

rights, order an expertise on compliance with criteria of providing protection, and lay a claim on recognition of a PT patent as void one. Nevertheless, such a process needs time (1-1.5 years). Secondly, you should try to prove that the company had begun to use a product before the PT submitted an application. This enables to continue production and not to violate rights of «patent owners». However, lawyers state that obtaining analogical patents is the best way of protection (to obtain patents for all process needed for the activity first). *The increase of transactional costs* of producers, which are placed on customers, is a consequence of such «compulsory and protective patenting».

There are cases of application of other instruments for «intellectual racket» (trademarks, copyrights), intellectual raiding. A set of primary legislative novelties is able to considerably enhance a situation in the IP field. In 2015, the government affirmed a plan of reformation of the IP field in Ukraine. It consists in development of drafts of legislation in the following directions: regulation of copyrights on the Internet; regulation of matters related to collection and paying royalties to organizations for cooperative management of rights; patent tolling; simplification of IP protection in the IT field; strengthening the liability for violation of IP rights. The developed draft of legislation regarding patents for industrial designs contemplates more strict requirements for pretenders for such patents, the more thorough expertise, and electronic publication of an application after the formal expertise. It is expedient to implement a norm regarding prohibition of repetitive registration of the industrial design, which was already recognized as void one. Consequently, settling a set of problems of IP field functioning in Ukraine is possible owing to combination of further development of legal services in the IP field and public administration measures (primarily, quickening announced legislative novelties in the IP field).

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PROBLEMS OF FIGHTING AGAINST CORRUPTION IN UKRAINE

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The Ukrainian society has discussed fighting against corruption for a long time. Corresponding laws, conceptions, and programs for fighting against this shameful phenomenon have been accepted on government level more than once. Nevertheless,

scopes of corruption remain unchangeable and considerably large. Corruption in Ukraine has turned into one of threats to the national security. The influence of the corruption on the Ukrainian society and the country is complex and system, particularly in the context of social, economic, governmental, political, and international aspects of this influence. Corruption is a factor, which hinders development of the Ukrainian economy. Total nature of this phenomenon creates uncomfortable conditions for doing business and significantly decreases investment attractiveness of the country.

There is no precise definition of a corruption concept. The main approaches to understanding this concept consist in the following definition: corruption (Latin *corrumpere* — «deprave») — a concept, which means a process, when a governmental official uses powers and entrusted rights for the purpose of personal benefits that contradicts legislation and moral principles.

The main reasons of progression of this socially dangerous phenomenon are as follows: a low rate of economic and political reforms; unsubstantiated rates and tactics of execution of privatization of companies being in state ownership; ineffectiveness of anti-trust legislation; absence of free competition. There are some factors of corruption, which arose at the moment of gaining independence and occur nowadays: economic relations are regulated with the use of administrative methods; the governmental activity directly related to the economic one through «own» economic structures; there is no control of the society over exercising governmental powers; governmental control over the business entity activities is exercised not for the convenience of the society, but for the purpose of fighting against rivals or for the convenience of retaining or expansion of powers.

Domestic lawyers, politicians, and economists continue to discuss reasons of corruption in Ukraine. However, they were formulated in scientific papers of American economists of 1970th. Corruption emerges if there is a payment related to state regulation of different field of the economic activity (implementation of exportation and importation restrictions, providing subsidies and tax benefits for companies of industries, existence of control over prices, etc.). Later, researches confirmed that scopes of corruption decrease under the following conditions: there is lack of foreign trade restrictions; an industrial policy is based on principles of equal opportunities for all companies and industries; salaries of governmental officials are higher than those of private sector staff with the same qualification.

Let us parallel under Ukrainian conditions. According to pessimistic estimates, a share of «grey» turnover in the Ukrainian economy accounts for nearly 90%. A reason consists in a complicated and corruptive licensing system, considerable

tax burden, and difficult tax administration. As can be seen, there is an excessive amount of economic and institutional reasons for corruption in Ukraine. However, we should not forget about social and culture reasons of corruption, which are inherent to Ukraine. They consist of demoralization of the society, lack of information, insufficient self-discipline of the citizens, social passivity regarding arbitrariness of officials.

There are two main models of counteraction of corruption. The first one is so-called Singaporean one. Tight control of the government over the activity of officials multiplied by serious tightness of punishment for corruption is a highlight of this scheme. The scheme contemplates also deregulation of the economy, simplification of taxation, and the increase of courts independence. It is worth emphasizing that this model is effective for developing countries, where all the above-mentioned reasons of corruption exist. The second model is appropriate for more developed countries. It is called Scandinavian. It focuses on liquidation of the very opportunity of corruption. This effect is achieved at the expense of liberalization of an economy, transparency of the governmental agencies activity, and high ethical standards for governmental officials.

Ukraine should digest the world experience, which demonstrates that legislative actions of the country (even recommended by competent international organizations) cannot solve a corruption problem, because the very corruptive officials may be the head of fighting against corruption. Success is possible only through the increase of dependence of the country on its citizens. As a result, there is a need for the following long-term institutional reforms: reduction of a number and scales of governmental agencies and their staff; formation of special or even independent institutions entitled to investigate imputation of corruption.

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«LAW AND ECONOMICS»: POTENTIAL AND PROBLEMS OF DEVELOPMENT IN UKRAINE

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Law as a social phenomenon is researched by different sciences, including economics, which could propose own instruments for analysis of the legal system and parties of legal relationships. The economic system as well as the legal system