографию, картины, рисунки, фотографии, скульптуру, архитектуру, карты и технические чертежи.

X. Translate the phrases in the text into English.

What rights do авторские и смежные права provide?

Создатели произведений, охраняемых авторским правом, and their heirs and successors (generally referred to as “правообладателями”), have certain basic rights under законом об авторском праве. They обладают исключительным правом to use or authorize others to use the work on agreed terms. The right holder(s) of a work может разрешать или запрещать: его воспроизведение in all forms, including print form and sound recording; its public performance

and communication to the public; его вещание; его перевод на другие языки; and its adaptation, such as from a novel to a screenplay for a film.

Similar rights of, among others, fixation (recording) and reproduction предоставляются в рамках смежных прав. Many types of works охраняемые under the laws of copyright and related rights требуют массового распространения, communication and финансовых вложений для их успешного распространения (for example, publications, sound recordings and films).

Hence, creators often передают эти права компаниям better able to develop and market the works, in return for compensation in the form of payments and/or royalties (compensation based on a percentage of revenues generated by the work). Имущественные права relating to copyright имеют ограниченный срок действия – as provided for in the relevant WIPO treaties – начиная с создания и фиксации произведения, and lasting for not less than 50 years after the creator's death. National laws могут устанавливать более длительные сроки защиты. This term of protection enables both создателям, так и их наследникам и преемникам to benefit financially for a reasonable period of time. Смежные права имеют более короткие сроки, normally 50 yearsafter исполнения, записи или трансляции hastakenplace.

Copyright and the protection of performers also включают моральные права, meaning the right to claim authorship of a work, and право выступать против изменений в произведении that could harm the creator's reputation. Rights provided for under copyright and related rights laws могут быть реализованы правообладателями с помощью различных методов и форумов, including civil action suits, administrative remedies and criminal prosecution. Судебные запреты, orders ребующие уничтожения предметов, нарушающих закон, inspection orders, among others, are used to enforce these rights.

XI. Translate the phrases in the text into English.

What are преимущества защиты авторских и смежных прав?

Защита авторских и смежных прав is an essential component in fostering human творчества и инноваций. Предоставление авторам,

художникам и авторам стимулов in the form of recognition and fair economic reward повышает их активность и результативность and can also повысить результаты. By ensuring the existence and enforceability of rights, individuals and companies can more easily вкладывать средства в создание, развитие и глобальное распространение своих произведений. This, in turn, helps to increase access to and enhance the enjoyment of culture, knowledge and entertainment the world over, and also стимулирует их экономическое и социальное развитие.

XII. Translate the following text into English.

Как авторское право и смежные права идут в ногу с достижениями в области технологий?

За последние несколько десятилетий область авторского права и смежных прав значительно расширилась благодаря впечатляющему прогрессу технологического развития, который, в свою очередь, дал новые способы распространения творений с помощью таких форм коммуникации, как спутниковое вещание, компакт-диски и DVD-диски. Широкое распространение произведений через Интернет поднимает сложные вопросы, касающиеся авторского права и смежных прав в этой глобальной среде. ВОИС в полной мере участвует в продолжающихся международных дебатах по формированию новых стандартов защиты авторских прав в киберпространстве. В этой связи Организация управляет Договором ВОИС по авторскому праву (ДАП) и Договором ВОИС по исполнениям и фонограммам (ДИФ), известным как «Интернет-договоры». В этих договорах уточняются международные нормы, направленные на предотвращение несанкционированного доступа и использования творческих произведений в Интернете.

XIII. Put the missing words from the box in the gaps.

– are sometimes managed	– facilitate
– be obtained	– gained
– efficient administrative support	– have the ability or means

– literary, music and performance rights	– provide

How are copyright and related rights regulated?

Copyright and related rights protection ____(1)_____ automatically without the need for registration or other formalities. However, many countries ___(2)_____for a national system of optional registration and deposit of works. These systems_____(3)_____, for example, questions involving disputes over ownership or creation, financial transactions, sales, assignments and transfer of rights.

Many authors and performers do not ____(4)_____ to pursue the legal and administrative enforcement of their copyright and related rights, especially given the increasingly global use of___(5)_____. As a result, the establishment and enhancement of collective management organizations (CMOs), or "societies", is a growing and necessary trend in many countries. These societies can provide their members with ____(6)_____ and legal expertise in, for example, collecting, managing and disbursing royalties ___(7)_____ from the national and international use of a work or performance. Certain rights of producers of sound recordings and broadcasting organizations _____(8)_____ collectively as well.

XIV. Read the text. Answer the questions below the text.

COPYRIGHT PROTECTION

Most products have a copyright. The images and words on the product packaging, the label, the product itself and the webpage can all be protected with a copyright. The advantages of a copyright registration are that it is inexpensive to secure, and the law allows you to demand attorney fees from infringers. Often times, your attorney fees are more costly than your damages due to someone copying your images and words without your authorization. Hence, being able to demand your attorney fees from the infringer is a significant leverage that can be used to force infringers to settle early on in the legal process. Without a copyright registration, you would have to pay your own attorney fees.

Copyrights protect original works of authorship that are fixed in a "tangible medium of expression." This means that the authored or creative work has been written down on a piece of paper, saved on an electronic storage device (e.g. hard drive or flash drive), or preserved in some other tangible format. Examples of copyrightable works include movies, videos, photos, books, diaries, articles, and software. Copyright does not protect ideas or useful items, which is the function of patents. Although software is a functional item, it can be protected by copyrights due to the creativity used in the selection, ordering, and arrangement of the various pieces of code in the software.

You automatically have a copyrighted product in your creative expressions at the time that they are fixed in a tangible medium of expression.

A copyright does not need to be registered, but registration does have significant advantages. You can file your own copyright application at www.copyright.gov. Importantly, if your copyright is registered, your attorney fees can be shifted to the infringer as discussed above, and you can ask the judge to award statutory damages. Statutory damages allow a court to impose liability on an infringer for up to 150,000 dollars even if the damages are significantly less than that amount.

1. What are the advantages of a copyright registration?
2. What condition should be obligatory fulfilled that original works of authorship will be protected?
3. What are the examples of copyrightable works?

UNIT 4

TEXT 4.1 INDUSTRIAL PROPERTY

Industrial property has long been recognized and used by industrialized countries, and is being used by an ever increasing number of developing countries, as an important tool of technological and economic development. Many developing countries are aware that it is in their best interest to establish national industrial property systems where they do not exist, and to strengthen and upgrade existing systems which, inherited from their historical past, are no longer adequately responding to new needs and priorities.

The term "industrial property" was first used in the French law and was defined as the type of ownership of an invention and trademark. The object of regulation of industrial property rights in accordance with Article 996 of the Civil Code of the Republic of Belarus is relations arising from the creation and use of inventions, utility patents, industrial designs, plant patents and the trade secrets protection (know-how), means of individualization of participants in civil turnover, goods, works, services (commercial names and designations, trademarks and service marks, geographical indications).

Industrial property can be divided into two main areas:

- One area can be characterized as the protection of distinctive signs, in particular trademarks (which distinguish the goods or services of one undertaking from those of other undertakings) and geographical indications (which identify a good as originating in a place where a given characteristic of the good is essentially attributable to its geographical origin). The protection of such distinctive signs aims to stimulate and ensure fair competition and to protect consumers, by enabling them to make informed choices between various goods and services. The protection may last indefinitely, provided the sign in question continues to be distinctive.
- Other types of industrial property are protected primarily to stimulate innovation, design and the creation of technology. In this category fall inventions (protected by patents), industrial designs and trade secrets. The social purpose is to provide protection for the results of investment in the development of new technology, thus giving the

incentive and means to finance research and development activities. A functioning intellectual property regime should also facilitate the transfer of technology in the form of foreign direct investment, joint ventures and licensing. The protection is usually given for a finite term (typically 20 years in the case of patents).

Industrial property rights make it possible for the creators of innovations (goods, processes, apparatus, etc.) to establish themselves more readily, to penetrate new markets with a minimum of risk, and to amortize the investments made in the research that led to the innovations in the first place. In a practical sense, these innovations become the spearhead of some of the most advanced technology. This is becoming more and more apparent in a modern world increasingly dominated by technology.

Instruments of protection	**What they protect**	**Relevant international agreements**	**Year**
Patents and utility models	Inventions	Paris Convention for the Protection of Industrial Property	1883
		Patent Cooperation Treaty	1970
		Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure	1977
		Strasbourg Agreement Concerning the International Patent Classification	1971
		Patent Law Treaty	2000
Industrial designs	Independently created industrial designs that are new or original	Hague Agreement Concerning the International Registration of Industrial Designs	1925
		Locarno Agreement Establishing an International Classification for Industrial Designs	1968
Trademarks,	Distinguishing	Madrid Agreement for the	1891

certification marks and collective marks	signs and symbols	Repression of False or Deceptive Indications of Source on Goods	
		Madrid Agreement Concerning the International Registration of Marks	1891
		Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1989
		Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks	1957
		Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks	1973
		Trademark Law Treaty	1994
		Singapore Treaty on the Law of Trademarks	2006
Geographical indications and appellations of origin	Geographical names linked to a country, region or locality	Lisbon Agreement for the Protection of Appellations of Origin and their International Registration	1958
Integrated circuits	Layout-designs	Washington Treaty on Intellectual Property in Respect of Integrated Circuits	1989
Protection against unfair competition	Honest practices	Paris Convention for the Protection of Industrial Property	1883

Vocabulary

joint ventures	совместные предприятия
a finite term	ограниченный срок
attributable to its geographical origin	связано с его географическим происхождением
to penetrate	проникнуть
to amortize the investments	амортизировать инвестиции
spearhead	инициатор
apparent	очевидный

I. Answer the following questions.

1. What is “industrial property”?
2. Where was the term “industrial property” first used?
3. Into what areas can industrial property be divided?
4. What opportunities do industrial property rights provide for the creators of innovations?

II. Match the words with their definitions.

1. to strengthen	A. to describe the meaning of something
2. to upgrade	B. to notice or understand the difference between two things
3. to inherit	C. to make something certain to happen
4. to respond	D. to make something possible or easier
5. to define	E. to recognize a problem, need, fact, etc. and to show that it exists
6. to distinguish	F. to begin to have responsibility for a problem or situation that previously existed or belonged to another person
7. to identify	G. to come from a particular place, time,

situation, etc.

8. to originate	H. to keep someone or something safe
9. to ensure	I. to say or do something as a reaction to something that has been said or done
10. to stimulate	J. to encourage something to grow, develop, or become active
11. to protect	K. to make something more effective or powerful
12. to facilitate	L. to improve the quality or usefulness of something, or change it for something newer or of a better standard

TEXT 4.2 PATENTS

A patent is a form of intellectual property that gives its owner the legal right to exclude others from making, using, selling and importing an invention for a limited period of years, in exchange for publishing an enabling public disclosure of the invention. In most countries patent rights fall under civil law and the patent holder needs to sue someone infringing the patent in order to enforce his or her rights. In some industries patents are an essential form of competitive advantage; in others they are irrelevant. A patent provides patent owners with protection for their inventions. Protection is granted for a limited period, generally 20 years.

The word patent originates from the Latin “patere”, which means "to lay open" (i.e. to make available for public inspection). It is a shortened version of the term “letters patent”, which was an open document or

instrument issued by a monarch or government granting exclusive rights to a person, predating the modern patent system.

In modern usage, the term “patent” usually refers to the right granted to anyone who invents something new, useful and non-obvious. Some other types of intellectual property rights are also called patents in some jurisdictions: industrial design rights are called design patents in the US, plant breeders' rights are sometimes called plant patents, and utility models and Gebrauchsmuster are sometimes called petty patents or innovation patents.

The additional qualification utility patent is sometimes used (primarily in the US) to distinguish the primary meaning from these other types of patents. Particular species of patents for inventions include biological patents, business method patents, chemical patents and software patents.

An invention must meet several criteria if it is to be eligible for patent protection. These include, most significantly, that the invention must consist of patentable subject matter, the invention must be industrially applicable (useful), it must be new (novel), it must exhibit a sufficient “inventive step” (be non-obvious), and the disclosure of the invention in the patent application must meet certain standards.

An invention, in order to be patentable, must be of a kind which can be applied for practical purposes, not be purely theoretical. If the invention is intended to be a product or part of a product, it should be possible to make that product. And if the invention is intended to be a process or part of a process, it should be possible to carry that process out or “use” it in practice.

“Applicability” and “industrial applicability” are expressions reflecting, respectively, the possibility of making and manufacturing in practice, and that of carrying out or using in practice. The term “industrial” should be considered in its broadest sense, including any kind of industry. In common language, an “industrial” activity means a technical activity on a certain scale, and the “industrial” applicability of an invention means the application (making use) of an invention by technical means on a certain scale. National and regional laws and practices concerning the industrial applicability requirement vary significantly.

A patent owner has the right to decide who may – or may not – use the patented invention for the period during which it is protected. Patent

owners may give permission to, or license, other parties to use their inventions on mutually agreed terms. Owners may also sell their invention rights to someone else, who then becomes the new owner of the patent. Once a patent expires, protection ends and the invention enters the public domain. This is also known as becoming off patent, meaning the owner no longer holds exclusive rights to the invention, and it becomes available for commercial exploitation by others.

The first step in securing a patent is to file a patent application. The application generally contains the title of the invention, as well as an indication of its technical field. It must include the background and a description of the invention, in clear language and enough detail that an individual with an average understanding of the field could use or reproduce the invention. Such descriptions are usually accompanied by visual materials – drawings, plans or diagrams – that describe the invention in greater detail. The application also contains various "claims", that is, information to help determine the extent of protection to be granted by the patent.

An application is accompanied with the following documents:

- an acknowledgment of payment of the patent fee or patent fee relief, or an acknowledgment of partial payment together with the confirmation of the grounds for fee reduction;
- a power of attorney if it is filed with a patent attorney;
- an attested copy of the first application if the filing is made according to the Paris Convention for the Protection of Industrial Property (Convention application).

The application materials must be drawn up in compliance with the following normative legal acts:

- the Law of the Republic of Belarus "On Patents for Inventions, Utility Models and Industrial Designs";
- the Regulations on the Provision on Application Drafting Procedure for Invention Patents, Examination and Decision Making Thereof (approved by Regulation of the Council of Ministers of the Republic of Belarus on February 2, 2011 No 119);
- the Resolution of the State Committee on Science and Technologies of the Republic of Belarus of June 5, 2018 No. 16 "On Establishment of Forms of Documents for Invention Patents".

Vocabulary

to exclude others from making, using, selling and importing	исключать других из создания, использования, продажи и импорта
an enabling public disclosure	разрешающий публичное раскрытие
to sue someone infringing the patent	подать в суд на кого-то нарушающего патент
to enforce his or her rights	отстаивать свои права
competitive advantage	конкурентное преимущество
predating the modern patent system	предшествующий современной патентной системе
to be eligible for patent protection	иметь право на патентную защиту
to be patentable	быть патентоспособным
industrial applicability	промышленная применимость
on mutually agreed terms	на взаимосогласованных условиях
to enter the public domain	становится общественным достоянием
becoming off patent	отказ от патента
to file a patent application	подать заявку на патент

I. Answer the following questions.

1. What is a patent?
2. What is the valid period of the patent protection?
3. What is the origin of the word “patent”?
4. What other types of intellectual property rights are called patents?
5. What criteria must an invention meet to be eligible for patent protection?
6. What rights does a patent owner have?
7. How is a patent granted?

