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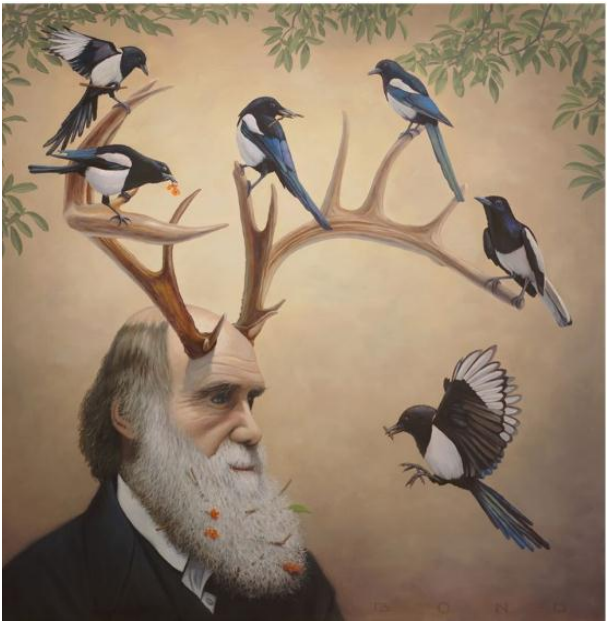

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Features Of The Choice Of Applicable Law To Industrial Property

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Abstract
The study deals with applying conflict of laws mechanisms to legal regulation of industrial property rights protection. The work considers the provisions of the congruent principles of conflict of laws regulation of intellectual property developed by the world's leading scientific centers (ALI, CLIP, TRANSPARENCY, WASEDA, KOPILA principles), taking into account the industrial property specifics. It is proposed to apply the law of the country, for which protection is sought, to solve the issues of protected industrial property and related formalities. For all other matters of the immaterial statute, the applicable law is the law of each country of registration.

Keywords: applicable law, conflict of laws regulation, harmonizing principles, industrial property object, intellectual Statute

Aspectos de Aplicar Derecho de Colisión a Propiedad Industrial

Resumen
Aquí se trata de la aplicación de derecho de colisión para regular jurídicamente la protección de los derechos de propiedad industrial. Aquí también se consideran las provisiones de los principios congruentes de la reglamentación legal de propiedad intelectual por derecho de colisión que han sido desarrollados por tales centros científicos globales punteros como ALI, CLIP, TRANSPARENCY, WASEDA, KOPILA, tomando en cuentas la específica de propiedad industrial. Se propone aplicar las leyes del país, para que se intenta la protección, y resolver los asuntos de propiedad industrial protegida y otras formalidades. La ley aplicable a los demas asuntos de estatuto inmaterial es la de cada país de matriculación particular.
Palabras clave: ley aplicable, reglamentación por derecho de colisión, normas armonizadoras, objeto de propiedad industrial, estatuto intelectual

1. Introduction

The independence of industrial property in the system of intellectual property rights at the international legal level has been confirmed since the end of the 19th century with the adoption of the Paris Convention for the protection of industrial property in 1883. Then it became obvious that national laws of different countries have different approaches to industrial property rights and it lacked unification of such regulation for efficient international scientific and technical cooperation and trade.

Indeed, at the current stage of society development, industrial property is the main stimulator of scientific and technological progress. It is namely the objects of industrial property of the general scope of the results of intellectual activity that appear to be the possible basis of the Fourth industrial revolution. Globalization processes resulted in the wide adoption of technologies under a single jurisdiction throughout the world and the lack of the relevant international legal protection. The constantly evolving processes of international trade disclose the lack of unified approaches to intellectual property. At the same time, the implementation of cross-border relations concerning the use and transfer of rights to industrial property is a necessary process, which inevitably follows international trade in goods and services.

