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**Musica O. M.**, judge,  
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### **TO THE PROBLEM OF LEGAL REGULATION OF THE ASSEMBLY OF SEMICONDUCTOR PRODUCTS**

Legal relations in the field of intellectual property law for the composition of semiconductor products are regulated by the norms of international and national legislation, which generally provide a wide range of legal rights and obligations of the subjects of legal relations. However, there are many directions of legal relations in this area, which are actually carried out by subjects, but they are not regulated or insufficiently regulated by legal norms. Thus, today the state system of legal protection of intellectual property does not regulate the procedures of cross-border movement of semiconductor products and the use of layout registered according to international rules on the territory of Ukraine. Social relations arising during these procedures and processes are

subject to legal regulation, first of all, in the legislation of Ukraine, that is, there is a need to create a more effective legal model.

Scientific research in this direction is quite limited and the vast majority relate to the development and introduction of technical or technical-legal norms for the regulation of individual local problems - commercial use - sale, rental, leasing or any other way of commercial distribution or offering for these purposes. Instead, the problem of legal recognition of foreign documents confirming the registration of a composition and certifying the authorship and rights to this composition in Ukraine was not comprehensively investigated.

Today, the general model of the field of intellectual property law for the composition of semiconductor products functions simultaneously at two levels: international and national.

At the international level, the legal regulation of intellectual property rights for the composition of semiconductor products is carried out by the Agreement on Trade Aspects of Intellectual Property Law dated April 15, 1994 No. 981-018 [1] (hereinafter – the TRIPS Agreement), according to the content of which the members provide the regime provided for by this Agreement, subjects of other members. With regard to the relevant intellectual property right, the subjects of other members are those natural or legal persons who meet the criteria for the right to protection provided for in the Paris Convention (1967), the Berne Convention (1971), the Rome Convention and the Treaty on Intellectual Property for Integrated Circuits, if all members were members of the World Trade Organization (WTO) that signed these conventions.

According to the provisions of Article 36 of the TRIPS Agreement, members should consider illegal the following actions, if they are carried out without the permission of the right holder: import, sale or other distribution for commercial purposes of integrated microcircuits to which protection has been granted, integrated microcircuits, which include integrated microcircuits to which protection has been granted, or which include protected integrated circuits or products requiring an integrated circuit, only to the extent that it contains illegally manufactured integrated circuits.

At the national level, legal regulation is provided by legislation that was created and later integrated on the basis of international standard legal acts, taking into account the peculiarities of national jurisdictions, in particular, this is the Law of Ukraine “On Protection of Rights to Layout of Semiconductor Products” dated November 5, 1997 [2 ], Articles 471–480 of the Civil Code of Ukraine dated January 16, 2003 [3].

Therefore, in Ukraine, the legal model of the intellectual property right for the composition of semiconductor products consists in the regulation of relations that arise in connection with the acquisition and exercise of rights to the composition of semiconductor products and includes: checking the suitability of the composition of a semiconductor product for the acquisition of

intellectual property rights for it; certification of the acquisition of intellectual property rights for the layout of a semiconductor product; the subjectivity of the intellectual property right to the composition of the semiconductor product; intellectual property rights to the layout of the semiconductor product; the term of validity of the property rights of intellectual property for the composition of the semiconductor product; early termination of intellectual property rights for the composition of a semiconductor product; the legal consequences of the expiration of the period of validity of the exclusive property rights of intellectual property on the composition of the semiconductor product; restoration of validity of prematurely terminated exclusive property rights of intellectual property on the layout of a semiconductor product; recognition of intellectual property rights to the layout of a semiconductor product as invalid; the right of the previous user to the layout of the semiconductor product.

The analysis of the legal model of the intellectual property right for the layout of semiconductor products in Ukraine indicates that it does not regulate the procedure for cross-border movement of semiconductor products and the use of layouts registered according to international rules on the territory of Ukraine.

Thus, subjects of international law – public relations create a semiconductor product, acquire rights to it according to the rules of the country of origin and use its originality in the final or intermediate form of any product that may subsequently undergo cross-border movement and be used without proper legal control from the author's side.