II. Match the words with their definitions.

1. a patent — A. an area of interest or an area over which a person has control

2.	to exclude	B.	a legal right that a person or company receives to make or sell a particular product so that others cannot copy it
3.	limited	C.	something that has been designed or created for the first time
4.	an invention	D.	relevant or appropriate
5.	disclosure	E.	the act of giving people new or secret information
6.	to sue	F.	restricted in size, amount, or extent
7.	to infringe	G.	new and original, not like anything seen before
8.	to grant	H.	having the right to do or obtain something; satisfying the appropriate conditions
9.	to be eligible	I.	to intentionally not include something
10.	applicable	J.	to show something publicly
11.	novel	K.	to end or stop being in use
12.	to exhibit	L.	to officially record something, especially in a law court
13.	to expire	M.	to give or allow someone something, usually in an official way
14.	a domain	N.	to break a rule, law, etc.
15.	to file	O.	to take legal action against a person or organization, especially by making a legal claim for money because of some harm that they have caused you

III. Translate the following phrases into English using words from the table.

– novel (×2 times) – innovative – industrially applicable (×2) – to be patentable – inventive step – on mutually agreed terms	– a patent expires – enter the public domain – prevent patent infri ngement – file patent applications – competitive advantage	– enforce rights – patent holder – exclude others – falls under

1. Patents will be available for any новое, инновационное and применимое в промышленности invention, whether product or process, in all fields of technology, and without discrimination as to place of invention, field of technology or origin of the product.
2. Access shall be на взаимно согласованных условияхand shall be subject to Prior Informed Consent.
3. When срок действия какого-либо патента истекает other units are free to use the patented knowledge and produce products.
4. Laws may make some types of works and inventions ineligible for monopoly; such works immediately переходят в общественное достояние upon publication.
5. As regards patents, the starting-point in the TRIPS Agreement is that for an invention быть запатентовано it must be новым, involve элемент изобретательства and be применимо в промышленности.
6. Even if these obstacles were somehow overcome, most traditional communities do not have the resources to подачи патентных заявок or to take legal action to предотвращения нарушения патентных прав.
7. This opens an important конкурентное преимущество for the company serving its customers.
8. In addition, the jurisdictional steps necessary to обеспечения осуществления прав in the event of their violation are set out.

9. TRIPS authorizes public use licenses without negotiation with the патентовладельцем.
10. It was further noted that patenting needed to be practised responsibly by ensuring that patents did not отстраняли других from using the materials.
11. Any dispute arising therefrom подпадает под действие the criminal and civil law.

IV. Translate the following sentences into English.

1. Патенты являются одной из форм интеллектуальной собственности.
2. Переговоры по многим соглашениям о транзите ведутся на двусторонней основе, и в большинстве случаев они действуют в течение ограниченного периода времени.
3. Расходы, связанные с публичным раскрытием информации, были минимальными.
4. Такие вещи, как авторские права или торговые марки подпадают под это исключение.
5. Любой человек, который использует это изобретение, должен платить гонорары владельцу такого права.
6. Клиент соглашается с условием о не нарушении авторских прав, а также прав на товарные знаки, патенты и др.
7. Хотя Конвенция и другие международно-правовые документы после их ратификации автоматически становятся частью национального законодательства, не представлено никакой информации о фактических случаях применения Конвенции для обеспечения прав.
8. Таким образом, они могут исключать из категории патентуемых изобретения, коммерческое использование которых может оказаться пагубным для охраны жизни или здоровья людей.
9. По истечении сроков действия патентов подробно описанная в патенте технология становится открытой для общего пользования.
10. Согласно Директиве, генетически измененное растение, созданное компанией "Плант Дженетик Системс", подлежит патентованию.

11. Все государства-члены должны принимать законы с целью защиты от разглашения информации, имеющей коммерческую ценность, даже если на нее не распространяется защита, связанная с авторскими правами или патентованием.
12. Изобретение является патентоспособным, если оно является новым, имеет изобретательский уровень и промышленно применимо.

V. Translate the phrases in the text into English.

What kind of защиту do патенты offer?

Защита патента means изобретение cannot be произведено, использовано, распространено или продано на коммерческой основе without the patent owner's consent. Патентные права are usually enforced in courts that, in most systems, hold the authority to пресекать нарушение патентных прав. Conversely, a court can also признать патент недействительным upon a successful challenge by третьей стороной.

VI. Translate the following phrases in the text into English.

Кто выдает патенты?

Патенты выдаются национальными патентными ведомствами или региональными ведомствами that carry out examination work for a group of countries – for example, the European Patent Office (EPO) and the African Intellectual Property Organization (OAPI). Under such regional systems, заявитель запрашивает охрану изобретения in one or more countries, and each country decides следует ли предлагать патентную охрану в пределах своих границ. The WIPO-administered Patent Cooperation Treaty (PCT) предусматривает подачу единой международной патентной заявки that has the same effect as national applications filed in the designated countries. Заявитель seeking protection may подать одну заявку и запросить защиту in as many signatory states as needed.

VII. Translate the following text into English.

Какую роль играют патенты в повседневной жизни?

Запатентованные изобретения проникли во все аспекты жизни человека, от электрического освещения (патенты, принадлежащие Эдисону и Свону) и швейных машин (патенты, принадлежащие Хоу и Сингеру) до магнитно-резонансной томографии (МРТ) (патенты, принадлежащие Дамадиану) и iPhone(патенты принадлежат Apple). В обмен на патентную защиту все владельцы патентов обязаны публично раскрывать информацию о своих изобретениях, чтобы обогатить весь объем технических знаний в мире. Этот постоянно растущий объем общественных знаний способствует дальнейшему творчеству и инновациям. Таким образом, патенты обеспечивают не только защиту их владельцев, но также ценную информацию и вдохновение для будущих поколений исследователей и изобретателей.

VIII. Translate the following text into English.

Какие виды изобретений могут быть защищены?

В целом, изобретение должно соответствовать следующим условиям, чтобы быть защищенным патентом. Он должен иметь практическое применение; он должен показывать элемент «новизны», включая какую-то новую характеристику, которая не является частью существующего знания в его конкретной технической области. Эта совокупность существующих знаний называется «предшествующее умение». Изобретение должно показывать «изобретательский уровень», который не может быть выведен человеком со средними знаниями в данной области техники. Его предмет должен быть признан «патентоспособным» в соответствии с законом. Во многих странах научные теории, математические методы, сорта растений или животных, открытия природных веществ, коммерческие методы или методы лечения (в отличие от медицинских изделий), как правило, не подлежат патенту.

IX. Read the text and translate into Russian. Tell what benefits of patent protection may be.

Benefits of Patent Protection

The benefits derived from a patent may include:

1) **Prevents theft of the invention**: Inventors and start ups may initially seek a licensing deal or an investor for an infusion of cash. In order to attract licensees and investors, the invention must first be disclosed so that the potential licensee or investor can evaluate the deal. If no patent application is filed, then the investor or licensee may reject the offer to license or invest but turn around and file their own patent application. Any application file by the real inventor will be later in time. As such, the Patent Office will award the patent to the licensee or the investor, instead of to the real investor. By filing the patent application and obtaining patent pendency, any application filed by the potential licensee or investor will be later in time, and thus, junior to your patent application.

2)**Higher Profit Margins**: A U.S. Patent permits its owner to exclude (i.e., stop)others from making, using, selling, offering for sale and importing the invention into the United States as claimed in the patent. Presuming that there is a market demand for the patented product, the ability to exclude others reduces the supply of the product or process in the marketplace. As a result, patent owners may charge higher prices for the patented product or process.

3) **Reduce Competition**: Patents may also serve as a barrier to entry for competitors who are contemplating entering the market for the patented widget or service. Competitors may consider the risks of patent infringement greater than the rewards of potential profits. Also, patentees may assert their patent(s) against competitors to enjoin them from offering a competitive product.

4) **Encourage Settlement**: During litigation, both parties will assert various claims against each other including patent infringement. In certain instances, two patent owners may agree to cross license the respective patented technologies to each other instead of litigating the issues.

5) **Expand Market Share**: Patented technology may be licensed to others in a different geographical market or in a different market**.** For

example, a patent owner doing business solely in Orange County, California could license patent rights to a company with a market presence in a different county or state. The patent may provide the patentee, now licensor with regular royalty payments for sales of the patented product or process outside of the patentee's normal geographical market. Additionally, patented technology may be licensed to others in a different technical field. For example, a manufacturer may license a patent to a retailer while retaining patent rights for the manufacturing market.

TEXT 4.3 UTILITY MODELS

In some countries, a utility model system provides protection of so-called "minor inventions" through a system similar to the patent system. Recognizing that minor improvements of existing products, which does not fulfill the patentability requirements, may have an important role in a local innovation system, utility models protect such inventions through granting an exclusive right, which allows the right holder to prevent others from commercially using the protected invention, without his authorization, for a limited period of time.

In general, compared with patents, utility model systems require compliance with less stringent requirements (for example, lower level of inventive step), have simpler procedures and offer shorter term of protection. Designed primarily to respond to the needs of local innovators, requirements and procedures for obtaining protection and the duration of protection vary from one country to another.

Utility models are sometimes referred to as "short-term patents", "utility innovations" or "innovation patents". It is not easy to define a utility model, as it varies from one country to another. In general, utility models are considered particularly suited for protecting inventions that

make small improvements to, and adaptations of, existing products or that have a short commercial life. Utility model systems are often used by local inventors.

Utility model protection means that the invention cannot be commercially made, used, distributed, imported or sold by others without the utility model owner's consent. The above right is territorial, i.e. the right can be enforced only within the country in which a utility model is granted.

The utility model patent is valid during 5 years from the date of filing of the application. At the request of the patent holder patent validity can be extended for no longer than 5 years.

An application for a patent of the Republic of Belarus for utility model is filed with the National Center of Intellectual Property. An application for utility model must concern one or a group of utility models interrelated in a manner to form a single conception (requirement of unity). An application has to contain:

- a request for the grant of a patent, the author (coauthors) of a utility model, a person (persons) in favor of whom a patent is sought and their place of residence or place of business being indicated;
- the description of the utility model disclosing it fully enough for its realization;
- a patent claim (claims) defining the utility model and based entirely on the description;
- drawings if they are necessary for realization of the utility model;
- an abstract.

It is possible to convert an application for utility model into an application for invention before the date of the receipt by the applicant of the decision on patent grant or before the expiration of the term of appeal in the case of rendering of the decision on refusal of patent.

No international treaty obliges Member States to implement a utility model system under their national laws. No reference to utility models is found in the Agreement of Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). Nevertheless, a number of countries have implemented utility model systems to protect minor and incremental innovations and to complement the patent system in a flexible manner.

In countries where utility model protection is available, since utility models are listed as one category of industrial property in the Convention for the Protection of Industrial Property (Paris Convention), the general principles of the Paris Convention, such as the national treatment and the right of priority, are also applicable on utility models.

In Belarus utility model protection is regulated by the following documents:

- the Law of the Republic of Belarus "On Patents for Inventions, Utility Models and Industrial Designs";
- the Regulations on the Provision on Application Drafting Procedure for Utility Model Patents, Examination and Decision Making Thereof;
- Resolution of the State Committee on Science and Technology of the Republic of Belarus of July 5, 2018 No 17 “On Establishment of Forms of Documents for Utility Model Patents”.

Vocabulary

utility model	полезная модель
to fulfill the patentability requirements	выполнить требования патентоспособности
to grant an exclusive right	предоставить исключительное право
to require compliance with less stringent requirements	требует соблюдения менее строгих требований
without the utility model owner's consent	без согласия владельца полезной модели
to be valid	быть действительным
the patent holder	патентообладатель
place of residence or place of business being indicated	указывается место жительства или место деятельности
to disclose it fully	раскрыть это полностью
a patent claim	патентная претензия (иск)
drawings	рисунки
the expiration of the term of appeal	истечение срока апелляции
the Agreement of Trade-Related	Соглашение о торговых аспектах

Aspects of Intellectual Property Rights	прав интеллектуальной собственности
minor and incremental innovations	незначительные и дополнительные инновации
the Convention for the Protection of Industrial Property	Конвенция об охране промышленной собственности
the Regulations on the Provision on Application Drafting Procedure for Utility Model Patents, Examination and Decision Making Thereof	Положение о порядке составления заявок на патенты на полезные модели, проверка и принятие решений по ним

I. Answer the following questions.

1. What is a utility model?
2. What are the differences between a patent and a utility model?
3. What does utility model protection mean?
4. How long is the utility model patent valid? And for what period can it be extended?
5. What does an application for a patent for utility model have to contain?
6. In what case can an application for utility model be converted into an application for invention?
7. By what documents is utility model protection regulated In Belarus?

II. Match the words with their definitions.

1. to disclose	A. to force someone to do something, or to make it necessary for someone to do something
2. to enforce	B. are extremely severe or limiting and must be obeyed
3. to grant	C. small in amount or number
4. to implement	D. having legal force

5.	incremental	E.	to cause a law or rule to be obeyed
6.	limited	F.	to give or allow someone something, usually in an official way
7.	to oblige	G.	to begin to use a new system
8.	consent	H.	to make something known publicly, or to show something that was hidden
9.	stringent	I.	happening gradually, in a series of small amounts
10.	valid	J.	permission or agreement

III. Put the necessary prepositions.

1. The situation in Denmark is very similar ____ that in Spain, but again, only time will reveal all.
2. As with most management problems, the key to preventing a crisis _____ happening is early recognition.
3. How do quality control practices compare _____ current regulatory requirements?
4. All imports of timber are ____ compliance ____ regulations
5. We would like to take this opportunity to respond _____ the commentary with more explication of the content of the papers themselves.
6. Indeed, if the currency were floated, it might well decline as Chinese convert their domestic currency holdings _____ dollars.
7. The decision to refer the matter _____ the Security Council is a sign, moreover, that the world is united in its view that North Korea and Iraq are grave concerns.
8. ____ the request of the expert commission, the proponent is obliged _____ present additional information on a planned activity.
9. An application ____ a search warrant requires, first, the personal authorization of the Commissioner of Inland Revenue.

10. The two elements of democracy, preventive and protective, are interrelated ____ financial and economic crises.
11. However, such a petition does not prevent the enforcement of the decision ___ refusal ____ entry.
12. The decisions of the SCO bodies are implemented ____ member States ___ accordance _____ the procedures established _____ their national laws.
13. The dates of payment and the United Nations rates of exchange applicable ____ such contributions are, however, unpredictable.

IV. Translate the text into English.

Основные отличия полезных моделей от патентов заключаются в следующем:

Требования для приобретения полезных моделей менее строгие, чем для патентов. В то время как требование «новизны» всегда должно соблюдаться, хотя в некоторых странах только на местном уровне, требование «изобретательского уровня» или «неочевидности» может быть ниже или вообще отсутствовать. На практике защиту полезных моделей часто ищут для нововведений довольно постепенного характера, которые могут не соответствовать критериям патентоспособности.

Срок охраны для полезных моделей короче, чем для патентов, и варьируется от страны к стране (обычно от 6 до 15 лет).

В большинстве стран патентные ведомства не рассматривают заявки на полезные модели по содержанию до регистрации. Это означает, что процесс регистрации часто проще и быстрее, иногда занимает шесть месяцев или меньше.

Плата за получение и обслуживание полезных моделей дешевле.

В некоторых странах защита полезной модели может быть получена только для определенных областей техники, таких как механические устройства и аппаратура, и только для продуктов, но не для процессов.

TEXT 4.4 INDUSTRIAL DESIGN

An artistic or design solution for an item defining its appearance is considered to constitute an industrial design.

In daily life, design usually means the appearance of the product in whole relating to its functionality. An armchair, for instance, is considered to have a good design if it is comfortable for sitting in it and looks good. In business designing of a new product usually means development of its functional and aesthetic features subject to the aspects such as its selling on the outlet, production cost or ease of transportation, storage, repair and utilization.

However, in terms of intellectual property an industrial design concerns only ornamental or aesthetic aspect of the product. In other words, as regards the armchair, it only relates to its appearance. Although a design of the product may have technical or functional features, industrial design as a category of intellectual property relates only to aesthetic nature of final product unlike any technical or functional aspects.

Industrial design is crucial for a wide variety of industrial or handicraft goods and fashion industry: from technical and medical equipment to watches, jewelry and other luxuries; from cookware, toys, furniture and household appliances to vehicles and buildings; from textiles to sports goods. Industrial design is also important for packages, containers and appearance of products.

As a rule, industrial designs can be:

- three-dimensional, such as the shape of a product;
- two-dimensional, such as ornaments, drawings, outlines and colours of a product;
- combined, corresponding to the combination of one or several three-dimensional or two-dimensional industrial designs.