Territorial principle of industrial property protection has not yet been overcome at the international legal level. Countries do not always clear-

ly understand the international investment legislation at both common and regional, bilateral levels in the context of overcoming the territorial principle of intellectual property protection (Wang, 2019). It is noted that further integration between investment protection and intellectual property protection at the level of dispute settlement is unfavorable in practice for technical reasons, since intellectual property law and regulation are highly fragmented and distributed among different legal orders at the international level (Gagliani, 2017). The preservation of the infrastructural independence of patent authorities of different countries, the requirements for mandatory registration set for the protection of most industrial property objects, the lack of a single universal security document, common procedures and requirements for the registration of industrial property objects that would be agreed at the international legal level, have led to a situation where the legislation of different states in terms of industrial property protection can vary significantly. In different countries, there are different risks of violating the intellectual property rights and different levels of protection (Lepkowski, 1992).

In this context, the choice of law applicable to relations for the protection of industrial property is particularly relevant. The conflict-of-laws issues, which are fundamental for the private international law of any modern state, acquires serious specificity in relation to industrial property in view of the intangible nature of the rights to such objects, the incorrectness of the real statute due to this application, significant features of the legal nature and the protection of industrial property, and the fundamental difference between the protection of industrial property objects and the protection of copyright objects. This, in turn, indicates the need to distinguish conflict-of-law approaches to various objects of intellectual property despite the common approach to the intellectual statute (the law applicable to intellectual property) regardless of the objects of protection with the remaining difference of conflict-of-law references, i.e. the conflict-of-law regulation. The lack of unifying approaches in this area (e.g., the provisions of international treaties on choosing the law applicable to industrial property) leads to different results in the establishment of the applicable law, the definition of industrial property, the scope of protected rights and, as a result, to a different level of protecting industrial property in cross-border relations.

At the same time, the main purpose of this work is forming the optimal approach to the choise of law, which is objectively the closest possible to the relations of protecting industrial property. The tasks of this study are searching and defining such law.

2. Methodology

This study is based on the comparative legal method of research due to the fundamentally different approaches of the world's main scientific schools (as well as different case laws) to choose the applicable law for the considered relations. At the same time, the formal legal method allows determining the exact scope and reference of a conflict of laws rule and establishing the right, which is the closest possible related to the protection of industrial property.

3. Results

The study of the conflict of law in terms of intellectual property resulted in the formation of large scientific schools and various concepts. Axel Metzeger (2010), Toshiyuki Kono (2010), Rita Matyulonite (2012), who were at the origins of the main scientific concepts of conflict-of-law regulation of relations related to the protection of industrial property are ecognized experts in the choice of law applicable to industrial property.

Various national legal approaches to the general conflict-of-law rule of the intellectual statute have become the subject of consideration of the world's leading scientific centers, such as American Institute of Law and Max Planck Institute. They deal with the conflict-of-law regulation of intellectual property. These institutions have developed corresponding congruent principles in the framework of preparing the Principles of conflict-of-law regulation in the field of intellectual property of the Max Planck Institute (CLIP principles) in 2011 and Principles governing jurisdiction, choice of law and judgements in cross-border disputes in the field of intellectual property of the American Institute of Law (ALI principles) in 2008.

Article 3:101 of the CLIP Principles contains the general rules, which state that the law applicable to procedural matters, including the collection and provision of evidence, is the law of the country of the court hearing the case (Lex fori). Article 3:102 establishes the optimal variation of the lex loci protectionis principle. It states that the law applicable to the existence, validity, registration, scope, and duration of intellectual property rights and all other aspects of intellectual property rights is the law of the state that seeks protection.

At the same time, the principles of ALI in §301 establish a differentiated general rule (depending on the fact of registration of a right), according to which the law applicable to the determination of the existence, validity, duration, characteristics, violations of intellectual property rights, and remedies is the right of each state of registration for registered rights, and the right of each state that seeks protection - for other intellectual property

rights. In addition, the law applicable to non-contractual obligations arising from an act of unfair competition is the law of each state that experiences or may experience direct real losses, regardless of the state or states in which the act initiating these losses has occurred.

