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FACTORS OF INFLUENCE OF THE REAL ESTATE MARKET TO THE GLOBAL FINANCIAL CRISIS

Pouzanov I. PhD, Professor. Professor of International Finance Institute of International Relations of Kyiv National Taras Shevchenko

Pouzanov I. Factors of influence of the real estate market to the global financial crisis

The article examines the emergence of the U.S. mortgage crisis and its impact on the global financial crisis. Global nature of the crisis has been due to securitization - disaggregation of mortgage products in the form of high-risk subprime mortgages. Securitization is provided a permanent stream of payments, guaranteed unprecedented profits and huge bonuses for senior management of banks and investment funds. Designed by U.S. financial institutions, a number of innovative products related to subprime loans, intended to maximize the benefits and not increase the efficiency of their work, which involves a decrease in operating costs and minimize payments. Deposit insurance with the government guarantee has added a new impulse to provision of bad loans and the emergence of other ways of taking on excessive risk. Schemes of introduce innovative products, which were based on mortgages have been designed to diversify risks as much as possible to ensure payments, often remained hidden for borrowers to circumvent regulatory and accounting provisions to limit the abuses in lending and risk-taking. The factors and conditions for the implementation mechanism of innovative mortgage schemes are analysing.

Пузанов І.І. Складові впливу ринку нерухомості на світову фінансову кризу

У статті розглядаються питання виникнення іпотечної кризи у США і її вплив на світову фінансову кризу. Світовий характер криза набула за рахунок сек'юритизації – розукрупнення іпотечних продуктів у формі високо ризикованих субстандартних іпотечних кредитів. Сек'юритизація забезпечувала отримання постійного потоку платежів, які забезпечували безпрецедентний прибуток і величезні бонуси для вищого менеджменту банків та інвестиційних компаній. Розроблений американськими фінансовими інститутами цілий ряд інноваційних продуктів, пов'язаних з високоризикованими іпотечними кредитами, призначався для отримання максимальних виплат, а не підвищення ефективності своєї роботи, яка передбачає зниження операційних витрат і мінімізацію платежів. Страхування вкладів з гарантією уряду додало новий імпульс надання проблемних кредитів і появи інших способів прийняття на себе надмірно високих ризиків. Схеми впровадження інноваційних продуктів, в основі яких лежали іпотечні кредити, були розроблені таким чином, щоб диверсифікувати ризики, забезпечити якомога більше платежів, часто залишалися прихованими для позичальників, дозволяли обходити регулюючі та бухгалтерські положення, що обмежували зловживання у сфері кредитування та прийняття ризиків. Розглядаються фактори, механізм та умови впровадження таких інноваційних іпотечних схем.

Пузанов И.И. Факторы влияния рынка недвижимости на мировой финансовый кризис

В статье рассматриваются вопросы возникновения ипотечного кризиса в США и его влияние на мировой финансовый кризис. Мировой характер кризис приобрел за счет секьюритизации – разукрупнения ипотечных продуктов в форме высоко рискованных субстандартных ипотечных кредитов. Секьюритизация обеспечивала получение постоянного потока платежей, обеспечивающих беспрецедентный прибыль и огромные бонусы для высшего менеджмента банков и инвестиционных компаний. Разработанный американскими

финансовыми институтами ряд инновационных продуктов, связанных с высокорискованными ипотечными кредитами, предназначался для получения максимальных выплат, а не повышения эффективности своей работы, которая предусматривает снижение операционных расходов и минимизации платежей. Страхование вкладов с гарантией правительства добавило новый импульс предоставления проблемных кредитов и появлению других способов принятия на себя чрезмерно высоких рисков. Схемы внедрения инновационных продуктов, в основе которых лежали ипотечные кредиты, были разработаны таким образом, чтобы диверсифицировать риски, обеспечить как можно больше платежей, часто оставались скрытыми для заемщиков, позволяли обходить регулирующие и бухгалтерские положения, ограничивавшие злоупотребления в сфере кредитования и принятия рисков. Рассматриваются факторы, механизм и условия внедрения таких инновационных ипотечных схем.