Industrial designs are what make an article attractive and appealing; hence, they add to the commercial value of a product and increase its marketability. When an industrial design is protected, the owner – the person or entity that has registered the design – is assured an exclusive right and protection against unauthorized copying or imitation of the design by third parties. This helps to ensure a fair return on investment. An effective system of protection also benefits consumers

and the public at large, by promoting fair competition and honest trade practices, encouraging creativity and promoting more aesthetically pleasing products. Protecting industrial designs helps to promote economic development by encouraging creativity in the industrial and manufacturing sectors, as well as in traditional arts and crafts. Designs contribute to the expansion of commercial activity and the export of national products. Industrial designs can be relatively simple and inexpensive to develop and protect. They are reasonably accessible to small and medium-sized enterprises as well as to individual artists and crafts-makers, in both developed and developing countries.

In most countries, an industrial design must be registered in order to be protected under industrial design law. As a rule, to be registrable, the design must be "new" or "original". Countries have varying definitions of such terms, as well as variations in the registration process itself. Generally, "new" means that no identical or very similar design is known to have previously existed.

In the Republic of Belarus, like in most countries, in order to obtain protection under the legislation on industrial designs an industrial design must be registered. An application has to be filed with the national intellectual property office of the country where protection is sought so that an industrial design was registered.

The application materials must be drawn up in compliance with the following normative legal acts:

- the Law of the Republic of Belarus "On Patents for Inventions, Utility Models and Industrial Designs";
- the Regulations on the Provision on Application Drafting Procedure for Industrial Design Patents, Examination and Decision Making Thereof;
- Resolution of the State Committee on Science and Technology of the Republic of Belarus of July 5, 2018 No 15 "On Establishment of Forms of Documents for Industrial Design Patents".

It should be particularly noted that some countries or entire economic regions, such as the European Union, provided the possibility to obtain limited protection for unregistered industrial designs valid during 3 years from the date of publication in the European Union of information on the industrial design (in the Republic of Belarus only registered industrial designs are protected).

Unregistered industrial design gives to the enterprises the possibility of preliminary testing of their products on the market, without spending time and resources on registration of all available designs, many of which will possibly not be in demand and succeed among consumers. Some designs do not "live" long on the market, especially fashion items. For such products, unregistered designs are a good alternative. However, after manufacturing of the product designers have at their disposal a period of up to one year to carry out registration. The protection which an unregistered design enjoys is weaker because as compared with the registered design such rights are much more difficult to enforce and the term of protection is less, only 3 years against 25 years, provided for registered designs in the European Union countries.

Unregistrable in the Republic of Belarus are:

- solutions that do not meet the requirements of novelty and originality;
- solutions, the characteristics of which are determined exclusively by the technical function of the product; such technical or functional features of the design may be protected, depending on the features of each case, as other industrial property objects (such as inventions or utility models);
- solutions that are contrary to public interests, principles of humanity and morality;
- architectural objects (including industrial, hydrotechnical and other stationary installations), except for small architectural forms;
- printed matter as such;
- objects of changeable shape from liquid, gaseous, granular and similar substances.

The creator of a design (i.e. the designer), in the absence of specific circumstances, is usually the owner of the industrial design. Yet in most countries, if an employee of an enterprise created an industrial design in compliance with the conditions of the employment agreement, i.e. during working hours and in the framework of their duties, the design itself and the respective rights to it will belong to the employer. Otherwise, a written agreement on concession of rights may be required for the employee to its transfer.

If the industrial design is created by a designer hired by contract, the rights usually belongs to the enterprise that charged the designer with creation of this industrial design. In such cases the industrial design is

considered to be created by a person that charged the designer with its creation and that thereby is the owner of the rights. Confusion at a further phase can be avoided if the issue of ownership is resolved in a contract with a designer.

The term of protection of a registered industrial design varies in different countries, but is usually at least 10 years (although it is often longer). For example, 14 years for the USA and up to 25 years for the European Union. In many countries, after the expiration of 5 years the owners of the rights are required to renew the term of the industrial design protection.

In the Republic of Belarus, the industrial design patent is valid for 10 years and can be extended for another 5 years.

Vocabulary

industrial design	промышленный дизайн
ornamental or aesthetic aspect of the product	декоративный или эстетический аспект продукта
cookware	кухонная посуда
household appliances	бытовая техника
to have technical or functional features	иметь технические или функциональные особенности
crucial	ключевой
three-dimensional/ two-dimensional	трехмерный / двухмерный
to increase its marketability	увеличить свою товарность
to be registrable	быть регистрируемым
preliminary testing	предварительное тестирование
to carry out registration	проводить регистрацию
printed matter as such	печатная продукция как таковая
respective rights	соответствующие права

I. Answer the following questions.

1) What is an industrial design?
2) What types of an industrial design can be?
3) In what case is an industrial design registrable?

4) In compliance with what legal acts must the application be drawn up?

5) What are the advantages of an unregistered industrial design?

6) What is the period of an industrial design protection?

7) What industrial designs are unregistrable?

8) Who is the owner of the industrial design?

II. Give the antonyms of the following words.

1) Industrial –
2) Attractive –
3) Entity –
4) Entire –
5) Changeable –

III. Give the synonyms of the following words.

1) Daily –
2) Product –
3) Exist –
4) Demand –
5) Enterprise –

IV. Translate the following legal acts into English.

- Закон Республики Беларусь «О патентах на изобретения, полезные модели и промышленные образцы»;
- Положение о порядке составления заявок на патенты на промышленные образцы, экспертизу и принятие решений по ним;
- Постановление Государственного комитета по науке и технологиям Республики Беларусь от 5 июля 2018 года № 15 «Об утверждении форм документов на патенты на промышленные образцы».

V. Translate the following text into English.

Насколько обширна защита промышленного образца?

Как правило, охрана промышленного образца ограничивается страной, в которой предоставляется охрана. Гаагское соглашение о международной регистрации промышленных образцов, административное соглашение ВОИС, предлагает процедуру

международной регистрации образцов. Заявители могут подать одну международную заявку либо в ВОИС, либо в национальное или региональное бюро страны-участницы договора. Образец будет защищен во всех странах-участницах договора, указанных заявителем.

TEXT 4.5 GEOGRAPHICAL INDICATIONS

"Champagne," "Cognac," "Roquefort," "Chianti," "Pilsen," "Porto," "Sheffield," "Havana," "Tequila," "Darjeeling"—are some well-known examples for names, which are associated throughout the world with products of a certain nature and quality. One common feature of all those names is their geographical connotation, that is to say, their function of designating existing places, towns, regions or countries. However, when we hear these names we think of products rather than the places they designate.

Those examples show that geographical indications can acquire a high reputation and thus may be valuable commercial assets. For this very reason, they are often exposed to misappropriation, counterfeiting or forgery, and their protection—national as well as international—is highly desirable.

With the exception of design law, there is probably no category of intellectual property law where there exists such a variety of concepts of protection as in the field of geographical indications. This is maybe best demonstrated by the term "geographical indication" itself, which is relatively new and appeared only recently in international negotiations.

The term "geographical indication" has been chosen by WIPO to describe the subject matter of a new treaty for the international protection of names and symbols which indicate a certain geographical origin of a given product. In this connection, the term is intended to be used in its widest possible meaning. It embraces all existing means of

protection of such names and symbols, regardless of whether they indicate that the qualities of a given product are due to its geographical origin (such as appellations of origin), or they merely indicate the place of origin of a product (such as indications of source). This definition also covers symbols, because geographical indications are not only constituted by names, such as the name of a town, a region or a country ("direct geographical indications"), but may also consist of symbols. Such symbols may be capable of indicating the origin of goods without literally naming its place of origin. Examples for such indirect geographical indications are the Eiffel Tower for Paris, the Matterhorn for Switzerland or the Tower Bridge for London.

A geographical indication is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. In order to function as a geographical indication, a sign must identify a product as originating in a given place. In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production.

Geographical indications are typically used for agricultural products, foodstuffs, wine and spirit drinks, handicrafts, and industrial products.

A geographical indication right enables those who have the right to use the indication to prevent its use by a third party whose product does not conform to the applicable standards. For example, in the jurisdictions in which the Darjeeling geographical indication is protected, producers of Darjeeling tea can exclude use of the term "Darjeeling" for tea not grown in their tea gardens or not produced according to the standards set out in the code of practice for the geographical indication.

However, a protected geographical indication does not enable the holder to prevent someone from making a product using the same techniques as those set out in the standards for that indication. Protection for a geographical indication is usually obtained by acquiring a right over the sign that constitutes the indication.

Geographical indications are protected in accordance with national laws and under a wide range of concepts, such as laws against unfair competition, consumer protection laws, laws for the protection of

certification marks or special laws for the protection of geographical indications or appellations of origin. In essence, unauthorized parties may not use geographical indications if such use is likely to mislead the public as to the true origin of the product. Applicable sanctions range from court injunctions preventing unauthorized use to the payment of damages and fines or, in serious cases, imprisonment.

A number of treaties administered by the World Intellectual Property Organization (WIPO) provide for the protection of geographical indications, most notably the Paris Convention for the Protection of Industrial Property of 1883, and the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration. In addition, Articles 22 to 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) deal with the international protection of geographical indications within the framework of the World Trade Organization (WTO).

The Law of the Republic of Belarus "On Geographical Indications" regulates relationship arising in connection with legal protection and use of geographical indications. The expression "geographical indication" includes the terms "appellation of origin" and "indication of source".

The legal protection of an appellation of origin in the Republic of Belarus is provided on the ground of its registration with the National Center of Intellectual Property. The registration results in issuance of the certificate granting the right to use the appellation of origin. The certificate is valid during 10 years from the date of filing of an application with the patent office.

The legal protection of an indication of source is exercised on the ground of the use of the indication. The indication of source is not subject to national registration.

The materials of the application for registration and granting of the right to use the appellation of origin must be drawn up in compliance with the following normative legal acts:

- the Law of the Republic of Belarus No. 127-Z "On Geographical Indications" from July 17, 2002;
- the Regulations on the procedure of drafting an application for registration and granting of the right to use the appellation of origin approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 661 from April 30, 2010;

- the Resolution of the State Committee on Science and Technologies of the Republic of Belarus No. 11 "On Fixing Forms of Requests for Registration and Granting of the Right to Use an Appellation of Origin and for Granting of the Right to Use a Registered Appellation of Origin" from April 30, 2010.

An application must contain:

- a request for registration and granting of the right to use an appellation of origin or a request for granting of the right to use a registered appellation of origin, the applicant(s) as well as their place of residence or place of business being indicated;
- a claimed indication;
- an indication of the goods for which the legal protection is sought;
- an indication of the place of production of the goods (boundaries of the geographical area);
- a description of the specific characteristics of the goods.

Vocabulary

geographical connotation	географическое значение
geographical indications	географические указания
to acquire a high reputation	приобрести высокую репутацию
valuable commercial assets	ценные коммерческие активы
exposed to misappropriation, counterfeiting or forgery	подвергаются незаконному присвоению, подделке или фальсификации
appellations of origin	наименования мест происхождения товаров
to set out	изложить
the sign that constitutes the indication	знак, который составляет указание
applicable sanctions	применимые санкции
court injunctions	судебные запреты
imprisonment	тюремное заключение
a claimed indication	заявленное указание

I. Answer the following questions.

1. What is geographical indication?
2. What should be done to function as a geographical indication?
3. For what are geographical indications typically used?
4. How are geographical indications protected?
5. What punishment may be for the unauthorized use of a geographical indication?
6. What does The Law of the Republic of Belarus "On Geographical Indications" regulate?
7. How long is the certificate granting the right to use the appellation of origin valid?
8. What must an application for registration and granting of the right to use the appellation of origin contain?

II. Match the words with their definitions.

1.	assets	a.	to appoint (someone) to a specified position.
2.	to constitute	b.	the act of stealing something that you have been trusted to take care of and using it for yourself
3.	to designate	c.	an illegal copy of a document, painting, etc. or the crime of making such illegal copies
4.	desirable	d.	an amount of money that has to be paid as a punishment for not obeying a rule or law
5.	to embrace	e.	worth having and wanted by most people
6.	fine	f.	to include something
7.	forgery	g.	something valuable belonging to a person or organization that can be used for the payment of debts

8.	imprisonment	h.	the act of putting someone in prison or the condition of being kept in prison
9.	misappropriation	i.	to be or be considered as something
10.	to set out	j.	to give the details of or explain something, esp. in writing

III. Give the antonyms of the following words.

1) To prevent –
2) Legal –
3) Regulate –
4) depend on –
5) To grant –

IV. Give the synonyms of the following words.

1) Goods –
2) Request –
3) Consist of –
4) Well-known –
5) Indicate –

V. Translate the following phrases into English.

1) наименования мест происхождения
2) статьи 22-24 Соглашения по торговым аспектам прав интеллектуальной собственности (ТРИПС)
3) прямые географические наименования
4) указание на источник происхождения
5) косвенные географические указания
6) Закон Республики Беларусь № 127-З "О географических наименованиях " от 17 июля 2002 года
7) Лиссабонское соглашение об охране наименований мест происхождения и их международной регистрации
8) национальный центр интеллектуальной собственности
9) Парижская конвенция по охране промышленной собственности 1883 года
10) положение о порядке составления заявки на регистрацию и предоставление права пользования наименованием места происхождения товара, утвержденное Постановлением

Совета Министров Республики Беларусь № 661 от 30 апреля 2010 года

11) постановление Государственного комитета по науке и технологиям Республики Беларусь № 11 «Об установлении форм заявок на регистрацию и предоставление права пользования наименованием места происхождения товара и предоставлении права пользования зарегистрированным наименованием места происхождения товара» "с 30 апреля 2010 г
12) всемирная организация интеллектуальной собственности
13) всемирная торговая организация

VI. Translate the phrases in the text into English.

What is наименование места происхождения товара?

Наименование места происхождения is a special kind of географического наименования used on товары that have a specific quality exclusively or essentially due to the географической среды in which the products are производятся. Термин географическое наименование encompasses наименования мест происхождения. Examples of наименования мест происхождения that are охраняемых in states party to Лиссабонского соглашения об охране наименований мест происхождения и их международной регистрации are “Bordeaux” for wine produced in the Bordeaux region of France, “Prosciutto di Parma” – or Parma ham – for ham produced in the Parma province of Italy or “Habana” for tobacco grown in the Havana region of Cuba.

VII. Translate the text into English.

В чем разница между географическим наименованием и товарным знаком?

Товарный знак - это знак, используемый предприятием, чтобы отличать его товары и услуги от товаров других предприятий. Это дает его владельцу право исключать использование товарного знака другими лицами. Географическое наименование говорит

потребителям, что продукт производится в определенном месте и имеет определенные характеристики, которые обусловлены этим местом производства. Он может использоваться всеми производителями, которые производят свою продукцию в месте, обозначенном географическим указанием, и чьи продукты имеют типичные качества.

VIII. Translate the text into English.

Какова роль ВОИС в охране географических наименований?

ВОИС управляет рядом международных соглашений, которые частично или полностью касаются охраны географических наименований (в частности, Парижской конвенции и Лиссабонского соглашения). Заседания ВОИС предоставляют государствам-членам и другим заинтересованным сторонам возможность изучить новые пути усиления международной охраны географических указаний.

TEXT 4.6 LAYOUT-DESIGN OF INTEGRATED CIRCUIT

Integrated circuits – commonly known as “chips” or “micro-chips” – are the electronic circuits in which all the components (transistors, diodes and resistors) have been assembled in a certain order on the surface of a thin semiconductor material (usually silicon).

In modern technology, integrated circuits are essential elements for a wide range of electrical products, including articles of everyday use, such as watches, television sets, washing machines, and cars, as well as sophisticated computers, smart phones, and other digital devices. Developing innovative layout designs of integrated circuits is essential for the production of ever-smaller digital devices with more functions.

While the creation of a new layout-design is usually the result of an enormous investment, both in financial terms and in terms of the time required from highly qualified experts, the copying of such a layout-design may cost only a fraction of the original investment. In order to prevent unauthorized copying of layout designs and to provide incentives for investing in this field, the layout design (topography) of integrated circuits is protected under a sui generis intellectual property system.