Thus, when formulating an intellectual statute, both sets of principles determine its scope. The reference to the procedural scope of the lex fori reference in the CLIP principles is not accidental, it is fair and justifies distinguishing between this reference and the lex loci protectionis. At the same time, the intellectual statute itself takes into account the approach to the objects of industrial property and its specification using the ALI principles. It seems to be an effective and fair variant of the conflict-of-law regulation of relations of using protected results of intellectual activity and means of individualization. At the same time, the phrase "each state" indicates the preservation of a clear territorial approach to intellectual property. However, the principles, being congruent, should probably have been bolder and should have been guided by a deviation from the territorial principle of protection towards an objective definition of the right closest possible related to the cross-border relation to the protection of intellectual property.

The conflict-of-laws regulation principles concerning intellectual property developed in Asian countries are of particular interest. They include the Principles of private international law in intellectual property (2010) developed by the Association of private international law of Korea and Japan leaded by Waseda University (Japan) (the so-called WASEDA principles), Principles of transparency of jurisdiction determination, choice of law, recognition and enforcement of foreign judgments in the field of intellectual property (2010) (TRANSPARENCY principles), and Principles of consideration of cross-border disputes in the field of intellectual property, developed by the Korean Association of private international law (2010) (KOPILA principles). Thus, WASEDA and KOPILA principles, as well as ALI and CLIP principles, generally realize the territorial principle of intellectual property protection. WASEDA and KOPILA principles (same as ALI) distinguish the conflict-of-law approaches depending on whether the object is subject to registration or not. The conflict-of-laws reference "law of the country of registration" is applied to the registered objects, while unregistered objects are subject to the law of the country that seeks protection (§301 of ALI principles, Article 19 of KOPILA principles, Article 301 of WASEDA principles). At the same time, TRANSPARENCY principles generally follow CLIP principles: they deserve special consideration since they record interesting approaches. Thus, the TRANSPAR-

ENCY principles seem to differ from the territorial approach. TRANSPARENCY principles, probably being the main conflict-of-law reference, enshrine the right of the country that provides protection (Article 305 of the TRANSPARENCY principles). This approach is to overcome the ambiguous interpretation of the principle of "lex loci protectionis" and seems to cover both references: lex loci protectionis and the law of the country of registration (Matulionytė, 2012). At the same time, the rule that applies to all objects of intellectual property is the law of the country, where exploitation has occurred. It influences the choice from several countries providing protection. Moreover, the country of the result of exploitation is determined through the country, the market of which is affected by the action of intellectual property rights (Article 301 of TRANSPARENCY principles). In this case, there is an obvious deviation from the territorial approach. Thus, only TRANSPARENCY principles are aimed at overcoming the territorial approach to the protection of intellectual property. At the same time, TRANSPARENCY principles do not differ from conflict-of-laws approaches to industrial property and copyright. There is no differentiation of approaches depending on the requirements for registration of an object. Concerning industrial property objects (whether or not an object of industrial property is subject to compulsory registration), the law of a country, the market of which is affected by the action of rights to industrial property objects, may reflect the closest relationship than considering th copyright objects. It is due to the purely industrial, market nature of the rights to industrial property objects.

It should be noted that the designated rule of influence on the market of the country (market impact rule) is not considered to be the basic rule of intellectual statute (Matulionytė, 2012) definition in any national law and order. At the same time, such conflict-of-laws reference is used in the regulation of such joint areas of private law relations as antimonopoly relations and unfair competition (Sandrock, 1985). The use of the rule of influence on the market of the country is sometimes applied to some aspects of intellectual property. In industrial property law, this rule was proposed as an applicable conflict of laws in the joint WIPO – Paris Union recommendation on the protection of industrial property on the use of trademarks on the Internet (2001) (Article 2 of Joint recommendation of WIPO and the Paris Convention for the Protection of Industrial Property). This reference has been applied in the world practice in cases of online trademark infringement (Kur, 2002). The doctrine noted that in the draft ALI principles the rule of influence on the country's market also appeared as the main con-

flict-of-law reference applied to intellectual property. In the final edition of the ALI principles it was replaced by a territorial conflict-of-law approach. The explanations of the ALI principles (comment "c" and "d" to §301 of the ALI Principles), namely the provisions on the choice of the applicable law to unregistered intellectual property objects, state that the rule of influence on the market of the country is still used to determine the place of violation of intellectual property.