Resolution of the problem. Current problems faced by the global financial system came from the mortgage market. The mortgage crisis that erupted in the US in the context of the size of the financial and economic consequences, is now regarded as the biggest pyramid scheme. When the US mortgage market by banks and mortgage companies have started to be offered cheap mortgages, many consumers reacted to it as an opportunity to realize the need for housing or improvement of living conditions.

A significant share of mortgage loans exceeded the real capacity of borrowers to repay them, ie loans taken under the terms of a high credit burden. When interest rates began to rise, the mortgage crisis erupted, leading to loss of property and total capital invested in them not only in the US but also abroad. The world crisis has character through securitization - unbundling of mortgage products, transforming them into securities and their derivatives, and distribution channels for the financial sector to various banks and investment funds around the world. Mortgage loans were divided into tranches, which later formed the new, unprecedented combination once and as such exposed for sale in the form of issued securities backed by collateral or assets and bonds secured debt. The volume of issued securities exceeded 3 trillion. USD. per year [1; c. 12].

Confidence in the American mortgage market instruments was huge investment and they were seen as a good financial investment option, especially for a long time they provide high profits. During the five years to 2007, all financial markets of the world grew an average of more than 10% per year [1; c. 14]. This process was accompanied by a steady growth of bond markets and real estate markets. Against this background, it was hard to believe that such a large market has problems.

Securitized mortgages that were sold worldwide, and were toxic financial instruments, except the US dragged into its orbit financial markets of other countries - Norway, Bahrain, Indonesia, China and others. and world financial pillars as Lehman Brothers, Bear Stearns and others. In 2008. Citygroup not received 18.7 billion. US., Lifted almost zero effort of the previous three years. Merrill Lynch lost 35.8 billion. Dollars. Income equal to the last 12 years [1; c. 9]. In some cases, the financial instruments used by banks and lenders in mortgage lending, have caused their own collapse.

It was believed that due to the transformation of banks mortgage products and bringing them many investors will be able to spread their risk and provide thus protection of the market. But in fact, due to the high risk form of a loan, coupled with overly long and leverage against lowering regulatory oversight by the state. Mortgage product was provided in the form of highly risky subprime mortgages (which became the backbone of the crisis), or repeated multiple loans by using perezastavy estate mortgage loans, the issuance of which did not need no or almost no

documentation of income or assets that encouraged delivery loans unreliable borrowers in connection with what seemed doubtful loans repayment [2].

When subprime mortgages understood loans to people who did not meet the criteria set by the provision of "conventional" mortgage loans, such as those who had low or unstable income. Financial innovation in the form of subprime mortgages allowed large numbers of Americans become homeowners for the first time, but eventually their share after the crisis will be lower than at the beginning. In 2007 legal action relating to an appeal to foreclose on the mortgaged property, were made of almost 1.3 million. People. It is estimated that in 2008 their number was 2.3 million. [3, 4] In 2009 about 3.4 million. Homeowners failed to fulfill its obligations under the mortgage loans and 2.1 million. People lost their homes. According to the Mortgage Bankers Association, as of March 2009, with 5.4 million. American homeowners who have a mortgage, about 12% had arrears of at least one month, or were foreclosed on their inherent properties [5, 6 7]. According to Moody's several million homeowners faced with foreclosure on the mortgaged their property. Thanks to the mortgage crisis threaten the savings of millions of people were convinced that it is possible to live beyond their means. [8]

Compound financial instruments have been designed so that the borrower receive more money. The process of securitization provided a permanent stream of payments that provide unprecedented profits and huge bonuses for top management of banks and investment companies. Last, not paying attention to the vulnerability used scheme not draw conclusions aimed at remedying the situation and tried to get as much profit and bonuses and get this done as soon as possible, the only contributed to the instability of the market.

Even the crisis and the subsequent collapse of mortgage lending did not contribute to changing the mentality of senior bank management. When the US government gave money to banks for recapitalization and restore the flow of credit, many bank executives instead of solving these important tasks received funds used to pay a record-breaking bonuses. Nine organizations lenders who collectively suffered losses of 100 billion. US., Got to their rescue program TARP 175 billion. US., Of which about 33 billion. Dollars. spent on bonuses, including nearly 5,000 employees received a million dollars or more for a real record losses. Other money was used to pay dividends, that money given by the government were distributed provided that no profit has been received [9].