For the purpose of intellectual property protection, the terms "integrated circuits" and "layout design (topography)" are defined as follows:

- An "integrated circuit" means a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material and which is intended to perform an electronic function.
- "Layout-design (topography)" means the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an integrated circuit, or such a three-dimensional disposition prepared for an integrated circuit intended for manufacture.
- Layout-designs of integrated circuits are also called topographies of integrated circuits or mask works of semiconductor chip products (Article 2 of the Washington Treaty on Intellectual Property in Respect of Integrated Circuits (IPIC).

A layout design of an integrated circuit can be protected if it is original in the sense that it is the result of the creators' own intellectual effort and not commonplace among creators of layout-designs and manufacturers of integrated circuits at the time of the creation.

In general, protection of the topography requires that an integrated circuit be registered or commercially exploited.

In general, a right holder has the exclusive right to prevent or stop others from commercially using the protected layout designs. In other words, the original layout design cannot be reproduced entirely or partly for commercial purposes by others, without the authorization of the holder of the right. Further, without the authorization of the right holder, a protected layout-design, an integrated circuit incorporating the layout design, or an article incorporating such a layout design cannot be imported, sold or otherwise distributed, for commercial purposes.

The term of protection varies from one country to another. According to the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement), members must provide for a minimum protection of at least ten years from the filing of the application for registration or from the first commercial exploitation of integrated circuits.

In Belarus an application for registration of a topography of integrated circuit (IC) is filed with the National Center of Intellectual Property (NCIP) and must contain:

- a request for issuance of a certificate for a topography of IC;
- deposited materials including the kit of one of the following kinds of materials:
  - photographs of photo masks;
  - assembly mask work;
  - mask work in layers;
  - photographs of each layer;
- samples of the IC with the given topography in the case of its use before the filing date;
- an abstract;
- a power of attorney if it is filed with the patent attorney.

The application is accompanied with an acknowledgment of payment of the fee (a copy of the payment order attested by the bank or a bank receipt) or a document justifying the grounds for fee relief or fee reduction.

Vocabulary

integrated circuits	Интегральные схемы
a thin semiconductor material	тонкий полупроводниковый материал
layout designs of integrated circuits	макеты интегральных микросхем
to be protected under a sui generis intellectual property system	быть защищенным в рамках специальной системы интеллектуальной собственности
the three-dimensional disposition	трехмерное расположение
a right holder	правообладатель

deposited materials including the kit	депонированные материалы, включая комплект
photographs of photo masks	фотографии фотошаблонов
Washington Treaty on Intellectual Property in Respect of Integrated Circuits	Вашингтонский договор об интеллектуальной собственности в отношении интегральных микросхем
the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement)	Соглашение по торговым аспектам прав интеллектуальной собственности (Соглашение ТРИПС)

I. Answer the following questions.

1. What are integrated circuits?
2. What is a layout-design?
3. What does protection of the topography require?
4. What cannot be done without the authorization of the holder of the right?
5. What is the term of protection?
6. What should an application for registration of a topography of integrated circuit contain?

II. Match the words with their definitions.

1. extremely large	A. enormous
2. to use something for your own benefit	B. sophisticated
3. something that encourages a person to do something	C. incentive
4. to stop something from happening or someone from doing something	D. to provide
5. to keep someone or something safe from injury, damage, or loss	E. to exploit
6. to give someone something that they need	F. to protect

7. intelligent or made in a complicated way and therefore able to do complicated tasks — G. to prevent

III. Translate the phrases into English in the following sentences.

1. Polymeric transistors have been developed that can be used in rather simple интегральных схемах.
2. They are to будут собраны at the airport for the use of the inspection teams.
3. Silicon controlled rectifiers consist of four layers of полупроводникового материала.
4. More than five years the corporation "WESSEN" deservedly excellent reputation in the market of электроустановочных изделий.
5. Several countries have used цифровые устройства for data collection.
6. The model will be a geographic трехмерной модели.
7. The programme сопровождается informal discussions in community centres, settlements and schools.

IV. Translate the phrases into English in the text.

Правовые основы защиты

Вашингтонский договор об интеллектуальной собственности в отношении интегральных микросхем был принят государствами-членами ВОИС в 1989 году. Although the Washington Treaty не вступил в силу, его основные положения были включены by reference in the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement), to a large extent. These provisions deal, among other things, with определений «интегральная схема» и «схема расположения (топография)»; требования к защите; предоставленные исключительные права и их ограничения; а также эксплуатация, регистрация и раскрытие. The TRIPS Agreement provides for additional provision, inter alia, в отношении объема и срока охраны.

The international legal framework leaves it open to member states as to which legal form of protection for the layout designs of integrated circuits is provided В большинстве стран существует специальный закон (sui generis law) о схемах расположения (топографиях) интегральных микросхем (or sometimes called “mask works”). Тем не менее, страны могут обеспечить защиту схем расположения интегральных микросхем с помощью закона об авторском праве, патентах, полезных моделях, промышленных образцах, недобросовестной конкуренции или любого другого закона (или комбинации любого из этих законов).In Belarus the layout designs of integrated circuits are protected by the following documents:

- Law of the Republic of Belarus on December 7, 1998 No 214-ZO правовой охране топологий интегральных микросхем";
- Положение о порядке составления заявки на регистрацию топологий интегральных микросхем (approved by Regulation of the Council of Ministers of the Republic of Belarus on April 28, 2010 No 628;
- Resolution of the State Committee on Science and Technology of the Republic of Belarus on April 30, 2010 No 12 "Об утверждении бланков заявок на выдачу свидетельств на топологии интегральных микросхем и доверенности на представление интересов заявителя (заявителей) в Патентном ведомстве ".

V. Translate the text into English.

Каковы основные различия между защитой топологии интегральных микросхем и другими формами защиты ИС?

В общем, топология интегральных микросхем не считаются промышленными образцами, поскольку они не определяют внешний вид интегральных микросхем, а скорее физическое местоположение внутри интегральной схемы каждого элемента с электронной функцией.

Кроме того, топологии интегральных микросхем обычно не являются патентоспособными изобретениями, потому что их изготовление обычно не требует изобретательского уровня, хотя требует большой работы эксперта. Предмет защиты схемы

расположения не распространяется на изобретательский характер или функцию продукта или процесс изготовления продукта, но он охватывает оригинальные конструкции трехмерного расположения, которые являются результатом интеллектуальных усилий.

Кроме того, защита авторских прав может не применяться, если национальное законодательство определяет, что схемы расположения не могут быть защищены авторским правом или что концепции, связанные с защитой авторских прав, могут быть слишком общими, чтобы обеспечить особую защиту схемы расположения и связанных интегральных схем и изделий.

Чтобы эффективно защищать интеллектуальную собственность в отношении интегральных микросхем, различные аспекты интегральных микросхем могут защищаться различными типами прав интеллектуальной собственности взаимодополняющим образом.

TEXT 4.7 PLANT VARIETIES

Plant variety is a legal term, following the International Union for the Protection of New Varieties of Plants (UPOV) Convention. Recognition of a cultivated plant(a cultivar) as a "variety" in this particular sense provides its breeder with some legal protection, so-called plant breeders' rights, depending to some extent on the internal legislation of the UPOV signatory countries. Plant breeders' rights (PBR) or plant variety rights are the rights to commercially use a new variety of a plant. The variety must amongst others be novel and distinct and for registration the evaluation of propagating material of the variety is considered.

New varieties of plants which produce improved yields, higher quality or provide better resistance to plant pests and diseases are a key

element and a most cost-effective factor in increasing productivity and product quality in agriculture, horticulture and forestry, whilst minimizing the pressure on the natural environment. Many other modern technologies of plant production need to be combined with high-performing varieties in order to deploy their full potential. The tremendous progress in agricultural productivity in various parts of the world is largely based on improved varieties.

World population continues to grow and it is necessary to find ways of increasing output through higher yields and less wastage, thereby minimizing the use of land and other resources, all of which are becoming more scarce. But plant breeding has wider economic and environmental benefits than just increasing food production, including for developing countries. The development of new improved varieties with, for example, higher quality increases the value and marketability of crops in the global market of the twenty-first century. In addition, breeding programs for ornamental plants can be of substantial economic importance for an exporting country. The breeding and exploitation of new varieties is a decisive factor in improving rural income and overall economic development. Furthermore, the development of breeding programs for certain species can remove the threat to the survival of the species in the wild.

The process of plant breeding is long and expensive; however, it can be very quick and easy to reproduce a variety. Clearly, few breeders would spend many years of their life, making substantial economic investment, in developing a new variety if there was no means of being recompensed for this commitment. Hence, sustained breeding efforts are only possible if there is a chance to reward investment. It is, therefore, important to provide an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

The UPOV system of plant variety protection came into being with the adoption of the International Convention for the Protection of New Varieties of Plants by a Diplomatic Conference in Paris on December 2, 1961. This was the point at which there was recognition of the intellectual property rights of plant breeders in their varieties on an international basis.

The UPOV Convention provides a *sui generis* form of intellectual property protection which has been specifically adapted for the process

of plant breeding and has been developed with the aim of encouraging breeders to develop new varieties of plants. Innovations in other areas of technology concerning plants are covered by other forms of intellectual property rights including, in particular, patents.

Any person who creates, or discovers and develops, a plant variety may apply for PBR (plant breeder's right). Once the PBR has been granted to the breeder, it means in practice that the title holder is the owner of the variety and anyone else who wants to commercialise that protected variety requires the authorisation of the holder of the PBR. This authorisation is normally in the form of a license agreement between the title holder and those who sell the variety.

To be granted a PBR, it is necessary to file an application for examination by the designated authority. For a variety to be protected, it must be novel, distinct, uniform and stable, and must have a suitable denomination. A PBR will be granted if the requirements are fulfilled. The breeder is usually able to file an application without the services of an intellectual property agent acting on his behalf, since the procedure is well defined.

Once granted under the 1991 Act of the UPOV Convention, the PBR is valid for a minimum of 25 years in the case of trees and vines and for 20 years in the case of other crops from the date of granting the PBR. The PBR is valid in the territory where it was granted while in the case of intergovernmental organisations which grant PBRs, validity applies in all the member states of that organisation. For example, the Community Plant Variety Office (CPVO) grants PBR, which are valid in all member states of the European Union.

An application for granting a patent for a plant variety is filed with the National Center of Intellectual Property in compliance with the Law of the Republic of Belarus “On Patents for Plant Varieties” from April 13, 1995.

Consideration of an application, conducting of examination of an application with engagement of the National Inspectorate for Testing and Protecting Plant Varieties, delivering of a decision on granting or refusal of a patent, national registration of a plant variety, granting of a patent, publication of information on applications and patents are carried out by the National Center of Intellectual Property.

A plant variety is given a denomination indicating its botanical taxon. The denomination of the plant variety must be short, enable to

identify the plant variety, different from denominations of existing varieties of the same or akin botanical taxon and must not mislead concerning the properties, origins and value of the plant variety or the identity of the author (authors) of the plant variety or the patent holder.

Vocabulary

plant variety	сорт растений
plant breeders' rights	права селекционеров
improved yields	улучшенная урожайность
cost-effective factor	экономически эффективный фактор
horticulture and forestry	садоводство и лесоводство
to deploy their full potential	развернуть весь свой потенциал
wastage	потери
to become more scarce	стать более дефицитным
ornamental plants	декоративные растения
no means of being recompensed for this commitment	нет средств для компенсации за это обязательство
provides a *sui generis* form of intellectual property protection	обеспечивает своеобразную форму защиты интеллектуальной собственности
a suitable denomination	подходящее наименование
to give a denomination indicating its botanical taxon	дать наименование с указанием его ботанического таксона

I. Answer the following questions.

1. What is a plant variety right?
2. What plant variety can be registered?
3. What are the advantages of new plant varieties?
4. When and where was recognition of the intellectual property rights of plant breeders in their varieties on an international basis?
5. What is necessary to do to be granted a PBR?
6. What is the period of plant variety protection?
7. What legal document protects a patent for a plant variety in Belarus?

8. What actions does the National Center of Intellectual Property carry out in connection with a patent for a plant variety?
9. What should the denomination of the plant variety be?

II. Give the synonyms of the following words. Find them in the text.

1. new, modern
2. to keep down, decrease, reduce
3. productivity
4. losses
5. poor, rare, in short supply
6. advantage, profit
7. name
8. farming
9. gardening
10. dendrology

III. Put the missing words in the gaps. Use the words from the box.

- distinct
- resistance to pests and diseases
- high-performing
- exporting countries
- breeding
- exploitation
- botanical taxon

1. Each _____ represents a single species, except where the number of taxa is given in parentheses.
2. The problem is, people are getting confused between genetic engineering and selective _____.
3. The president is committed to the _____ of energy resources in wilderness that just happens to be under the protection of the previous president's directives.
4. It would also improve the state of the economies of _____, as well as their competitiveness.
5. Changes will be made in these areas to establish a global, transparent and _____ ICT environment.
6. New traits included _____ and tolerance to stress.

7. Monitoring at the national and global levels has _____ purposes, ideally complementary ones.

IV. Translate the following phrases into English.

1. Конвенция Международного союза по защите новых сортов растений
2. Международная конвенция по охране селекционных достижений дипломатической конференцией
3. Управление по сортопроизводству растений
4. Европейский Союз
5. Закон Республики Беларусь «О патентах на сорта растений»
6. Национальная инспекция по испытанию и защите сортов растений.

V. Translate the sentences into English using phrases from the box.

– cultivated plant – signatory countries – cost-effective factor	– increasing productivity – to deploy their full potential	– tremendous progress – a *sui generis* form

1. Вместе с тем в течение последних 50 лет вследствие коммерциализации и механизации сельского хозяйства исчезло значительное количество разновидностей культивируемых растений и местных сортов.
2. Применение данного Соглашения зависит в настоящее время от позиции подписавших его стран, которые должны его ратифицировать.
3. мы проводим эффективную с точки зрения затрат политику, такую как налоговая политика, введение норм и принятие других мер в целях сокращения общих факторов риска.
4. Цель этих преобразований заключается в повышении производительности и конкурентоспособности, снижении расходов и увеличении занятости.

5. Сейчас Альянс способен в полной мере использовать свой потенциал, с тем чтобы содействовать укреплению эффективной многосторонности, к чему мы так стремимся.
6. Благодаря своему неуклонному экономическому росту страны Азиатско-Тихоокеанского региона добились огромного прогресса на пути к достижению целей в области развития, сформулированных в Декларации тысячелетия.
7. ЕС, возможно, придет к выводу о необходимости адаптации существующих систем и изучении специальных мер защиты и о важности сохранения эффективно функционирующей системы защиты интеллектуальной собственности.

VI. Read the following text and translate into Russian.

What are the benefits of the UPOV System for SMEs?

a) Lowering "barriers to entry" into the breeding sector

PBR, as mentioned above, has specific features tailored to provide a favourable balance between scope and exceptions in the promotion of plant breeding. The "breeder's exception" plays a key role for SMEs, by allowing all breeders to use protected varieties for further breeding, thus reducing the "barriers to entry" for those SMEs wishing to enter the plant breeding business. SMEs can benefit by sharing the developments made by the whole breeding sector.

b) A simple and harmonised application system

UPOV has developed model application forms for PBR, denominations, technical questionnaires, that UPOV members have incorporated into their own application forms. This means that the information requested in PBR applications is the same or very similar in all UPOV member states. Furthermore, this application system is simple and does not require the service of special IP agents. For SMEs, this translates into lower costs and simplified filing procedures in foreign countries.

c) Harmonised system of variety examination

In the pursuit of internationally harmonised PBR, UPOV has developed general principles for distinctness, uniformity and stability (DUS) examination. (link: document TG/1/3). In addition, for many species or other plant groupings, UPOV has developed specific

guidelines (the UPOV Test Guidelines) for the examination of DUS, which are followed by the authorities. It has achieved a high degree of harmonisation in the variety examination of PBR applications, making possible several ways of cooperation:

- Purchase of DUS test reports: Once a UPOV member has examined a variety, it is possible for the results to be used by the authority of another member.
- Testing on behalf of another authority: by means of bilateral agreements, a UPOV member can request another member to run the DUS testing on its behalf. This type of agreement is of particular importance for testing crops for which there may not be technical expertise locally or where only few applications are filed and a testing system has not been developed.
- Mutual recognition of DUS test reports: this is another form of bilateral agreement which allows two UPOV members, who have the technical capability to carry out DUS testing for a given species, to mutually accept the technical report made by the other member, thus avoiding unnecessary duplication of tests.
- Centralized testing: In some cases, the designated authority may not run itself the DUS testing. It can designate specific testing centers for this purpose to test the varieties under the supervision of and following the Test Guidelines developed by the Authority based on UPOV Test Guidelines. There could be more than one center for a given species in the same UPOV member state. It is also possible that a central testing centre could be agreed upon between several UPOV members.
- Involvement of Breeders: As mentioned above, the breeder can be involved in different forms of cooperation within DUS testing, ranging from a total breeder testing system to various degrees of cooperation with the designated authority. As in other forms of cooperation, it maximizes the use of all available information, minimizes the time spent on DUS examination and can provide access to a breeder's specialist resources.