At the national level, the targeting doctrine implements the rule of influence on the country's market. It was formed for the copyright violations in the United States. This means that US courts are competent to adjudicate disputes, as well as to apply US law to relations arising from copyright violations complicated by a foreign element, if the relevant action leading to copyright infringement was aimed at the US audience (Denaro, 2000). At the same time, there are also court decisions that extend the targeting doctrine on the borderline authors' relations of protecting industrial property rights.

For example, American jazz bass player Cecil McBee challenged the illegal use of his name in the trademark used by the company in its commercial activities by the Japanese company Delica engaged in the retail sale of clothing. The plaintiff claimed that the Trademark law of the United States of 1946 (Lanham Act) should be applied to legal relations with a Japanese company Delica because of its extraterritorial nature (as it was done in Steele vs Bulova case). During the trial, the plaintiff sought injunction, which should have been banning the INternet users in the United States from access to the company's website. By limiting the extraterritorial effect of US law on trademarks on a defendant, who is a foreigner (foreign resident), in case when the question arises whether the activities of the defendant have a substantial impact on the US market, the judgement was that the activities of the company website was not subject to the rules of the US law. In particular, the court found that the website was in Japanese and located in Japan, and was not widely known among American Internet to have a significant impact in America. The court found inapplicable the criterion of technical access to the Internet site, the use of which is biased in this particular case since it does not reflect the essence of the use of the Internet space and is limited to the actual existence of the Internet site. In other words, it does not indicate the fact of using the website by a wide range of people, expressed, for example, in the possibility of online purchase of goods. The court considered fair the application of the so-called targeting criterion (focusing at a specific range of users) but not the access

criterion of the website, which is a convergence of European and American approaches expressed in refuting the technical view of the web space (Treppoz, 2014). Thus, the range of countries, the rule of law in which may be affected, is significantly limited. Therefore, according to the American approach, the owners of websites should carry out their activities in order to comply with the requirements of the legal order of the countries that may be affected in the course of their activities on the Internet.

4. Discussion

The foreign science assumes that the interpretation of the content of the conflict-of-law principle lex loci protectionis is the most preferable approach to improving the conflict-of-law regulation of intellectual property than the overall rejection of this principle in favor of any other (Matulionytė, 2012: 266-267). The efficiency of separate conflict-of-law regulation of intellectual property rights violation, different from the choice of law applicable to all other intellectual property issues, is placed in question. The splitting of the statute (dépeçage), according to R. Matulionyte, is unreasonable in these relations since it complicates the process of selecting the applicable law. Moreover, it is noted that the content and scope of intellectual property rights are closely related to their violation. The violation is possible only if the law exists, which, in turn, indicates the possible negative consequences of the application of the conflict-of-laws rule of influence on the market of the country. It is difficult to agree with this position because the splitting of the statute in such heterogeneous sphere of relations as concerning intellectual property in the context of existing different conflict-of-law approaches to copyright and industrial property rights, rights to various industrial property objects, registered rights and unregistered rights can and should be a tool for detailing and specifying the conflict-of-law regulation of intellectual property for the purposes of a fair definition of the applicable law, which reflects the closest relationship of a particular legal order with the legal relations. Speaking about the objects of industrial property, it seems appropriate to differentiate the conflict-of-law approaches depending on whether the object of industrial property is subject to state registration or not. If an object of industrial property is subject to registration, then the conflict-of-laws reference "the law of the country of registration" may seem logical at first glance only. However, it should be noted that the conflict-of-laws reference "the law of the country of registration" is not quite correct to apply to industrial property objects as the main rule of the intellectual statute. The reason is that the scope of this reference does not cover the obligation of registration, who is the

