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INTELLECTUAL PROPERTY OBJECTS PROTECTION IN FRANCE

French legislation in the field of intellectual property is one of the most developed in the world, under which intellectual property is understood as a set of legally established rights in the industrial, scientific, literary and artistic fields. The need for state protection of intellectual property is due to the following reasons: firstly, the need to regulate the balance of interests between the rights of creators to their works, inventions, society's right to access these genres; secondly, the state efforts to encourage creativity and promote free and efficient trade.

Adopted in 1992, French Intellectual Property Code became a unique phenomenon in European practice, which has both supporters and critics. Proponents point out that codes are the best form of legal norms systematization. They help to get rid of duplication, omissions and contradictions in individual norms, make it possible to carry out regulation in the most economical way, which ensures better perception and application of regulatory material, and the construction of the code according to a certain logical system enables a systematic approach to legislation. At the same time after the adoption of the Code, a number of decrees and regulations continued to apply which established the procedure and specifics of the application of norms that entered into the Code.

The intellectual property code of France typed effective July 1, 1992, which actually incorporated the provision repealed laws in the field of intellectual property. According to its structure, the Code consists of two parts: the legislative part, which was put into effect by law, and the regulatory part, which was put into effect into force by decree. From the point of view of legislation systematization, it is not possible to argue that the Code is essentially the result of conducting codification, since this normative legal act was formed during consolidation of legislation in the field of intellectual property. This is explained by the fact that they were originally included in the Code the provisions of the repealed normative legal acts without their essential changes, but later the second part was incorporated into the Code, which was adopted at the sub-legal level (regulatory part), changes to which are made by government decrees.

The intellectual property code of France is structurally composed of 8 books:

Copyright; Related rights; Terms regarding copyright and related rights; Rights of database manufacturers; Administrative and professional organizations; Industrial samples and utility models; Legal protection of inventions and technical knowledge; Trademarks, service marks and other distinguishing marks; Application regarding islands and overseas territories of France.

In the legislative part Code, these books are structurally divided into III volumes: I)Literary and artistic creativity; II)Industrial property; III)Application regarding the overseas territories of France.

Creations of the human mind, unlike material objects, cannot be fenced off from use by third parties due to the fact that someone owns them after the intellectual product has become the property of society, the author is no longer able to exercise control over the use of IPR. This circumstance is the main legal principle of legislation in the field of intellectual property on the protection of author's rights in France. Article 1 of the French Patent Law (1791) states: “Any discovery or new invention in any kind of production is the property of its author; as a result, the law must guarantee him comprehensive and full use of it, according to the conditions and for the terms to be established”.

Summarizing the above, it should be noted that the Intellectual Property Code of France is a complex normative legal act in the field of intellectual property, as it combines the norms of various branches of law related to the regulation of intellectual property legal relations, but at the same time it is not an example of the classic codification of legislation characteristic of legal systems Romano-Germanic type.

References

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