All these means of cooperation in testing procedures result in a significant saving of time and costs for the breeders and ensure harmonized testing criteria.

TEXT 4.8 TRADE SECRET

A trade secret, or non-disclosed information (know-how) is a type of intellectual property in the form of a formula, practice, process, design, instrument, pattern, commercial method, or compilation of information not generally known or reasonably ascertainable by others by which a business can obtain an economic advantage over competitors or customers. In some jurisdictions, such secrets are referred to as confidential information (e.g., Formula of its soft drinks is a trade secret for Coca-Cola.)

A trade secret is information that

- is not generally known to the public;
- confers economic benefit on its holder because the information is not publicly known;
- where the holder makes efforts to maintain its secrecy.

In international law, these three factors define a trade secret under article 39 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement). In Belarus the information constituting a trade secret is protected under the trade secret regime in the case when it meets the requirements determined in the paragraph 2 article 140 of the Civil Code of the Republic of Belarus, namely:

- isn't generally known or readily accessible to third parties in the circles that usually deal with such information;
- has commercial value for its owner since it's undisclosed to third parties;
- isn't subject to exclusive rights on the results of intellectual activity and isn't classified as a State secret according to the established order.

A person that lawfully owns information constituting a trade secret (know-how) has the right to protection of this information against illegal use according to the Civil Code of the Republic of Belarus (Chapter 66) and the Law of the Republic of Belarus "On the Trade Secret" from January 5, 2013.

The trade secret regime is considered to be established after the content of information protected under the trade secret regime has been determined and the person that lawfully owns this information has taken the complex of measures necessary for ensuring its confidentiality.

Trade secret protection lasts until the information is no longer valuable, the information is not secret, or the owner no longer takes reasonable steps to maintain its secrecy.

In contrast to registered intellectual property, trade secrets are, by definition, not disclosed to the world at large. Instead, owners of trade secrets seek to protect trade secret information from competitors by instituting special procedures for handling it, as well as technological and legal security measures. Legal protections include non-disclosure agreements (NDAs), and work-for-hire and non-compete clauses. In other words, in exchange for an opportunity to be employed by the holder of secrets, an employee may sign agreements to not reveal their prospective employer's proprietary information, to surrender or assign to their employer ownership rights to intellectual work and work-products produced during the course (or as a condition) of employment, and to not work for a competitor for a given period of time (sometimes within a given geographic region). Violation of the agreement generally carries the possibility of heavy financial penalties which operate as a disincentive to reveal trade secrets. However, proving a breach of an NDA by a former stakeholder who is legally working for a competitor or prevailing in a lawsuit for breaching a non-compete clause can be very difficult. A holder of a trade secret may also require similar agreements from other parties he or she deals with, such as vendors, licensees, and board members.

As a company can protect its confidential information through NDA, work-for-hire, and non-compete contracts with its stakeholders (within the constraints of employment law, including only restraint that is reasonable in geographic- and time-scope), these protective contractual measures effectively create a perpetual monopoly on secret information that does not expire as would a patent or copyright. The lack of formal protection associated with registered intellectual property rights, however, means that a third party not bound by a signed agreement is not prevented from independently duplicating and using the secret information once it is discovered, such as through reverse engineering.

Therefore, trade secrets such as secret formulae are often protected by restricting the key information to a few trusted individuals. Famous examples of products protected by trade secrets are Chartreuse liqueur and Coca-Cola.

Because protection of trade secrets can, in principle, extend indefinitely, it therefore may provide an advantage over patent protection and other registered intellectual property rights, which last only for a specific duration. The Coca-Cola company, for example, has no patent for the formula of Coca-Cola and has been effective in protecting it for many more years than the 20 years of protection that a patent would have provided.

Companies often try to discover one another's trade secrets through lawful methods of reverse engineering or employee poaching on one hand, and potentially unlawful methods including industrial espionage on the other. Acts of industrial espionage are generally illegal in their own right under the relevant governing laws, and penalties can be harsh. The importance of that illegality to trade secret law is: if a trade secret is acquired by improper means (a somewhat wider concept than "illegal means" but inclusive of such means), then the secret is generally deemed to have been misappropriated. Thus, if a trade secret has been acquired via industrial espionage, its acquirer will probably be subject to legal liability for having acquired it improperly - this notwithstanding, the holder of the trade secret is nevertheless obliged to protect against such espionage to some degree in order to safeguard the secret, as under most trade secret regimes, a trade secret is not deemed to exist unless its purported holder takes reasonable steps to maintain its secrecy.

Vocabulary

trade secret	коммерческая тайна
non-disclosed information	нераскрытая информация
compilation of information	сбор информации
reasonably ascertainable	достаточно достоверно
accessible to third parties	доступны третьим лицам
work-for-hire and non-compete clauses	условия найма и о не конкурировании
not to reveal their prospective employer's proprietary information	не разглашать конфиденциальную информацию своего потенциального работодателя
prevailing in a lawsuit for	преобладающий в иске за

breaching a non-compete clause	нарушение условия о не конкурировании
vendors, licensees, and board members	продавцы, лицензиаты (лицо, имеющее патент) и члены правления
to create a perpetual monopoly	создать постоянную монополию
lawful methods of reverse engineering (the reproduction of another manufacturer's product following detailed examination of its construction or composition)	законные методы обратного инжиниринга
employee poaching	подстрекая сотрудника
notwithstanding	несмотря на
harsh	суровый
to be acquired by improper means	быть приобретенным ненадлежащим способом
to deem to	считать

I. Answer the following questions.

1. What is a trade secret?
2. What information is considered to be a trade secret?
3. What documents protect a trade secret internationally and in Belarus?
4. What requirements does a trade secret need to meet to get a protection?
5. What is the period of trade secret protection?
6. What are the lawful and unlawful methods of discovering a trade secret?

II. Give the synonyms of the following words. Find them in the text.

1. discoverable
2. to get, to receive
3. not announced
4. to look for
5. private
6. punishment
7. violation, infringement
8. a stockholder
9. a claim, a trial
10. to limit
11. constant, endless
12. to end, to run out
13. spying

III. Read the article and tell about the differences between a patent and a trade secret.

Patents or Trade Secrets?

Some advantages of trade secrets include:

- Trade secret protection has the advantage of not being limited in time (patents last in general for up to 20 years). It may therefore continue indefinitely as long as the secret is not revealed to the public.
- Trade secrets involve no registration costs (though there may be high costs related to keeping the information confidential).
- Trade secrets have immediate effect.
- Trade secret protection does not require compliance with formalities such as disclosure of the information to a Government authority.

There are, however, some concrete disadvantages of protecting confidential business information as a trade secret, especially when the information meets the criteria for patentability:

- If the secret is embodied in an innovative product, others may be able to inspect it, dissect it and analyze it (i.e. "reverse engineer" it) and discover the secret and be thereafter entitled to use it. Trade secret protection of an invention in fact does not provide the exclusive right to exclude third parties from making commercial use of it. Only patents and utility models can provide this type of protection.
- Once the secret is made public, anyone may have access to it and use it at will.
- A trade secret is more difficult to enforce than a patent. The level of protection granted to trade secrets varies significantly from country to country, but is generally considered weak, particularly when compared with the protection granted by a patent.
- A trade secret may be patented by someone else who developed the relevant information by legitimate means.

IV. Translate the following text into English.

МСП разрабатывает процесс производства своей продукции, который позволяет ему производить свои товары более рентабельным образом. Такой процесс обеспечивает предприятию

конкурентное преимущество перед конкурентами. Следовательно, рассматриваемое предприятие может ценить свое ноу-хау как коммерческую тайну и не хочет, чтобы конкуренты узнали об этом. Это гарантирует, что только ограниченное число людей знает секрет, а те, кто знает его, хорошо знают, что он является конфиденциальным. При работе с третьими сторонами или лицензировании своего ноу-хау предприятие подписывает соглашения о конфиденциальности, чтобы все стороны знали, что информация является секретной. В таких обстоятельствах незаконное присвоение информации конкурентом или какой-либо третьей стороной будет считаться нарушением коммерческой тайны предприятия.

V. Translate the phrases into English in the text.

Коммерческие тайны are widely used by малыми и средними предприятиями (МСП). In fact, many МСП полагаются almost exclusively на коммерческие тайны for защиты своей интеллектуальной собственности (although in many cases they may not even be aware that коммерческие тайны защищены законом).It is important, therefore, to make sure that предприятия принимают все необходимые меры to protect своей коммерческой тайны effectively. This includes:

- Firstly, considering whether the secret is патентоспособным and, if so, whether it would not be better protected by a патентом.
- Secondly, making sure that ограниченное число людей know the secret and that all those who are well aware that it is конфиденциальная информация.
- Thirdly, including соглашения о конфиденциальности в контракты сотрудников. В соответствии с законодательством of many countries, however, employees owe confidentiality to their employer even without such agreements. The duty to maintain confidentiality on the employer's secrets generally remains, at least for a certain period of time, even after the employee has left the employment.
- Fourthly, подписание соглашений о конфиденциальности с деловыми партнерами при раскрытии конфиденциальной информации.

VI. Translate the article into English and Russian.

An Overview of DuPont v. Kolon Industries (2011)

В сентябре 2011 года американскому Дюпону было присуждено 920 миллионов долларов по решению суда по делу DuPontv. Kolon Industries. Решение было основано на мнении суда о том, что «Колон Индастриз» похитила коммерческие секреты Дюпон в отношении материала, известного как «Кевлар». Кевлар, который используется в различных функциях, от велосипедных шин до одежды, известен своей прочностью и долговечностью, он был изобретен и изготовлен DuPont.

Background of the Case

Kevlar, which was manufactured by DuPont in the mid 1960s and first sold to the general public in the 1970s, is a synthetic material used by many individuals and companies, including the US military. It is bullet-resistant and is often used in body armor. DuPont constantly improves Kevlar, strengthening and reinforcing the material over time.

In 2009, DuPont filed suit against a former employee of DuPont, Michael Mitchell, who was now working for Kolon Industries. The filed suit was based on the claim from DuPont that Mitchell had taken trade secrets from DuPont to Kolon Industries, and that this information had been given to Kolon in violation of the law.

Forming the Case

Kolon Industries начала производство ткани, очень похожей на ткань Kevlar, в 2005 году, до того, как появились обвинения. Когда Kolon Industries захотели улучшить свою версию ткани, они наняли Митчелла, зная, что он ранее работал на DuPont. Когда Дюпон выдвинул обвинения против Митчелла, дело было передано в ФБР. Во время обыска в доме Митчелла ФБР обнаружило на компьютере Мителла документы, которые изначально принадлежали Дюпону. Имея уличающие доказательства, Митчелл признал себя виновным в передаче секретов и был приговорен к 18 месяцам тюремного заключения.

Поскольку две компании конкурировали в продажах своих тканей, Kolon Industries смогла использовать секреты DuPont для продвижения своего собственного продукта.

The Court Ruling

The US District Court in Richmond, Virginia heard the case in 2011. The court ruled on the basis that DuPont had lost millions of dollars in possible products gains as a result of Kolon Industries being able to compete against DuPont using DuPont's own product secrets. DuPont was awarded $919.9 million dollars to be paid by Kolon Industries. The settlement shall be paid through whatever assets Kolon Industries possesses. DuPont also plans to seek punitive damages for attorney fees and for each piece of stolen information. DuPont would also like to see Kolon Industries banned from manufacturing any products that were originally made or improved upon as a result of information obtained from DuPont. The case was viewed as a huge victory for intellectual property rights and intellectual property theft.

When the court decision was made, Kolon Industries stated that it disagreed with the verdict, did not assume guilt, and will attempt to appeal the court decision. Kolon also stated that it will pursue an anti-trust case against DuPont in the future. DuPont has said they will file motions to dismiss Kolon's charges.

TEXT 4.9 TRADEMARK

A trademark is a distinctive sign that identifies certain goods or services produced or provided by an individual or a company. Its origin dates back to ancient times when craftsmen reproduced their signatures, or "marks", on their artistic works or products of a functional or practical nature. Over the years, these marks have evolved into today's system of trademark registration and protection. The system helps consumers to identify and purchase a product or service based on whether its specific characteristics and quality – as indicated by its unique trademark – meet their needs.

Trademarks may be one or a combination of words, letters and numerals. They may consist of drawings, symbols or three-dimensional signs, such as the shape and packaging of goods. In some countries, non-traditional marks may be registered for distinguishing features such as holograms, motion, color and non-visible signs (sound, smell or taste).

In addition to identifying the commercial source of goods or services, several other trademark categories also exist. Collective marks are owned by an association whose members use them to indicate products with a certain level of quality and who agree to adhere to specific requirements set by the association. Such associations might represent, for example, accountants, engineers or architects. Certification marks are given for compliance with defined standards but are not confined to any membership. They may be granted to anyone who can certify that their products meet certain established standards. Some examples of recognized certification are the internationally accepted "ISO 9000" quality standards and Ecolabels for products with reduced environmental impact.

The symbol TM at the end of a word indicates that trademark protection is claimed, and ® means that the trademark has been registered.

The term of trademark registration can vary, but is usually ten years. It can be renewed indefinitely on payment of additional fees. Trademark rights are private rights and protection is enforced through court orders.

Legal protection of trademarks in the Republic of Belarus is provided on the basis of the trademark registration with the National Centre of Intellectual Property or in compliance with the international agreements, in particular, the Paris Convention for the Protection of Industrial Property, the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement (the Madrid Protocol).

Application filing with the patent office, prosecution of a patent application at the patent office may be carried out by the applicant independently or through a patent attorney, who is registered with the patent office. The applicants who have their principal place of business or place of permanent residence in foreign countries, or their foreign patent attorneys handle the matters, related to filing a trademark application and trademark registration in the Republic of Belarus,

through the patent attorneys, unless otherwise is established by the international treaties of the Republic of Belarus.

Vocabulary

distinctive sign	отличительный знак
to consist of drawings, symbols or three-dimensional signs	состоят из рисунков, символов или трехмерных знаков
holograms, motion, color and non-visible signs	голограммы, движение, цвет и невидимые знаки
to adhere to specific requirements	придерживаться определенных требований
collective mark	коллективный знак
certification mark	сертификационный знак
to confine	ограничиваться
prosecution of a patent application	рассмотрение заявки на патент
patent attorney	патентный поверенный

I. Answer the following questions.

1. What is a trademark?
2. To what times does it date back?
3. Of what may a trademark consist?
4. What trademark categories exist?
5. What do the symbol TM and ® mean?
6. What documents provide the legal protection of trademarks in the Republic of Belarus?
7. By whom may the application filing be carried out?

