ISSN 0132–1331

LAW of Ukraine

LEGAL JOURNAL

SCIENTIFIC-PRACTICAL PROFESSIONAL JOURNAL

Established in 1922

Published monthly

State Registration Certificate:
Series KV № 17414-6184PR

Subscription code: 777-3

Address of the Editorial Board:
17–21, Baggovutivska Str.,
Kyiv — 04107, Ukraine
Tel.: +380 (44) 537-51-00

E-mail: info@pravoua.com.ua

Editor-in-Chief:
O. Sviatotskyi
Doctor of Legal Sciences, Professor,
Member of the National Academy of Legal Sciences of Ukraine

Responsible for the English language version
S. Shevchuk
First Deputy Editor-in-Chief,
Doctor of Legal Sciences, Professor,
Correspondence Member of the National Academy of Legal Sciences of Ukraine

FOUNDERS OF THE JOURNAL

The National Academy of Legal Sciences of Ukraine
V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine
National University «Yaroslav Mudriy Law Academy of Ukraine»
The Constitutional Court of Ukraine
The Supreme Court of Ukraine
The High Economic Court of Ukraine
The General Prosecutor's Office of Ukraine
The Ministry of Justice of Ukraine
The Union of Advocates of Ukraine

PUBLISHER

© Editorial office of the journal «Law of Ukraine»

7–8/2011

CONTENTS

Topic of the Issue:

«Civil law of Ukraine: Issues of Property right and its Protection»

I. Methodological principles of legal regulation of property relations

KUZNETSOVA N. Property as a Basis for Civil Society and Democratic State 4

SPASYBO-FATEYEVA I. Notes of a Civil Law Scholar on Tendencies of Property Right Cognition 12

KHARITONOV Ye., KHARITONOVA O. Problematic Issues of Acquisition and Termination of Property Right under Civil Legislation of Ukraine 20

SKRYABIN S. Subject, Method and System of Law In Rem: Some Codification Issues of Civil Legislation in Kazakhstan 28

II. Property right and its Protection

DZERA O. Some Questions of Civil Law Confiscation under the Legislation of Ukraine 42

STRELTSOV Ye. Criminal Law Protection of Property 52

KUZNETSOVA N., KOHANOVSKA O. Problems Pertaining to Protection of Intellectual Property Rights in Ukraine 60

MYRONENKO N. Rights Protection of Trademarks: Ukrainian Practice and European Experience 69

DOROSHENKO O. Once Again about the Patent Court 79

III. Property right to Certain Objects

ZHILINKOVA I. Legal Regulation of In Rem Relations in a Family: Determination of Conceptual Approaches 83

KOT A. Some Issues of the Recognition of a Property Right to Arbitrarily Constructed Real Estate 90

SLOBODYANYUK S. Peculiarities of State Registration of Objects of Housing Real Estate Located on Land Plots 96

YEFIMENKO L. Problems Related to the Interaction of Notary Activities and Activities Associated with the State Registration of Rights In Rem 102

IV. Intellectual Property Right as the Object of Scientific Research

KOHANOVSKA O. The Basic Theories of Intellectual Property Law and Their Effect on the Development of Modern Legislation in Ukraine 108

ORLYUK O. Intellectual Property in Ukraine: Experience, Legislation, Problems and Prospects 116

STEFANCHUK R. Prospects for Intellectual Property Law Development (by the Example of Personal Non-property Rights) 131

KRYZHNA V. Intellectual Property Law and Public Interests 145

KHARITONOVA O. Concept and Types of Civil Legal Relations of Intellectual Property 151

V. Harmonization of Legislation in the Sphere of Intellectual Property: Problems and Trends

DIETZ A. Settlement of Copyright Issues in the New Part Four of the Civil Code of the Russian Federation: System Setback, but Moderate Essential Progress 161

KAPITSA Yu. Peculiarities of Harmonization of the Legislation on Intellectual Property Protection of the CIS Countries with Those of the European Union 173

MINDRUL A. Importance of Agreement on Trade Aspects of Intellectual Property Rights in Legal Regulation of Pharmaceutical Sector 182

VI. Intellectual Property Rights as the Object of Civil Turnover

LOPATIN V. Sellers and Buyers of Intellectual Property 193

ATAMANOVA Yu. Complex Result of Intellectual Activity and Respective Rights Specific Features 206

TVEREZENKO O. Intellectual Property Contracts Classification 217
Selected Scientific Monographs on Property Issues 227
Renowned Lawyers in the Sphere of Property right and its Protection
Gennadiy Konstantinovich Matveev — the Faithful Knight of Civil Law Science 231
The Prominent Danish Professor Ole Lando is One of the Authors of the Principles of Contract Law of the European Union 235
Constitutional Process in Ukraine: New Stage
SELIVANOV A. Constitutional Reform in Ukraine: Need for a Science-based Concept 238
SHEVCHUK S. Principle of the Rule of Law and the Highest Legal Force of the Constitution of Ukraine 244
RABINOVICH P., HONCHAROV V. Protection of the Constitution of Ukraine by means of the Constitutional Adjudication 254
Court Practice
On the Court Practice in Cases of Crimes Against Property *(Restatement of the Plenum of the Supreme Court of Ukraine, November 6, 2009)* 262
Scientific and Legal Chronicle
POLESHKO A. Ukrainian national scientific and practical conference on the protection of property rights (notes from the conference) 274
Jubilees
The Anniversary of the Famous International Law Scholar, Judge of the European Court of Human Rights – Volodymyr Grygorovych Butkevych 277
Anniversary of Yuriy Aleksandrovich Tikhomirov 280
Anniversary of Y. A. Tikhomirov 285
In the Memory of Legal Scholars
In Blessed Memory of M. V. Tsvik, Legal Scholar in the Branch of Theory and History of State and Law 286
In Memory of I. M. Danshyn, Prominent Legal Scholar in the Sphere of Criminology and Criminal Law 288
SAIDOV A. In Memory of Vladimir Tumanov – Patriarch of Russian Comparative Law Science 290
Glossary 295

For the attention of the readers of the «Law of Ukraine» journal!

The topics of the upcoming issue are:

«Criminal Legislation of Ukraine and Other Countries: Pressing Theoretical and Practical Problems»

«Civil Court Proceedings in Ukraine and Other Countries».