

M. Zakharenko,

Student,
Law Faculty,
Taras Shevchenko National University of Kyiv

M. Pototskyi,

Candidate of Law Sciences, Associate Professor at the Department of Intellectual Property,
National University "Odessa Law Academy"

THE SPECIAL COURT ON INTELLECTUAL PROPERTY CASES IN UKRAINE: AN ERROR OR NECESSITY?

The article is dedicated to the question of expediency of The Special Court on Intellectual Property Cases establishment. The author proves the expediency of such court basing, firstly, on the experience of foreign countries, for example the Russian Federation, the Great Britain, Federal Republic of Germany etc. The research of the experience of these countries shows that courts on intellectual property cases are the integral and essential part of judicial system.

In addition, the authors put forward arguments for the necessity of such a court in Ukraine. The main arguments are:

1) the legislative lacuna generates the difference in the competence of courts, and as a result – the absence of the common judicial opinion on intellectual property cases;

2) judges in the courts of general ju-

risdiction do not have enough qualification in branch of intellectual property, so that it leads to delaying of the proceedings in cases;

3) a great number of so called "practical" problems, such as legal uncertainties about judicial jurisdiction of intellectual property cases, the length of the proceedings in such cases is about 2 years etc.

However, the authors also pay attention to challenges, which can arise after the establishing of such a court. For example, there will be a necessity of changing legislation, recharacterization of judges and replanning of state budget.

Nevertheless, the authors insist on the necessity of the establishing of The Special Court on Intellectual Property Cases in Ukraine for the quality improvement of proceedings in intellectual property cases.