II. Give the synonyms of the following words. Find them in the text.

1. lawyer, advocate
2. artisan
3. to develop, to progress
4. to recognize
5. to buy
6. to give, to allow, to provide
7. to show, to point, to specify
8. to stick to, to follow
9. to verify, to prove

III. Translate the following phrases into English.

1. It provides for the possibility of регистрации трехразмерных товарных знаков and of requesting the аннулировании of a domain name when it corresponds toотличительным знаком and its use may cause confusion or a risk of association in the mind of the потребителя.
2. Use of the Patent Matrix уже подтвердило to substantially снижения времени и расходов in the drafting and обработку заявок на выдачу патентов.
3. Traditionally, intellectual property regimes sought to balance правами создателей with the интересом общественности to have доступ к художественным произведениям и техническим изобретениям.
4. Based on their technical findings, the experts смогли подтвердить надежность of the metering equipment.
5. Delegations пришли к заключению that tackling мошенничествомwould remain a priority activity as e-governance systems продолжают эволюционировать.
6. These forms of informal certification могут оказывать влияние на решения потребителя.
7. The Department also helps Governments to определять, отбирать и приобретать the most appropriate услуги и оборудование for their development projects and оказывает поддержку capacity-building for work in those areas.
8. The Eurasian Conformity mark is сертификационным знаком для обозначения продукции that conform to all technical regulations of Евразийского таможенного союза.
9. We urge those States to следовать этому требованию и аннулироватьany inconsistent declarations or actions.
10. However, выполнение этой рекомендации в полном объеме is also dependent upon factors outside the Mission's control.

IV. Translate the following sentences into English.

1. Полное выполнение всех положений Договора, включая соответствующие соглашения о гарантиях и

дополнительные положения, по-прежнему имеет существенно важное значение.

2. Государства-участники принимают надлежащие меры в целях недопущения несанкционированного использования флага, эмблемы или опознавательных знаков Организации Объединенных Наций.
3. В соответствии с этим законодательным актом авторы научных, литературных и художественных произведений или постановки получают необходимую защиту.
4. Поэтому Представитель Организации Объединенных Наций пока не желает подтверждать выполнение этого требования по существу.
5. Для того чтобы развиваться, адаптироваться и присоединиться к такой практике нам необходимо время.
6. Меры по обеспечению соблюдения законодательства в области конкуренции можно сочетать с мерами по расширению прав и возможностей потребителей.
7. Что касается вопроса о возможности использования владельцами интеллектуальной собственности услуг частных следователей для выявления нарушителей и покупки образцов контрафактной/пиратской продукции, представители Польши указали, что в Польше деятельность частных следователей регулируется положениями Закона об услугах частных детективов.
8. Беларусь указала на требование о том, что маркировка должна быть хорошо заметной.

V. Translate the phrases in the text into English.

Как зарегистрирован товарный знак?

First, заявка на регистрацию товарного знака must be filed with the appropriate national or regional trademark office. Заявка должна содержать a clear reproduction of the sign filed for registration, включая любые цвета, формы или трехмерные элементы. Она также должна содержать список товаров или услуг to which the sign would apply. Знак должен соответствовать определенным условиям in

order to be protected as a trademark or other type of mark. It must be distinctive, so that потребители могли отличить его от товарных знаков, идентифицирующих другие продукты, as well as identify a particular product with it. It must neither mislead nor deceive customers nor violate public order or morality.

Finally, the rights applied for cannot be the same as, or similar to, rights already предоставленные другому владельцу товарного знака. This may be определено путем исследования и экспертизы by national offices, or by the opposition of третьих сторон, которые утверждают, что имеют схожие или идентичные права.

VI. Translate the following text into English.

Насколько обширна защита товарных знаков?

Почти все страны мира регистрируют и защищают торговые знаки. Каждое национальное или региональное отделение ведет Реестр товарных знаков, содержащий полную информацию о заявках на все регистрации и продления, что облегчает экспертизу, поиск и потенциальное возражение со стороны третьих сторон. Однако результаты регистрации ограничены соответствующей страной (или, в случае региональной регистрации, странами).

Чтобы избежать необходимости регистрировать отдельные заявки в каждом национальном или региональном бюро, ВОИС управляет международной системой регистрации товарных знаков. Система регулируется двумя договорами: Мадридским соглашением о международной регистрации знаков и Мадридским протоколом. Лица, имеющие связь (будь то через гражданство, место жительства или учреждения) с какой-либо страной-участницей одного или обоих этих договоров, могут на основании регистрации или заявления в ведомстве по товарным знакам этой страны (или соответствующего региона) получить международную регистрацию, действующую в некоторых или во всех других странах Мадридского союза.

VII. Read the text and tell the difference between "®","™" and "SM".

Companies often use the symbols "®" and "™" to show the status of their trademarks. However, they are, at times, used incorrectly and trademark owners may not be aware that misuse can have significant consequences. The "®" means that a mark has been registered with the governing body of the country, while the "™" means that the mark has not been registered but is in use by the company.

In some countries such as Mexico, Chile, Peru, Philippines, the marking is compulsory, in the sense that in the absence of any marking with the symbol "®" a trademark registration cannot be opposed against third parties.

For the countries where the use of the symbols is not mandatory, companies should take into consideration that this could have dissuasive influence on third parties, as a warning that the owner of the trademark will defend against unauthorized use.

As the rules may vary from country to country, we aim to provide an overview of the characteristics of specific countries, as well as some details and advice about the proper use of these symbols and how to avoid potential problems.

1. The "®" sign

R circled symbol stands for registered trademark. The "®" symbol is used by companies to inform consumers and future trademark applicants that their sign is a registered trademark. It is usually placed on the right-hand side of the trademark, superscripted, and in a smaller type size than the mark itself. The "®" is used exclusively with trademarks that are actually registered. The use of the "®" before the registration of the trademark is illegal.

2. The "™" sign

TM symbol stands for unregistered trademark. The sign "™" means "trademark" and was originally used exclusively in the USA or in the UK. It is an indication to the public that the sign is used as a trademark with the aim to distinguish the marked products or services from those of other companies.

3. ^{SM} SM symbol stands for service mark, a mark used to promote or brand services, typically unregistered.

VIII. Translate the following text into English.

Нерегистрируемый товарный знак:

1. Запрещенные знаки, использование которых может запутать или обмануть общественность или противоречит закону.

2. Скандальный или оскорбительный знак. Если он содержит или включает какие-либо скандальные или оскорбительные материалы или не имеет права на защиту в любом суде.

3. Наносит ущерб интересам или безопасности нации. Регистрационное бюро несет ответственность за определение торговой марки, независимо от того, наносит ли она ущерб интересам или безопасности нации. Знак может содержать подстрекательские высказывания или слова.

IX. Read the following text and tell the difference between certification marks, collective trademarks, service marks, trade names.

Terms such as "mark", "brand" and "logo" are sometimes used interchangeably with "trademark". "Trademark", however, also includes any device, brand, label, name, signature, word, letter, numerical, shape of goods, packaging, colour or combination of colours, smell, sound, movement or any combination thereof which is capable of distinguishing goods and services of one business from those of others. It must be capable of graphical representation and must be applied to goods or services for which it is registered.

Specialized types of trademark include certification marks, collective trademarks and defensive trademarks. A trademark which is popularly used to describe a product or service (rather than to distinguish the product or services from those of third parties) is sometimes known as a genericized trademark. If such a mark becomes synonymous with that product or service to the extent that the trademark owner can no longer enforce its proprietary rights, the mark becomes generic.

In modern trade consumers are confronted not only with a vast choice of goods of all kinds, but also with an increasing variety of services which tend more and more to be offered on a national and even international scale. There is therefore also a need for signs that enable the consumers to distinguish between the different services such as

insurance companies, car rental firms, airlines, etc. These signs are called service marks, and fulfill essentially the same origin-indicating and distinguishing function for services as trademarks do for goods.

Since service marks are signs that are very similar in nature to trademarks, basically the same criteria can be applied, so service mark protection has sometimes been introduced by a very short amendment to the existing trademark law, simply providing for the application to service marks, mutatis mutandis, of the provisions on the protection of trademarks.

Trademarks typically identify individual enterprises as the origin of marked goods or services. Some countries provide for the registration of collective and certification marks, which are used to indicate the affiliation of enterprises using the mark or which refer to identifiable standards met by the products for which a mark is used.

A collective mark may be owned by an association which itself does not use the collective mark but whose members may use the collective mark; the members may use the collective mark if they comply with the requirements fixed in the regulations concerning the use of the collective mark. An enterprise entitled to use the collective mark may in addition also use its own trademark.

The certification mark may only be used in accordance with the defined standards. The main difference between collective marks and certification marks is that the former may be used only by particular enterprises, for example, members of the association which owns the collective mark, while the latter may be used by anybody who complies with the defined standards. Thus, the users of a collective mark form a “club” while, in respect of certification marks, the “open shop” principle applies.

Enterprises may own and use one, several or many different trademarks to distinguish their goods and services from those of their competitors. However, they also need to distinguish themselves from other enterprises. For that purpose they will adopt a trade name.

Trade names have in common with trademarks and service marks that they exercise a distinguishing function. Unlike trademarks and service marks, however, trade names distinguish one enterprise from others, quite independently of the goods or services that the enterprise markets or renders.

UNIT 5

TEXT 5.1 VIOLATION OF INTELLECTUAL PROPERTY RIGHTS

Violation of intellectual property rights, called "infringement" with respect to patents, copyright, and trademarks, and "misappropriation" with respect to trade secrets, may be a breach of civil law or criminal law, depending on the type of intellectual property involved, jurisdiction, and the nature of the action. Intellectual property infringement is the unauthorized sale, duplication, or use of products or materials that are protected intellectual property.

As of 2011 trade in counterfeit copyrighted and trademarked works was a $600 billion industry worldwide and accounted for 5–7% of global trade.

Patent infringement typically is caused by using or selling a patented invention without permission from the patent holder. The scope of the patented invention or the extent of protection is defined in the claims of the granted patent. There is safe harbor in many jurisdictions to use a patented invention for research. This safe harbor does not exist in the US unless the research is done for purely philosophical purposes, or in order to gather data in order to prepare an application for regulatory approval of a drug. In general, patent infringement cases are handled under civil law (e.g., in the United States) but several jurisdictions incorporate infringement in criminal law also (for example, Argentina, China, France, Japan, Russia, South Korea).

Copyright infringement is reproducing, distributing, displaying or performing a work, or to make derivative works, without permission from the copyright holder, which is typically a publisher or other business representing or assigned by the work's creator. It is often called "piracy". While copyright is created the instant a work is fixed, generally the copyright holder can only get money damages if the owner registers the copyright. Enforcement of copyright is generally the responsibility of the copyright holder. The ACTA trade agreement, signed in May 2011 by the United States, Japan, Switzerland, and the EU, and which has not entered into force, requires that its parties add criminal penalties, including incarceration and fines, for copyright and trademark

infringement, and obligated the parties to actively police for infringement. There are limitations and exceptions to copyright, allowing limited use of copyrighted works, which does not constitute infringement. Examples of such doctrines are the fair use and fair dealing doctrine.

Trademark infringement occurs when one party uses a trademark that is identical or confusingly similar to a trademark owned by another party, in relation to products or services which are identical or similar to the products or services of the other party. In many countries, a trademark receives protection without registration, but registering a trademark provides legal advantages for enforcement. Infringement can be addressed by civil litigation and, in several jurisdictions, under criminal law.

Trade secret misappropriation is different from violations of other intellectual property laws, since by definition trade secrets are secret, while patents and registered copyrights and trademarks are publicly available. In the United States, trade secrets are protected under state law, and states have nearly universally adopted the Uniform Trade Secrets Act. In Commonwealth common law jurisdictions, confidentiality and trade secrets are regarded as an equitable right rather than a property right but penalties for theft are roughly the same as in the United States.

An intellectual property owner may will generally have the right to bring a civil lawsuit against someone who is infringing. Because there are laws that protect each form of intellectual property, most intellectual property infringement cases are handled in court. Infringers can face multiple penalties that serve a variety of purposes.

Payment of damages to the intellectual property owner. The most common remedy for intellectual property infringement is an award of damages to the plaintiff. A money judgment is generally intended to compensate the intellectual property owner for the damage they have suffered in the form of lost sales, lost claims, or a loss to its reputation.

Enhanced damages to punish the infringer. In some instances, a court can impose damages that are beyond the damage suffered by the intellectual property owner. These enhanced damages are mean to serve as a punishment for the party that has infringed. These enhanced damages are not common, as they are intended to punish entities that have engaged in particularly bad conduct.

Payment of attorney fees and costs. In some instances, a court will require the infringing party to pay the costs incurred by the intellectual property owner in brining and litigating the case. Under the Patent Act, for example, a judge can require the losing party to pay attorney fees in an "exceptional case." As with enhanced damages, these awards are not the normal practice, but they can provide an additional penalty.

An injunction that prevents further infringement. In some cases, the intellectual property owner will be able to obtain an order to require the infringing party to stop using or selling the protected intellectual property right. These types of orders are least common in the case of patents, as courts have generally decided that the better course is to require infringers to pay ongoing royalty payments to the owners.

Destruction of the protected material. In some cases, courts will order the infringer to destroy the protected material. An obvious example of this is in the trade secret case. If an infringer is unlawfully using a protected trade secret, one of the common remedies is to force the infringing party to destroy the protected material (*e.g.*, the customer list).

Vocabulary

violation of intellectual property rights	нарушение прав интеллектуальной собственности
with respect to patents	в отношении патентов
infringement	нарушение
misappropriation	незаконное присвоение
a breach of civil law or criminal law	нарушение гражданского или уголовного права
scope of the patented invention	объем запатентованного изобретения
safe harbor	безопасная гавань
to incorporate infringement	включать нарушение
enforcement of copyright	обеспечение соблюдения авторских прав
incarceration and fines	тюремное заключение и штрафы
to constitute infringement	представлять собой нарушение
can be addressed by civil litigation	могут быть рассмотрены в гражданском процессе

equitable right	справедливое право
theft	кража
civil lawsuit	гражданский иск
remedy for intellectual property infringement	средство правовой защиты от нарушения интеллектуальной собственности
plaintiff	истец
enhanced damages	невероятные убытки
payment of attorney fees and costs	оплата адвокатских сборов и расходов
brining and litigating the case	оспаривая дело
injunction	судебный запрет

I. Answer the following questions?

1. What is intellectual property infringement?
2. By what is patent infringement is caused?
3. What law is handled the patent infringement cases?
4. What is copyright infringement?
5. What is the other name for copyright infringement?
6. What does the ACTA trade agreement require for copyright and trademark infringement?
7. When does trademark infringement occur?
8. What penalties can infringers face?

II. Match the words with their definitions.

1. unauthorized — A. a legal procedure started in a court of law and which is not a criminal procedure; a civil proceeding by one party against another in a court of law
2. duplication — B. the process of taking a case to a court of law so that an official decision can be made; legal proceedings that may lead to a full trial
3. patent — C. the legal right to control the use and/or

publication of an artistic creation, such as a book, play, film, song, etc.

4. copyright — D. the act or process of making an exact copy of something

5. trademark — E. a right that may be upheld (=defended or maintained as a principle or law) in a court of equity

6. misappropriation — F. a court order preventing a person from doing something, ordering a person to stop doing something or ordering a person to carry out some action

7. trade secret — G. the wrongful taking of money for which you are responsible but which does not belong to you

8. safe harbor — H. the official legal right granting exclusive rights to an inventor to make, use or sell an invention for a specified period of time

9. piracy — I. the illegal activity of copying and selling music, films, etc.