Markets, according to the theory, should encourage the redistribution of capital for its most productive use in the years preceding the crisis, the Fed kept interest rates low to stimulate investment in production technology and equipment to ensure high rates of economic growth. However, in the United States and several other developed countries, this situation led to the bubble in the housing market, although the market is believed to not have to behave this way. According to historical practice, banks regularly use the funds to participate in overly risky transactions and provide them with the help of credit to those who subsequently can not get them back. Cases such loans, generating bubbles in the housing market, met several times and this is one reason that explains the need for state regulation of the financial system as a fundamental principle of its stability.

General trends of economic development suggest otherwise. First, in the 1980s, during the 1990s and so far, the dominant trend in world economic policy in the process of deregulation, even attempts to impose restrictions on used credit schemes, which, inter alia, the market lending subprime mortgages, strongly stop. Second, at the highest level within the Fed A.Hrinspen her head actually blocked a proposal to tighten control over the activities of creditors issuing subprime loans [10; R. Bl].

Designed by US financial institutions a number of innovative products related to high-risk mortgage loans, intended to maximize benefits rather than increase the efficiency of their work, which involves reducing operating costs and minimizing payments. In financial transactions implemented by banks in the mortgage market related to operating costs was the opposite. Through innovative products proposed in mortgage lending, credit institutions high transaction costs were profitable, and so they sought to make such payments maximum, not a minimum.

Deposit insurance with guaranteed government has given new impetus to the provision of bad loans and the emergence of other ways of assuming too high risks. Under the terms of insurance if the bank depositors money risked and suffered collapse, the government came to the rescue, if the bank won, all the additional income he took himself. Basic terms of banking and banking regulations were ignored. When the system of deposit insurance was offered for the first time in the midst of the Great Depression, President Franklin D. Roosevelt was so concerned about its associated moral hazard that fluctuated, but did not dare to support this idea. However, he was convinced that if insurance is accompanied by fairly strong regulation referred manage risk control. Indeed in the global economy for a long period of five years after the Second World War, when in this area were strict rules such bubbles naduvalysya.

In terms of banking deregulation in the current system of deposit insurance incentives to make overly risky loans in the financial markets grow. Financiers reasonably believed that the risk of default on a mortgage in which the difference between the software and the amount of credit debt was negative, significantly increased, especially in the use of the American system of non-recourse loans, under which the worst thing that can happen to troubled borrowers - is the loss of his home. In addition, the lender can not get anything out of it. Motivation depositors independently evaluate the risks of banks and their abusive use of money entrusted to them is not tenable because even managers of credit and financial institutions, and representatives of regulatory agencies at different times assess those risks differently.

There were other reasons for credit and financial institutions decide to earnings on a risky loans and participate in other excessively risky transactions. This is especially apparent after the abolition of Glass-Stiholla law in 1999, which separated commercial and investment banking activities. After that there was such a concentration of bank capital, which does not really imply the possibility of bankruptcy major banks and bank management knew that in a critical situation, the government will save them. This applies even those banks that are not included in the deposit insurance system, in particular investment. Consequently, the top management of banks were distorted incentives that prompted their decision to carelessness and too high risk.

Another important reason to bank activities after the introduction of innovative technologies has become a mechanism to create profit. Previously, banks received most of the profits interest rates are set for depositors and borrowers. The difference (spread) was very large, but usually commercial banks provide an acceptable return. With the easing regulations and reduce culture of doing banking, banks began to look for new ways to profit. Eventually they came to a payment system that ensures a great return.

Many innovative products based lay mortgages were designed so as to diversify risks as much as possible to ensure payments are often remained hidden for borrowers and avoid regulatory and accounting provisions limiting abuses in lending and risk-taking. Innovation helped hide the real situation and not show risks in the balance sheet. Innovations developed for risk management in the abuse of them, in fact, lead to increased risks.

Among these risky schemes that are used in the United States are the following:

1. 100% outright mortgage without recourse (category option transactions). If the home price increased, the homeowner left a difference. If he fell, he did not lose; borrower could just give the keys to the house and go to the lender at any time. This incentive to provoke the borrower strong temptation to buy a house more than he could actually afford. But as banks and mortgage initiators receiving payments in any case, they did not have reason to fight with this approach.