applicant, the rights of the applicant and the rights to file an application, which is also included in the intellectual statute. In view of the fact that registration or filing of an application is an already committed action, the questions whether the object of registration is subject to registration or not, whether it is possible in principle to file an application for registration should not be decided by the law of the country of registration, since it may not be carried out under the law of a country. For example, such issues may be industrial designs and trademarks with an unregistered protection regime. In these cases it seems appropriate to use splitting statutes. Thus, considering protected industrial property objects and the need to comply with the formalities relating to the compulsory state registration of rights, the law of the country, in respect of which protection is sought, is the most closely related to the legal relation. The law of the country, for which protection is claimed, should establish the requirements for the assignment of an object of civil rights to objects of industrial property for further exercise of execution formalities, since the formalities of the security infrastructure of a particular country and are determined independently in each country where protection is claimed. It is impossible to completely overcome of the territorial principle of protection as applied to the issues of protected objects of industrial property and the need to comply with the formalities related to the mandatory registration of rights until a single unified system of registration of rights to an object of industrial property is proposed at the universal international level. As for the remaining issues of the intellectual property statute, like the criteria for the protection of industrial property objects; types of exclusive and personal non-property rights; the content of exclusive and personal non-property rights; restrictions on exclusive and personal non-property rights; the effect of exclusive and personal non-property rights; the exercise of exclusive and personal non-property rights, including the permissible ways of disposal of exclusive rights and the possibility to transfer or refuse personal non-property rights, the applicable law shall be determined separately. The remaining issues within the scope of the intellectual statute need the right of each country of registration to be used in case of registered objects of industrial property (the need for registration of which is pre-established on the basis of the law of the country where protection is sought), that seems to be the most reasonable option. It is proposed to use the phrase "each" when the same object is registered in several countries. It is namely the "other issues" of the intellectual statute in each country of registration (each country deals with a separate independent object of protection) that are to be determined

by the law of the respective country of registration.
The law of each country of registration does not always coincide with the law of the country that claims protection. Moreover, it rarely coincides with the law of the country where protection is claimed (which is mechanically reduced to the law of the country of the court). The conflict-of-laws reference "the right of each country of registration" distinguishes the relations on the use of a single (according to its nature and content) object protected in different countries on the relations on the separate objects protected in each country independently (including the different volume of protection) on the basis of already existing registration of the rights. In addition, the application of the conflict-of-laws reference "the law of the country, in respect of which protection is sought" may lead to a situation that the law of the country, in which the object is to be registered, is not applicable, and, accordingly, the protection can not be granted. The application of the conflict-of-law reference "the law of each country of registration", on the contrary, can lead to a situation of partial overcoming of the territorial principle of protection, when the law of a particular country of registration allows the protection of rights registered in this country, but violated abroad. For example, the US Supreme court, considering the case of Steel vs Bulova Watch Company, applied the American Trademark Act (1946) to relations arising from a violation of American trademark rights in Mexico, since the violation was committed by a U.S. citizen and the goods under the trademark were made of American components. Thus, the conflict-of-laws reference "the law of each country of registration" seems to be formally accurate and reasonable to solve the conflict-of-law problems of determining the majority of issues of the intellectual statute (except for the definition of protected objects of industrial property and the need to comply with the formalities related to mandatory registration of rights). It is due to its potential to overcome the territorial principle of protection and focus on the clear establishment of the right, which is the closest possible to this legal relation.
This approach is not applicable to objects of copyright, which may be subject to the national legislation of a country of registration at the request of the right holder (for example, computer programs, databases). It is because such objects are subject to the Berne Convention for the protection of artistic and literary works (1886). Its provisions establish the conflict-of-laws principle "the law of the country where protection is claimed". Moreover, the registration of the copyright often is for indication purposes.
In cases where international registration is permitted in respect of an object