In order to ensure the procedures and processes of cross-border recognition, subjects, as right holders of foreign certificates, apply mechanisms for the use of foreign certificates based on the principles of recognition according to interstate agreements or interstate specialized acts. The main problem of this legal model is the lack of clear control over the circulation of certificates for the composition of semiconductor products in Ukraine, in particular, the access of the State Register of Compositions of Semiconductor Products of Ukraine, which is maintained in electronic form, to international ones, and vice versa, and the long interaction between the request and the receipt of information can take a long time and implement cross-border movement of semiconductor product assemblies in a way not provided for by law. This leads to the fact that the subjects of the right to assemble semiconductor products in Ukraine, on the one hand, and outside its borders, on the other hand, do not have the opportunity to familiarize themselves with or check the information contained in foreign certificates on the right to assemble semiconductor products and in certain cases deprives the subject of the right to composition of the opportunity to stop unauthorized use of the composition by third parties.

The lack of a general standardized system of cross-border use of the composition of semiconductor products and the significant differences of

different jurisdictions make it difficult to check them as an assessment of the risks of improper use of the originality of a semiconductor product both in our country and in other countries, since the national legislation itself should determine the clear conditions for granting legal force to a registered composition semiconductor products in Ukraine and abroad.

In Ukraine, an autonomous, vertically integrated system of legal relations has been created and operates, which regulates social relations that arise between individuals and legal entities and the state during the registration of the composition of semiconductor products. Public relations arising in connection with the acquisition and exercise of rights to layout of semiconductor products in Ukraine have a clear hierarchical legal structure, at the top of which stands the Law of Ukraine “On Protection of Rights to Layout of Semiconductor Products”. On the basis of normative legal acts, the National Intellectual Property Authority was established, which exercises powers in the field of intellectual property law, defined by this Law, other laws in the field of intellectual property law, acts of the central executive body, which ensures the formation and implementation of state policy in the field of intellectual property law ownership, and by statute, and has the right to represent Ukraine in international and regional organizations, and also maintains the State Register of Semiconductor Product Compositions of Ukraine.

At the same time, the State Register of Semiconductor Product Compositions of Ukraine does not contain information on the registration of semiconductor product composition certificates issued by foreign countries. The legal regulation of relations related to the recognition in Ukraine of foreign certificates for the composition of semiconductor products, as well as their cross-border movement on the territory of Ukraine, is currently not regulated by legislation.

In general, the lack of a common basis for safe electronic interaction between enterprises, citizens and state bodies in the field of control over the use of the layout of semiconductor products, including during cross-border movement, is a gap in the legal model of intellectual property rights for the layout of semiconductor products.

The indicated gaps need to be worked out and further implemented at the level of codified regulation both by making changes to Book 4 of the Civil Code of Ukraine and by improving special legislation on the protection of the composition of semiconductor products as separate objects of intellectual property law. The specified changes should relate to the provision directly in the special Law: control over the cross-border movement of the composition of semiconductor products of foreign authors on the territory of Ukraine and its use.

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## СУБ'ЄКТИ СІМЕЙНОГО НАСИЛЬСТВА ТА ЇХ ПРАВОВА РЕГЛАМЕНТАЦІЯ

Безперечно задля змістовного дослідження організаційно-правових засад протидії домашньому насильству необхідно визначити потенційних суб'єктів, які зазнають вказаного антисоціального явища. Доцільно відмітити, що за функціонування Закону України «Про попередження насильства в сім'ї» перелік суб'єктів, які є жертвами домашнього насильства був відсутній [1].

Згідно зі статтею 3 Закону України «Про запобігання та протидію домашньому насильству», дається перелік осіб (суб'єктів) на яких поширюється дія законодавства про запобігання та протидію домашньому насильству незалежно від факту спільного проживання, це: подружжя; колишнє подружжя; наречені; мати (батько) або діти одного з подружжя (колишнього подружжя) та інший із подружжя (колишнього подружжя); особи, які спільно проживають (проживали) однією сім'єю, але не перебувають (не перебували) у шлюбі між собою, їхні батьки та діти; особи, які мають спільну дитину (дітей); батьки (мати, батько) і дитина (діти); дід (баба) та онук (онука); прадід (прабаба) та правнук (правнучка); вітчим (мачуха) та пасинок (падчерка); рідні брати і сестри; інші родичі: дядько (тітка) та племінник (племінниця), двоюрідні брати і сестри, двоюрідний дід (баба) та двоюрідний онук (онука); діти подружжя, колишнього подружжя, наречених, осіб, які мають спільну дитину (дітей), які не є спільними або всиновленими; опікуни, піклувальники, їхні діти та особи, які перебувають (перебували) під опікою, піклуванням; прийомні