2. Mortgages with rates that "lure" (originally low rates, which in a few years, dramatically increasing) the so-called layer-payments (version when the last payment loan repayment significantly higher than previous). They led to repeated refinancing. Each such refinancing, because the borrower had to again make payments, credit and financial institutions again have access to sources of income. When enticing period ended, and rates for borrowers grew at maturity of loans past manifested in a difficult position.

3. Mortgage schemes that allow the borrower to choose the amount of payments. Under this option, the borrower did not have to pay interest every month in full. In these schemes was negative amortization, ie in cases where regular payments on the loan are insufficient for full repayment of interest, principal amount of debt simply increases the size of the unpaid interest. In other words, this approach year-end debt of the borrower revealed more than at the beginning.

4. Among the most popular new products related "debt scam", so called because for loans did not have to prove the existence of income. In many cases, even encourage borrowers inflate their income.

5. The various combinations of the following innovative mortgage schemes.

All the scheme was laid simple principle: the more the house, the greater the credit can be given for him, and the more credit, the higher will be payments. Lenders are guided by this principle, ignoring the fact that their actions in the future could lead to serious problems. Regulators and investors should refer to cautious with 100% -s mortgage, take mortgage scheme in which debt the borrower constantly growing and who are forced to repay the loan to resort to repeated refinancing.

The possibility of introducing innovative mortgage scheme fueled by several factors.

1. Waiting for the continuation of the dynamics of rapid growth in house prices and, therefore, the possibility of easy refinancing. However, this cost was not justified expectations. The real incomes of most Americans (inflation adjusted value) did not grow. In 2005 the median income family (family, on which half of all other income families more, while the other half less) was nearly 3% lower than in 1999. [11] House prices rose much faster inflation and increasing real incomes. From 1999 to 2005, residential property prices rose by 42% [12]. As a result, the ratio for the average family home prices and its revenues increased from 3.72 times in 1999 to 5.29 in 2005. [13]

2. Members of the mortgage market started from the assumption that when the time comes to refinance a particular mortgage, interest rates, credit conditions will not deteriorate, the dynamics of the unemployment rate will not be lower, lower real estate prices will not be observed, that each of these factors not raise the risk for the lender.

3. The transition from fixed to floating rates in mortgage lending. In the past, most Americans were long-term (up to 20-30 years) mortgage with a fixed interest rate at which the size of their payments did not change throughout the term of the loan. It looks great. The borrower knows what will be his mortgage payments and therefore can plan your budget. The reason that the borrower was used in a better position by taking a mortgage floating rather than fixed-rate, was the fact that usually long-term payment rates reflect the expected average value of future interest rates

and markets based on the fact that interest rates will remain approximately at the same level, without taking into account the atypical periods. Providing mortgage loans with floating rates generally represented by American know-how. In some countries, such as Turkey and providing these loans is simply not allowed. In the UK, even by many mortgage floating rate actual payments still fixed.

4. Abuse of Real Estate Appraisers who deliberately inflated valuation of the house, especially during the blowing bubbles, when real estate prices grew rapidly. In addition, they often received kickbacks from the lender, which also indicates the presence of the obvious conflict of interest. Borrowers had subprime mortgages in when they committed their transactions through brokers and lenders do not address directly pay the extra 17 thousand. To 43 thousand. Dollars. for every 100 thousand. dollars. credit [14]. These costs must be added about 1-2% of the loan amount that the broker has received from the borrower for implementation (as created visibility) deal. Moreover, most brokers received awards for being advised borrowers choose the most risky mortgage loans: Floating rate of prepayment penalties and even more when making payment the borrower refinancing. Brokers receive additional commissions and when advised borrowers to choose mortgages with a higher interest rate.

5. Reporting led to that loan payments can be taken into account as income and high profits lead to higher stock prices of companies that were initiated mortgages and other financial sector participants. Even if creditors holding at received as collateral property, standard accounting procedures worked in their favor. While it is clear that there is a high probability that many of the proposed "new" mortgage loans ultimately not be repaid, no marks of future losses in the reporting documents do not appear until on a specific mortgage loan application is done the inability of the borrower to repay it. Innovations of this kind occur in response to stimuli and incentives prompted to create products that gives a new payment rather than products that provide better risk management.