10. civil litigation — J. a person who brings a civil action in court

11. equitable right — K. a rule that protects a company from being legally responsible for the results of actions that it took or statements that it made believing them to be right

12. civil lawsuit — L. a piece of information about a product that is known only to the particular company that makes it

13. plaintiff — M. words or symbols that a company uses to identify itself, which are registered and

protected against use by anyone else

14. injunction — N. without someone's official permission to do something

III. Give the synonyms of the following words. Find them in the text.

1. offense, contravention
2. to combine, to unite
3. illegal copying
4. punishment
5. imprisonment
6. to control, to protect, to safeguard
7. restriction
8. elimination
9. trial
10. stealing, robbery
11. claim, case
12. impartial, unbiased, fair
13. demandant, claimant
14. lawyer
15. interdict

IV. Translate the phrases into English in the following sentences.

1. Article 47 designates нарушения авторских прав as уголовного правонарушения punishable by a штрафа.
2. Поправки к Закону об авторских правах from 1990 to 1996 affected the areas where самые серьезные нарушения прав интеллектуальной собственностиoccurs.
3. Соглашение по торговым аспектам прав интеллектуальной собственности (TRIPs) establishes minimum standards and enforcement measures for the protection of, inter alia, патентов, авторских прав, торговых знаков и промышленного дизайна, which должны включаться в национальное законодательство by all members.
4. Bison Sports lights, Inc. were found liable for умышленное и злонамеренное присвоение коммерческой тайны, malicious нарушение of confidence, malicious ложную рекламу, and malicious нечестную конкуренцию.
5. TRIPS authorizes public use licenses without negotiation with патентовладельцем.
6. Низкая эффективность применения нормативных положений об авторских правах, патентах и товарных

знаках can greatly disadvantage young people who are often not sufficiently familiar with this issue.

7. Penal sanctions включают в себя тюремное заключение, лишение свободы, наложение штрафов и принятие альтернативных мер, which may be aggravated under certain circumstances.
8. In fact, многочисленные ограничения и исключения in the framework of системы прав интеллектуальной собственности served precisely this purpose.
9. Истец может использовать the same appeal procedure as is applicable to обычного гражданского судопроизводства against a judgement refusing to grant enforcement of an arbitral award.
10. Работодатель потребовал protection of его прав собственности through a motion for судебного запрета.

V. Translate the following sentences into English.

1. Незаконный оборот контрафактных лекарственных препаратов вызывает озабоченность с точки зрения, как здоровья населения, так и нарушения прав интеллектуальной собственности, и быстро превращается в источник незаконного обогащения для международной организованной преступности.
2. Права интеллектуальной собственности включают все виды прав интеллектуальной собственности, такие как патенты, авторские права, торговые знаки и коммерческая тайна.
3. Озабоченность была выражена также по поводу того, что патентная система допускает возможность незаконного присвоения.
4. Арбитражный суд вынес решение в пользу обладателя патента.
5. Согласно общему мнению, изготовление контрафактной продукции и пиратство приобретают все более широкие масштабы.

6. 1 января вступили в силу руководящие указания Уполномоченного в отношении обеспечения защиты авторского права.
7. Наказания за нарушение этих положений могут включать штрафы и даже пожизненное тюремное заключение.
8. Попытки расширения сферы ограничений и исключений в области авторского права иногда рассматриваются издателями в качестве угрозы своим интересам.
9. Она подала гражданский иск на 75 миллионов долларов.
10. На каждом таможенном пункте имеется сотрудник, отвечающий за вопросы, связанные с охраной интеллектуальной собственности.
11. Гражданский истец, гражданский ответчик или их представители вправе обжаловать приговор в части, относящейся к гражданскому иску.
12. Следующее требование о судебном запрете было отклонено как юридически необоснованное.

VI. Translate the article 201 of the criminal code of the Republic of Belarus into English.

Статья 201. Нарушение авторского права, смежных прав и права промышленной собственности

1. Присвоение авторства либо принуждение к соавторству, а равно разглашение без согласия автора или заявителя сущности изобретения, полезной модели, промышленного образца или иного объекта права промышленной собственности до официальной публикации сведений о них, совершенные в течение года после наложения административного взыскания за такое же нарушение, – наказываются общественными работами, или штрафом, или исправительными работами на срок до двух лет.

2. Незаконное распространение или иное незаконное использование объектов авторского права, смежных прав или объектов права промышленной собственности, совершенные в течение года после наложения административного взыскания за такое же нарушение или сопряженные с получением дохода в

крупном размере, – наказываются общественными работами, или штрафом, или ограничением свободы на срок до трех лет, или лишением свободы на срок до двух лет.

3. Действия, предусмотренные частями 1 или 2 настоящей статьи, совершенные повторно, либо группой лиц по предварительному сговору, либо должностным лицом с использованием своих служебных полномочий, либо повлекшие причинение ущерба в крупном размере, – наказываются штрафом, или арестом, или ограничением свободы на срок до пяти лет, или лишением свободы на тот же срок.

Примечание. Крупным размером дохода (ущерба) в настоящей статье признается размер дохода (ущерба) на сумму, в пятьсот и более раз превышающую размер базовой величины, установленный на день совершения преступления.

VII. Translate the article 9.21 of administrative code of the Republic of Belarus in English.

Статья 9.21. Нарушение авторского права, смежных прав и права промышленной собственности

1. Присвоение авторства либо принуждение к соавторству, а равно разглашение без согласия автора или заявителя сущности изобретения, полезной модели, промышленного образца или иного объекта права промышленной собственности до официальной публикации сведений о них– влекут наложение штрафа в размере от десяти до тридцати базовых величин, на индивидуального предпринимателя – от двадцати до пятидесяти базовых величин, а на юридическое лицо – от тридцати до ста базовых величин.

2. Хранение с целью распространения контрафактных экземпляров произведений, записанных исполнений, фонограмм, передач организаций эфирного и кабельного вещания – влечет наложение штрафа в размере от двадцати до сорока базовых величин с конфискацией предмета административного правонарушения независимо от того, в чьей собственности он находится, или без конфискации, на индивидуального предпринимателя – от тридцати до семидесяти базовых величин с конфискацией предмета административного правонарушения

независимо от того, в чьей собственности он находится, или без конфискации, а на юридическое лицо – от пятидесяти до двухсот базовых величин с конфискацией предмета административного правонарушения независимо от того, в чьей собственности он находится, или без конфискации.

3. Незаконное распространение или иное незаконное использование объектов авторского права, смежных прав или объектов права промышленной собственности – влекут наложение штрафа в размере от тридцати до пятидесяти базовых величин с конфискацией предмета административного правонарушения независимо от того, в чьей собственности он находится, или без конфискации, на индивидуального предпринимателя– от пятидесяти до ста базовых величин с конфискацией предмета административного правонарушения независимо от того, в чьей собственности он находится, или без конфискации, а на юридическое лицо– от ста до трехсот базовых величин с конфискацией предмета административного правонарушения независимо от того, в чьей собственности он находится, или без конфискации.

VIII. Read and translate the text. After reading the text, answer the following questions: What are the situations in which infringement of patent rights might arise? What elements must the patent owner provide to establish infringement?

Types of Infringement

There are several ways in which infringement of patent rights might arise. Firstly, there is the situation where a patent is deliberately infringed by a third party without any attempt to avoid the infringement. This will either be straight copying of the invention or else involve minor variations or modifications thereof. This form of infringement may occur because the third party is unscrupulous, or because he has been advised by his patent agent that the patent in question, or one or more claims thereof, is invalid.

With this form of infringement there is generally no argument as to whether or not there is infringement. If all the features of the patented

invention have been copied, then there must be infringement, and the only matter to be resolved is whether the claims of the patent are valid.

The second situation which arises is where the infringement is deliberate, but some attempt has been made to avoid the appearance of infringement. It frequently happens that once an invention is disclosed either by sale of the product incorporating the invention, or in a published patent document, or in some other publication, third parties are given ideas. The publication generally outlines the problem and shows a way of solving it. Third parties then may endeavor to design an alternative to do the same thing. While third parties may be genuinely trying to design around the patent whilst still making use of the basic idea of the inventor, the result does not always clearly fall outside the scope of the claims of the patent. This is probably the most common form of infringement faced by patent owners and it gives rise to the most litigation.

The last situation that arises is the case of accidental infringement. As soon as a patent owner comes across something which embodies his idea he naturally feels that his invention is being copied. This is not necessarily so, since there may be many people working to solve a particular problem at the same time. For example, research departments of different large organizations may all be working on a similar problem. Similarly there may be several companies who have been asked to tender for a contract to solve a particular problem or to achieve a certain result, and in so doing may come up with similar ideas to that which may have been involved in the patented invention. Thus, although the patent owner may feel that his invention has been copied, the third party has, in fact, arrived at a similar if not identical solution via a different route.

To establish infringement the patent owner must prove all the following elements:

- the carrying out of a prohibited act;
- the prohibited act must have been done after the publication of the patent application, or the issuance of the patent where no early publication occurs;
- the prohibited act must have been done in the country where the patent has been granted;
- the prohibited act must be in relation to a product or process falling within the scope of a claim of the patent.

IX. Read the piece of news and translate it into Russian.

Infringement cases are rarely front-page news, but they sometimes end up breaking through the clutter. A few years ago, Disney sent Florida daycare centers Cease and Desist letters, when these establishments painted their walls with images of Mickey Mouse, Minnie Mouse, and Goofy Dog. There is no question that these characters are protected Disney trademarks. Disney sent these cease and desist letters to request that the daycare centers stop infringing the trademarks. Cease and desist letters can be the beginning stages of an upcoming lawsuit.

Another famous infringement case involved A & M Records and Napstera few years ago. Napster was a website that allowed users to exchange and download copyrighted songs. A & M records accused Napster of stealing music and making it available. They filed a copyright infringement against Napster, who in the end had to pay millions to recording companies and music artists.

X. Read the text and answer the questions. What measures are applied for the protection of intellectual property by the Customs? What are the steps of the registration of intellectual property objects in the Customs Register of the Republic of Belarus?

CUSTOMS CONTROL OF GOODS CONTAINING INTELLECTUAL PROPERTY OBJECTS

According to the provisions of customs legislation of the Republic of Belarus, if the transfer of goods containing intellectual property objects across the border of the Republic of Belarus or the commission of other actions with such goods, which are placed under customs control, lead to the violation of exclusive rights, such goods are considered to be counterfeit for customs clearance purposes.

The Customs authority applies measures for the protection of intellectual property rights in relation to such goods, i.e. suspends customs clearance procedure in order to give the opportunity to right holders to protect their rights.

For the use by customs of the measures for the protection of intellectual property rights during customs clearance of goods, a right

holder or his representative address to the State Customs Committee of Belarus.

The process of registration of intellectual property objects in the Customs Register of the Republic of Belarus consists of the following steps:

1. Submission of a written application to the State Customs Committee of Belarus

The submission of a written application to the State Customs Committee of Belarus for each intellectual property object and supplements (according to the requirements).

The application shall include:

- Right holder's name and location;
- List of trademarks to be registered in the Customs Register;
- Term for application of measures by customs authorities;
- Trademarked goods: their description, place of manufacturing, list of manufacturers, list of persons entitled to use the trademark;
- Goods that may be counterfeit, their description and other related information.

In addition, applicants shall attach the following documents:

- A document confirming the ownership of a trademark (an extract from the relevant register with a translation into Russian / Belarusian);
- Samples or pictures of trademarked goods;
- Images of counterfeit goods and other documents that can detect counterfeit products (if any);
- A written undertaking of an applicant about the compensation of property damage, which can be caused to the concerned person in connection with the suspension of customs clearance;
- A power of attorney to represent your interests.

2. Examination of the application by the Licensing Commission of the State Customs Committee of Belarus

The application is examined within 1 month from the date of its registration; the period may be extended to two months.

3. Adoption of a decision on applying customs measures/ adoption of a decision on refusal

An applicant will be notified about the decision within 10 days from the date of its adoption.

In the case of positive decision, it is necessary to sign an insurance contract against possible risks, which may arise due to suspension of customs clearance.

Failure by an applicant to observe the conditions related to the securing of indemnity obligations for the damage which may be inflicted to a customs applicant, owner or goods receiver due to suspension of customs clearance results in the adoption of a decision on refusal to apply measures on suspension of customs clearance as well as the exclusion of an intellectual property object from the Register.

The period for which a trademark is included into the Customs Register of intellectual property objects is determined at the request of an applicant but not more than for 2 years and not more than for the duration of the rights of a right holder.

XI. Translate the phrases into English in the following text.

THE SCENARIO IN THE EVENT OF КОНФИСКАЦИЯТОВАРОВ WHICH CONTAIN ОБЪЕКТЫИНТЕЛЛЕКТУАЛЬНОЙСОБСТВЕННОСТИDURI NG CUSTOMS CLEARANCE

1. Таможенное оформление товаров containing the signs indicating that the goods могут быть контрафактными shall be приостанавливается на десять рабочих дней. At the applicant's request the specified period может быть продлен, but not more than на десять рабочих дней.

2. The Customs authority shall уведомляет декларанта и заявителя about приостановлении таможенного оформления товаров not later than one business day following the day when решения о приостановлении was taken and shall сообщает декларанту и заявителю about the name and location (address) of each other.

3. Владелец прав по товарным знакам registered in ТаможенномреестреобъектовинтеллектуальнойсобственностиРеспу бликиБеларусь shall decide on наложении санкций under administrative or civil law (court) procedure.

If before истечения срока приостановления таможенного оформления the competent body does not issue any decision, the customs clearance of goods возобновляется.

TEXT 5.2 CLEARANCE FOR INTELLECTUAL PROPERTY

Intellectual property clearance is a multi-level process that involves licensing of the property to be able to use the property for an event or production. Rights clearance is a common process for authors, musicians, artists, movie and TV producers, those who own web content.

Rights clearance can also be referred to a vetting of the production. When performing a rights clearance, you will need to pay close attention to all the elements of the work that is protected as well as the various laws revolving around the property such as patent law, copyright law, trademark law, privacy laws, and defamation.

Most intellectual property will be protected in some respects by copyright laws. The amount to which these laws protect the work will have largely to do with the type of work produced as well as where it is produced.

The use of rights clearance will come into play in the event that multiple pieces of work will be used at the same time. This can occur often in events such as movies and is a process that can help reduce the liability of those who invested in it.

One of the most difficult types of rights clearance involves protected musical works. This process can be more difficult because there is typically more than one element that is protected. There is also more variance in the types of authors that produce musical works.

In any situation where a third-party's content is used to create a new work, there must be a review to see if the material being used falls under material that has rights clearance. If unauthorized use occurs it, could subject the user to the possibility of a violation of property rights. Because of this, it is important to obtain clearance rights to all forms of content including: films, books, songs, television shows, advertisements, online videos.

Vocabulary

a vetting	проверка
rights clearance	оформление прав
revolving	возобновляемый
defamation	клевета

variance	расхождение
a third-party's content	контент, предоставленный третьей стороной
violation	Нарушение

I. Answer the following questions.

1. What is Intellectual property clearance?
2. For whom is the rights clearance common process?
3. What is the most difficult type of registration of rights?

II. Translate the phrases into English in the following sentences.

1. Законодательство о распространении порочащих сведений should be brought into line with article 19 by ensuring a proper balance between защитой репутации и свободой выражения мнений.
2. Since 1790, Congress вносил поправки в федеральный Закон об авторском праве numerous times.
3. Разработка норм международного патентного права involving the outer space industry appears imperative.
4. Такое расхождение was partially attributable to timing differences.
5. Intelligence-collection measures that impose значительными ограничениями прав человека are subject to многоуровневого процесса of authorization that includes approval within intelligence services, by the political executive and by an institution that является независимым от специальных служб и исполнительных органов.
6. The assignment of receivables in the form of royalties arising from лицензирования интеллектуальной собственности is also covered.
7. Several countries проводится тщательная проверка of political candidates and their незаконной деятельности в прошлом to exclude such persons from political appointments or standing for office.
8. Typically, they act as intermediaries who передают или принимают информацию, подготовленную

стороной but не участвуют в принятии решений о распространении particular material.

