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LEGAL CONTENT AND FUNCTIONS OF INDUSTRIAL DESIGN AS AN OBJECTS OF INDUSTRIAL PROPERTY

In this paper the author discusses the problems of legal content and features of industrial design. The author analyzes the contents of relations associated with the implementation of intellectual property rights on industrial design. Correlation of industrial design with other objects of industrial property is identified. The basic functions of industrial design in the modern economy are defined.

The purpose of this paper is to determine the role of the industrial design in the system of intellectual property rights in the light of its content and features. This goal is realized through such tasks: to define civil content of the concept of "industrial design" and its legal characteristics; to explore the features of the industrial design as an object of industrial property in the modern market economy; to establish the place of the industrial design in the system of industrial property.

Industrial design differs from the other objects of industrial property by its trade name (means of individualization of participants of civil commerce, goods and services), especially with the trade-

mark, in particular, three-dimensional one. Despite some similarities (as industrial design can individualize goods of certain manufacturer), it should be noted that the patented industrial design can be used only in direct relation to the goods, element of art and design of which it is. At the same time, the trademark can be applied to any products and services referred to in the certificate of the trademark, or to the decision on the recognition of trademarks.

Industrial design, as well as means of individualization, has a certain identity role, but, unlike identity role of the trademark, it is strongly connected with the essence and functional purpose of the product. At the same time, it should be noted that the design solution, which is an essential element of the product and is determined by its functional purpose, can not be an industrial design even in spite of its novelty, because under this condition, it is a new technical solution and may, with the presence of other features, get legal protection as an invention or utility model.