of industrial property, the choice of the applicable law will have fundamental features. This refers to the international registration of trademarks, service marks, appellations of origin, geographical indications (according to the Madrid Agreement on the International Registration of Marks (1891) and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958) respectively). The international registration of the considered objects has a territorial action (chosen by the applicant of the state, where protection is claimed). It refers to a single procedure for filing an international application, obtaining protection for one application in different countries and a single security document (for example, a certificate of international registration of a mark). Thus, having existing international registration of the relevant object of industrial property with simultaneous distribution of protection in several countries, there occurs a certain overcoming of the territorial principle of protection. In this context, the issues arising within the intellectual statute (except the issues of protected objects of industrial property and the need to complete the formalities connected with compulsory registration of the rights) seems to be reasonable to resolve as applied to trademarks (service marks), appellations of origin, and geographical indications according to the law of the country of origin of the object (lex originis). The law of the country of origin of the considered means of individualization is the right most closely related to the legal relation, in view of the fact that the international registration and, consequently, its protection in other countries depends on protection in the country of origin. Thus, according to paragraph 3 of Article 6 of the Protocol to the Madrid system for the international registration of marks, protection on the basis of the international registration of marks can no longer be claimed if the basic registration or the basic application has been withdrawn, declared invalid, etc before 5 years have passed from the date of international registration. Thus, it is the protection in the country of origin of the mark (the country of the original application for registration) that determines its extension to protection in other countries. The law of the country of origin of the mark in this context can possibly overcome the territorial principle of protection, since it is fundamental and gives the initial regime of protection to the mark, as well as it affects the possibility of granting protection in other countries. Therefore, this law should determine the intellectual statute in case of further extension of territorial protection of trademarks. With regard to appellations of origin and geographical indications, a similar approach may generally be taken. According to the provisions of Article 8 of the Lisbon agreement on

the protection of appellations of origin and their international registration of 1958 (as amended by the Geneva act of 2015), the international registration is valid indefinitely in the sense that the protection of a registered appellation of origin or geographical indication is no longer necessary if the name forming the appellation of origin or the designation forming the geographical indication is no longer protected in the contracting party of origin. Such international registration is to be cancelled.

The RF legislation also implements the mentioned above approach. According to provisions 2 section 1 of Article 1536 of the Civil Code, the legal protection of an appellation of origin is terminated in Russia in case of termination of the legal protection of the appellation of origin of goods in the country of origin.

A separate conflict-of-laws approach is required to treat industrial designs. Hague Agreement Concerning the International Deposit of Industrial Designs (1925) (as amended by the Geneva Act, 1999) provides for the procedure for the international registration of industrial designs. At the same time, the Hague agreement does not provide for the cancellation of an international registration due to the terminated protection in the country of origin. International registration of industrial designs is a procedure that facilitates the protection procedure in different countries. However, in respect of an internationally registered industrial design, each country of international registration has its own national rules. An industrial design having an international registration may be deprived of protection in the country of international registration, if this is provided for by the legislation of the country concerned. Each country of international registration can change the right holder. In other words, it is impossible to consider such registration as an international registration in the proper sense, and it is in no way related to registration in the country of origin. The registration of inventions and utility models under the Patent Cooperation Treaty (1970), which regulates only the procedure for filing and consideration of an international application, and has nothing in common with international registration) differ from the registration of industrial designs under the Hague system by the fact that it is a single registration without the need to obtain national patents in countries where protection is sought. In view of the above, the registration of industrial designs should be considered conditionally international. Subject to the simultaneous operation of the international registration of an industrial design in several countries, the applicable law for the determination of an intellectual statute cannot be the law of the country of origin of the industrial property. Speaking about

conditionally international registration of industrial sample with simultaneous action in different countries according to the rules of each country, it is reasonable to the use the conflict-of-laws reference "the right of each country of the international registration".