III. Translate the following sentences into English.

1. В Таиланде Закон от 2007 года о преступлениях, связанных с использованием компьютеров, возлагает ответственность на посредников за передачу или размещение контента третьих сторон, а также на самих авторов контента.
2. Бюро по вопросам этики провело всестороннюю проверку всей финансовой отчетности, чтобы обеспечить полноту представленной информации и выявить наличие каких-либо фактических, усматриваемых или потенциальных конфликтов интересов, возникающих в связи с частными интересами, вложениями или внеслужебной деятельностью, информация о которых была представлена.
3. Общепризнанно, что лицензирование интеллектуальной собственности в целом несет благоприятные последствия.
4. Следует отметить, что в этих руководящих принципах излагается антитрестовская политика в отношении лицензирования интеллектуальной собственности, защищаемой законодательством о патентах, авторских правах и коммерческой тайне, а также лицензировании ноу-хау.
5. Во-первых, осуществление развития предполагает наличие многоуровневого и комплексного процесса, и итоги крупных конференций и саммитов Организации Объединенных Наций нельзя реализовать в одночасье.
6. Хотя это расхождение в целом может показаться несущественным, Комиссия отмечает, что фактические расхождения по отдельным статьям являются значительными, в частности, увеличение на 40 процентов (1 млн. долл. США) объема расходов, связанных с системой «Атлас».
7. ВОИС также намеревается осуществлять дальнейшее согласование норм международного патентного права с учетом нынешней практики государств-членов.

8. Новые технологические разработки и появление компьютеров, копировальных машин и записывающих устройств привели к признанию того, что закон Об авторском праве нуждается в обновлении.

IV. Read the text and translate the phrases into English.

Процесс оформления прав

Companies intending to создавать и использовать материалы that may be subject to авторские права, торговые марки и другие права интеллектуальной собственности and personal rights of third parties must ensure that all appropriate лицензий и разрешений are in place. This process is known as “оформление прав”.

For all material that may be subject to защита интеллектуальной собственности или личных прав, оформление прав включает:

- Определение потенциальных средств защиты прав for both the work as a whole and individual elements.
- Для защищаемых элементов, determining whether the client or a third party owns соответствующими правами.

For rights not owned by the client:

- ✓ оценка whether разрешение is required for the intended use; and
- ✓ if разрешение is required, идентификация владельца и получение лицензии или другого соответствующего разрешения.

V. Read the following text and answer the questions: What is the most common violation of intellectual property in business sphere? And for what categories rights clearance is a common process?

Why an Intellectual Property Risk Management Program is Necessary for Business

The most common violation of intellectual property is copyright infringement of software. The most common scenario is when a company will purchase the licensing for a couple of hundred members of

their staff but then fail to buy more licenses when they add 50 more employees.

In a survey performed by BSA Global, it was estimated that at least 43 percent of software that was installed on personal use computers was not licensed. They also have found that only 35 percent of companies had an actual written policy regarding the requirement of properly licenses software.

Ensuring compliance with the rights of others is important and can be considered a valuable business asset. Some of the reasons it is important to have a plan in place include:

- ❖ Facing legal action for infringement or intellectual property violations.
- ❖ Performing expensive software audits to prove that software is licensed.
- ❖ Possible data breaches from using unlicensed software.
- ❖ Your business's IP risk management program should be comprehensive and proactive and be pertinent to the specific laws that govern your business. It is essential to consider a risk management program as a tool to grow your business while protecting its investments.

There are many items you will want to make sure you include in your risk management program such as:

- ✓ A way to track both licensing agreements and obligations for royalties: This is important to make sure that your business is receiving the licensing rights it requires and also living up to the terms of contracts it has with others.
- ✓ A formal procedure for clearance and registration: You should have a set protocol for performing your IP search and it may be beneficial to have a designated intellectual property attorney to perform this function. If an IP title is clear you should also include the appropriate process to handle registration.
- ✓ It should include the appropriate provisions: This includes the work for hire arrangement in which the IP rights are assigned, or a licensing agreement for the use of the IP is defined.
- ✓ A dispute resolution and response plan: If your IP rights are challenged, you should have a response protocol ready to follow.
- ✓ Education protocols: A section should be laid out that details the training that employees will receive about mishandling or misuse of IP.

VI. Read the following text and answer the questions below the text.

INTELLECTUAL PROPERTY IN CUSTOMS

Most counterfeit goods and other illegal products that violate intellectual property rights enter the territory of the state from third countries. Thus, the customs authorities play a key role in combating the illegal import of these goods and ensure the protection of intellectual property rights within their terms of references.

Counterfeit goods are defined as the goods containing objects of intellectual property (objects of copyright and related rights, trademarks, geographical indications) created and/ or moved across the customs border in violation of the rights of the right holder stipulated by national legislation. This definition was developed on the basis of comprehensive analysis of the legislation of all member states, aligned with the provisions of the TRIPS Agreement and confirmed in the Treaty on the Eurasian Economic Union (the EAEU Treaty), signed on May 29, 2014.

According to the provisions of customs legislation of the Republic of Belarus, if the transfer of goods containing intellectual property objects across the border of the Republic of Belarus or the commission of other actions with such goods, which are placed under customs control, lead to the violation of exclusive rights, such goods are considered to be counterfeit for customs clearance purposes.

The Customs authority applies measures for the protection of intellectual property rights in relation to such goods, i.e. suspends customs clearance procedure in order to give the opportunity to right holders to protect their rights.

Customs clearance of goods containing the signs indicating that the goods may be counterfeit shall be suspended for ten working days. At the applicant's request the specified period may be extended, but not more than for ten working days. The Customs authority shall notify the declarant and the applicant about the suspension of customs clearance of goods not later than one business day following the day when the decision about suspension was taken and shall inform the declarant and the applicant about the name and location (address) of each other.

Nowadays the main legal act in the field of protection of the objects of intellectual property in the European Union is Regulation (EU) No. 608/2013 of the European Parliament and of the Council of June 12,

2013 concerning customs enforcement of intellectual property rights. This regulation came into force on January 1, 2014 and gives the customs authorities broad powers in the fight against counterfeit goods and other goods that violate intellectual property rights on the borders of the European Union.

The Regulation provides a simplified procedure for the destruction of goods suspected of violating the rights without prior judgment, defining these measures as mandatory for all Member States; introduces the rules for the destruction of small quantities of counterfeit products that do not require interaction with the right holders; introduces the procedure for handling transit goods. Moreover, the Regulation assumes the creation of a new centralized electronic database to facilitate the exchange of information between the customs authorities of EU member states.

In order to apply measures related to the protection of intellectual property rights, customs officials carry out customs control. For these purposes, such forms of customs control as verification of documents and information, customs search and examination of goods and vehicles, customs supervision, verification of marking of goods with special marks, the presence of identification marks on them, sampling, oral questioning, getting explanations can be applied.

When monitoring compliance with intellectual property rights, in the process of conducting documentary control customs officials carry out the following operations: check the accuracy and completeness of the information declared in the customs declaration regarding the object of intellectual property; check the conformity of the declared information about the goods with the information contained in the register; check documents confirming compliance with the legislation of the Republic of Belarus on intellectual property; prepare a decision to suspend the release of goods in cases and in the manner prescribed by the statutory acts of the State Customs Committee of the Republic of Belarus; transfer the information on detected violations of intellectual property rights, on the detection of signs of counterfeit products to the relevant functional division of customs administration.

In order to combat counterfeiting and piracy, the World Customs Organization has launched the Interface Public-Members (IPM) program. Within the framework of this program, a global database of original and counterfeit goods (the Database) has been created, and the

customs services of all the IPM member countries have access to this program.

The Database is an information resource formed on the basis of information about objects of intellectual property placed on the website www.wcoipm.org by right holders and is intended solely to be used by the customs authorities of the IPM member countries to combat counterfeiting and piracy. Information installed by the right holder once in the IPM system is available to all customs services of the IPM member countries, the number of which today is over 180 countries of the world.

IPM provides the opportunity to use mobile devices to scan bar codes on millions of products, and the capability to interface IPM with company information systems for authentication and operational control.

The IPM program provides customs bodies with the following benefits:

• providing instant access to the information about products that require measures to protect them;

• interaction with right holders in real time;

• assistance in the rapid detection of counterfeit goods;

• providing a real learning tool for operating staff.

Thus, it can be concluded that the systems of protection of intellectual property objects by the customs authorities of the EU and the EAEU are working smoothly. The customs bodies of the states interact with the right holders and take measures to protect the rights to the objects of intellectual property within their terms of reference.

1. What are counterfeit goods?
2. What goods are considered to be counterfeit for customs clearance purposes?
3. What measures are applied by customs for the protection of intellectual property rights?
4. For what period of time can the goods be suspended?
5. When should the declarant and the applicant be notified about the suspension of customs clearance of goods?
6. What is the main legal act in the field of protection of the objects of intellectual property in the European Union?
7. What does the Regulation provide and introduce?

8. What forms of customs control are applied in accordance with the protection of intellectual property rights?
9. What operations are carried out in the process of conducting documentary control?
10. What program has the WCO launched in order to combat counterfeiting and piracy?
11. What is the Database?
12. What advantages does the IPM program provide customs bodies?

Vocabulary

counterfeit	подделка
to violate intellectual property rights	нарушать права интеллектуальной собственности
to ensure the protection of intellectual property rights within their terms of references	обеспечить защиту прав интеллектуальной собственности в рамках своих полномочий
stipulated by national legislation	предусмотрено национальным законодательством
comprehensive analysis of the legislation	комплексный анализ законодательства
aligned with the provisions	в соответствии с положениями
to suspend customs clearance procedure	приостановить процедуру таможенного оформления
to notify the declarant and the applicant	уведомить декларанта и заявителя
to simplify procedure for the destruction of goods	упростить процедуру уничтожения товара
mandatory	обязательный
the procedure for handling transit goods	порядок обработки транзитных грузов
to assume	предполагать
verification of documents and information	проверка документов и информации
customs search and examination of goods and vehicles	таможенный досмотр и осмотр товаров и транспортных средств

customs supervision	таможенный надзор
verification of marking of goods with special marks	проверка маркировки товара специальными знаками
sampling, oral questioning, getting explanations	взятие проб, устный опрос, получение объяснений
to check the conformity of the declared information	проверить соответствие заявленной информации
the statutory acts of the State Customs Committee of the Republic of Belarus	нормативные акты Государственного таможенного комитета Республики Беларусь
to scan bar codes	сканировать штрих-коды
authentication and operational control	проверка подлинности и оперативный контроль

VII. Translate the phrases into English in the following sentences.

1. Also, there have been several notable seizures of контрафактных товаров.
2. In order to properly safeguard its assets, the United Nations must проверять точность и правомерность сделок carried out in its name.
3. Процедура рассмотрения such requests is laid down in sections 13-18 of the Act.
4. He is alarmed by proposals to disconnect users from Internet access if they нарушают права интеллектуальной собственности.
5. Fields with the asterisk are обязательны для заполнения.
6. The Chairperson took it that the Commission принимает поправку proposed by the delegation of Benin, borrowing the language in paragraph 2 (c) для положения об уничтожении груза.
7. The Committee agreed that, on the whole, it had been functioning в рамках своих полномочий.
8. The advance cargo declaration may have to be followed by a supplementary cargo declaration as предусмотрено национальным законодательством.

9. Moreover, in view of the possibility that the assignment-related provisions of the mobile equipment convention могут быть приведены в соответствие с положениями of the draft convention, the potential for conflict would be significantly reduced.

VIII. Fill in the gaps with the words from the table.

– aligned with the provisions	– national customs authorities
– assume	– scan your bar-code
– check the conformity	– the procedure for handling
– in pirate and counterfeit goods	– to violate international law
– mandatory	

1. The Central Customs Board has one official specializing _____, and his colleagues at border checkpoints help coordinate IP matters.
2. To pass the registration you should show a bar-coded tear-off coupon to the registration system operator who will _____ by means of bar-code scanner that will allow him/her to access your information entered before (during the on-line registration).
3. During the preparatory stage, SCEPF experts _____ of the structure of the submitted documentation and the expert commission is formed.
4. No one else can _____ that responsibility.
5. The Advisory Committee was informed that, upon the establishment of the Human Rights Council, the Secretariat initially considered that _____ its reports should be similar to that followed for the Economic and Social Council.
6. As a result, Armenia continues to disregard the position of the international community, _____ and abuse the patience of Azerbaijan.

7. A range of views were expressed on whether provisions should be voluntary or _____.
8. _____ play an extremely important role by monitoring trade in chemicals and preventing illicit transfers of these materials.
9. Therefore, legal acts passed after 1996 are in general _____ of EU legislation.

IX. Translate the following sentences into English.

1. В некоторых случаях работников таможни обучали идентификации контрафактных товаров.

2. Он сканирует штрих-коды и сравнивает их с удаленной базой данных.

3. УВКБ не имеет возможности проверять достоверность и полноту информации, регистрируемой в системе учета.

4. Организация Объединенных Наций должна взять на себя полную ответственность за расходы по переводу (перевозке).

5. Владелец товарного знака должен был бы также оплатить уничтожение контрафактных товаров.

6. Регистрационное бюро должно уведомить соответствующие стороны о прошении.

7. Кроме того, Беларусь сообщила о том, что в настоящий момент совместно с Украиной она выполняет необходимые процедуры для подписания межправительственного соглашения о борьбе с незаконным ввозом и вывозом культурных ценностей.

8. С момента ее создания Комиссия давала консультации по ряду вопросов в рамках своих полномочий.

9. Продолжительность этого периода может быть согласована с положениями статей.

10. Таможенные органы могут приостанавливать таможенное оформление товаров на срок до 15 дней и (с учетом дополнительного периода в15 дней) на общий срок до 30 дней.

SOURCES OF REFERENCE

1. Bainbridge, D. I. Intellectual property / D. I. Bainbridge. - NY: Longman, 2010. – 995 p.
2. Bently, L. The Making of Modern Intellectual Property Law / L. Bently, B. Sherman. – Cambridge: Cambridge University Press, 2008. – 220 p.
3. Birkbeck, C.D. The World Intellectual Property Organization (WIPO). A reference guide / C.D. Birkbeck. – Edward Elgar Publishing Limited, 2016. – 313 p.
4. Customs control of goods containing intellectual property objects [Electronic resource] // Patenting in the Republic of Belarus and abroad. – Mode of access: http://patentoffice.by/en/customs-control-of-goods-containing-intellectual-property-objects.
5. Farah, P. D. Intellectual Property Rights, Human Rights and Intangible Cultural Heritage / P. D. Farah, R. Tremolada // Journal of Intellectual Property Law. - Issue 2, Part I. - June 2014. - pp. 21–47.
6. Goldstein, P. Copyright, Patent, Trademark and Related State Doctrines: Cases and Materials on the Law of Intellectual Property / P. Goldstein, R. A. Reese. - New York: Foundation Press, 2008. – 1268 p.
7. Greenhalgh, C. Innovation, Intellectual Property, and Economic Growth / C. Greenhalgh, M. Rogers. -.New Jersey: Princeton University Press, 2010. -384 p.
8. Gutterman, A. S. Intellectual property in global markets: A guide for foreign lawyers and managers / A. S. Gutterman, B.J. Anderson. - London: Kluwer Law International, 1997. – 534 p.
9. Intellectual Property, A Power Tool for Economic Growth by Kamil Idris, WIPO Pub. No. 888, January 2003.
10. International Bureau of WIPO, Basic Notions of Industrial Property, WIPO/IP/DUB/97/1, December 1997.

11. International Bureau of WIPO, What is Intellectual Property?, WIPO Pub. No. 450, June 2003.
12. International Bureau of WIPO, World Intellectual Property Organization (WIPO): General Information, WIPO Pub. No. 400.
13. PROTECTION OF INTELLECTUAL PROPERTY RIGHTS [Electronic resource] // State Customs Committee of the Republic of Belarus. - Mode of access: http://www.customs.gov.by/en/int-en.
14. Understanding copyright and related rights, WIPO Publication, 2016.
15. Understanding industrial property, WIPO Publication, 2016.
16. What is Intellectual Property? [Electronic resource] // World Intellectual Property Organization. – Mode of access: https://www.wipo.int/edocs/pubdocs/en/intproperty/450/wipo_pub_450.pdf.
17. WIPO. Intellectual property. Handbook, 2008.
18. World Intellectual Property Indicators 2018 / [Electronic resource]. – Mode of access: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_941_2018.pdf.
19. World Intellectual Property Organization / [Electronic resource]. – Mode of access: https://www.wipo.int.
20. Государственный таможенный комитет Республики Беларусь / [Electronic resource]. – Mode of access:http://www.customs.gov.by.
21. Национальный центр интеллектуальной собственности/ [Electronic resource]. – Mode of access: https://www.ncip.by.