

FEATURES OF ADVERTISING OF INTELLECTUAL PROPERTY

OBJECTS

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Throughout its existence, people, doing what they like, created various objects and goods, but there were always people who wanted to take advantage of the results of other people's labor. Therefore, the need to protect intellectual property rights has become apparent. Any manufacturer wants its goods and services to be successful, so that their advertising has the maximum impact on the consumer. Among all objects of intellectual property, you can distinguish items that are more often than others either represented in advertising (trademarks, trade names, objects of patent rights) or are used in its manufacture (works of science, literature and art). The study of the motives for making a purchase is a very important psychological aspect an advertising campaign that has a great impact on its success. It is quite difficult to find out the true motives for making purchases, because they are often irrational in nature, that is, one that cannot be explained from the standpoint of elementary logic. Psychoanalysts have found that men and women have different motives for buying the same goods. Even with the help of choosing a certain color, you can control the attitude of the consumer to advertising, and by creating the necessary color environment, you can cause the advertising consumer to have a favorable idea of the brand and the desire to purchase the advertised product. Copyright protection has become a necessity [19].

In Ukraine, there are several committees and departments that deal with the protection of citizens' copyrights:

- committee for the Protection of Intellectual Property of Citizens;
- state Copyright Agency of Ukraine;
- state Patent Office of Ukraine.

The advertised goods often embody the objects of patent rights: inventions, utility models (improvements to the means of production, consumer goods, as well as their components), industrial designs (solutions of appearance). In television and other advertising, we often see medicines, devices and other objects that are patented as inventions, as well as various products whose appearance is patented as an industrial design. In accordance with the Patent Law, the patent holder has the exclusive right to use the invention, industrial design, utility model protected by the patent. In this case, the use is understood as the introduction into economic circulation of an invention, utility model, industrial design of a product or the use of a patent-protected method. In patent law, the most important concept that determines patentability is novelty, that is, uncertainty from the world's state of the art, which includes all information that has become publicly available in the world before the date of filing the application. Advertising can be a means of disclosing those information on the basis of which novelty is determined, and in relation to the invention - and inventive step. It is possible to indicate in advertising that the product is protected by a patent only if this is true. Otherwise, such advertising will be unreliable and will be considered an act of unfair competition. To create high-quality advertising, you need to make certain creative efforts. These efforts lead to the fact that advertising becomes a creative work expressed in some objective form, and therefore - the object of copyright. Often, when creating advertising, works created by someone earlier are used. Copyright applies to works of science, literature and art resulting from creative activity, regardless of the purpose and dignity of the work, as well as the way it is expressed. Any manufacturer wants his goods and services to be successful, so that their advertising has the maximum impact on the consumer.

Advertising is information. It may take the form of or contain the following copyright objects expressly provided for in the Copyright Act:

- literary works;
- musical works;
- audiovisual works (e.g., promotional videos);
- works of painting, sculpture, graphics, design, comics and other works of fine art (for example, outdoor advertising);
- Photographs (e.g. photographs of a product in print advertisements)..

No one may use an advertising work or part thereof, whether it is a commercial, a photograph, a drawing, an image or any other object, without the permission of the copyright holder.

The copyright holder may be the author, his employer, other legal successor on the basis of the Law (for example, heirs) or a contract. Usually, the advertiser is the copyright holder in respect of the advertising work. Unfortunately, the system of copyright protection created in Ukraine is not flawless. Of course, the foundations of this system are the laws of Ukraine on copyright, according to which copyright infringement gives grounds for judicial protection in the case of:

- plagiarism, or publication of other people's works under the name of a person who is not the author;
- piracy, in the field of copyright;
- forgery or extraction of information, in particular in electronic form without the permission of copyright holders;
- carrying out actions that create a threat in violation of copyright;
- any action to deliberately circumvent the technical means of copyright protection, in particular the manufacture, importation for the purpose of distribution and the use of technical means for such circumvention.

Thus, the legislation of Ukraine allows to protect the copyrights of owners of works, programs and other inventions. But the system requires improvement, new clearer laws that will allow authors to create without obstacles. Therefore, each author or advertiser, in order to protect his copyright in products, programs or works,

must develop his own ways to protect his advertising activities. In the field of advertising, the state protects the rights in respect of intellectual property. It remains to be hoped that violations of exclusive rights in this area will be less and less every year, which will make the relations arising in the process of production, placement and distribution of advertising even more civilized.

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