With regard to regional industrial property protection systems (e.g. the Eurasian patent system, the European patent system, the EU trademark protection system), the substantive and procedural rules of the regional conventions are applicable to these industrial property objects.

In situations where the use of an object of industrial property or possible violations of the rights to the object occur simultaneously in the territory of several countries (for example, during e-trade), such rights may affect the markets of several countries, focus on consumers and affect the rights of competitors from different countries. The definition of the intellectual statute in relation to such objects (trademarks, service marks, patented objects) may use the conflict-of-laws reference "the law of each country, the market of which is affected by the action of rights to industrial property objects". This reference allows choosing the applicable law from several legal systems that allow the protection of one object both for national independent registrations and for international registration. Moreover, in each case, there may be several competent legal orders, is the relevant actions (including proposals for the sale of goods on the Internet) are focused on the markets of several countries. In other words, when it is possible to purchase and use the goods, which may be, or represent or use a particular object of industrial property. Thus, thr national law will be applied to determine the intellectual statute for each country of sale, the market of which is affected by the relevant rights. It is also possible to apply the corresponding conflict-of-law targeting principle to relations arising from the violation of intellectual rights, since it is the principle of targeting that reflects the closest connection of the country's law of the "affected market" with all the legal consequences of violations of intellectual rights. The law of the country of the place of the offense "lex loci delicti commissi" should not be applied for defining the intellectual statute because the connection between the country and the effect of the rights on the object of industrial property is not clearly traced. The place of commission of a potential widespread offence may also be the place of the country, in which the object of industrial property is not protected at all. In addition, the identification of this place may be complicated by the Internet.

General conflict-of-law approach to unregistered industrial property objects (know-how, unregistered trademarks, commercial designations,

unregistered industrial designs) is reasonably formed on the basis of the conflict-of-laws reference "the law of the country in respect of which protection is sought". It is due to the fact that the use of such objects in different countries seems to be the most independent, often fundamentally different in the context of existing protection regimes (in particular, the possibility of protection of individual objects of industrial property without state registration of rights in some countries). Moreover, the criterion of "country of origin" cannot affect further protection in other countries in the protection of such objects. For example, it is impossible to imagine the protection in the Russian Federation of unregistered trademarks created and originally used in the United States, as in the Russian Federation there are only rights to registered trademarks (Article 1479 of the Civil Code) that take effect and are protected. This rule seems to be the norm of mandatory action. With regard to the use of unregistered industrial property objects, which simultaneously affects the markets of several countries (the use of the Internet), same as for registered industrial property objects, it is proposed to use the conflict-of-laws reference "the right of each country, the market of which is affected by exclusive rights" to determine the intellectual property statute. It is the right determined by the designated way that reflects the closest relationship with the legal relation: protection of the industrial property object is directly related to the country of supply of the goods/services, in which it is expressed.

5. Conclusion

Thus, the special conflict-of-laws regulation of relations of use and protection of various objects of industrial property, taking into account the circumstances of their special legal nature, is a more effective way of finding the applicable law than the general approach based on the lex loci protectionis reference. In this context, the use of splitting mechanism of intellectual of statute seems reasonable. It is proposed to apply the law of the country, for which protection is sought, in order to solve the issues of protected objects of industrial property and the need to complete the formalities to them. For all other matters of the immaterial statute, the applicable law is the law of each country of registration in this study. It is proposed to apply the law of the country of origin of the object to relations on the protection of industrial property subject to international registration (trademark, name of place of origin, geographical indication). As for the unregistered objects of industrial property, this paper justifies the expediency of applying the law of the country. In situations where the use of an object of industrial property or possible violations of the rights

to the object occur simultaneously in the territory of several countries (use of industrial property in e-trade), it is proposed to apply the law of each country, the market of which is affected by the action of rights to objects of industrial property.

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