6. The possibility of diversification and risk sharing through securitization, which has become one of the main financial business in the 1990s. But diversification is only if the loans are made on a security is not correlated with each other. Before the advent of the financial instruments kept in their provision for loans issued by them. If the borrower is reported to be ineffective, the bank had dealt with all the related consequences. Banks worked on whether to extend the term of payment on loans, the need to turn to foreclose on the collateral realize that sometimes it was not easy. In securitization everything happened differently. Commitment to several mortgage loans combined into one package, which is then sold to investors. Thus, investors could never be in places where the houses are laid. In securitization investors can buy the share of mortgage packages, and investment banks could even combine several such packages, making diversify risks more easily [15, 16]. Securitization has generated information asymmetry: the buyer of securities typically knew about the associated risks less than the bank or company that offered mortgage product. Globalization has opened the door for the dissemination of these toxic mortgages around the world. Among other things, securitization complicates the renegotiation of mortgage in cases related problems.

7. Fiduciary Responsibility rating agencies, investment managers and regulators structures obliged to assess the level of excess risk assumed by banks and assessment of threats to banks' ability to fulfill its obligations. And they both actually have not fulfilled their assigned functions of the state. Rating agencies failed to detect the presence and degree of risk of financial products

whose safety they are tested. They do not have an objective analysis to identify the perverse incentives that guided the banks and investment companies in issuing mortgages.

8. Insufficient depth study of historical trends of the mortgage. For its analysts estimates based on past retrospectively minded trends. This resulted in the emergence of asymmetric information, however, not investment banks or rating agencies in their models do not take into account this asymmetry, so it was clear that the recently created innovative mortgage default risk is much higher than traditional loans. It challenged the revolutionary transformation of the financial market as a result of new investment products.

9. The complexity of investment products appeared. For their analysts had to resort to computer simulation. First mortgage packages are divided into one over the other tranches with different degrees of security. Any money received from borrowers, primarily directed to repay the "safest" (or upper) tranche in the pool. Once all payments under this tranche received the money sent to the next tranche and others. For the very lowest tranche payments could only get after provision of higher tranches. However, the highest tranche will still get rating AAA, if it provides to some unlikely situations associated with the announcement of default loans included in the pool at least some income for the lowest tranche. In fact, a variety of tranches were combined into complex schemes that led to the occurrence itself when the unlikely event of adverse pledged revenues could obtain not only lower tranche holders, but the owners and top, which nominally has a higher credit rating. In short, all bearing the loss, not just those who bought tranches with lower security.

There are several ways to solve the problem of foreclosed mortgaged property. In fact, the difficulty was how to keep houses hundreds of thousands of people who would otherwise lose them. Without the assistance of the banks can not. If the state will remove the risk from banks' balance sheets, it will help ease the tension in the credit market.

To reduce defaults have achieved increased ability and willingness of borrowers to carry out their mortgage payments. The key to this is to reduce the size of benefits that can be achieved by: 1) increasing the duration of the period of loan payments, in this case, borrowers face higher debt in the future; 2) to assist borrowers in making payments on loans; 3) reduction rates for these payments; 4) reducing the principal amount; 5) various combinations of the above schemes.

Banks prefer the first option mortgage restructuring, as it increases the length of the loan payments and allows them to recover additional charge for restructuring. In this case they not only did not lose, but even at this earn by making additional payments and interest. But macroeconomic development is the worst option because it only postpones the time of payment of the loans at a remote period. This is the option that is repeatedly performed relative to developing countries, the debt which ultimately exceeded their possible payments and become a global problem. The result of this approach would be another debt crisis that would come a few years.

However, at the forefront of pushing the argument in favor of granting temporary help Americans low- and middle-income countries to offset their housing costs (the second option). In the United States when calculating the amount of income tax are allowed to exclude from the taxable amount of interest paid on a mortgage and property taxes. By doing so, the government undertakes a significant fraction of the cost borrowers.

Providing help borrowers making payments on loans has its positive aspects to them. At home not overlap removal, it has a positive effect on property prices, they at least will not collapse. Benefits are all except banks. Government benefits from the accumulation of assets (after almost zero probability of default ads) and receive interest payments.

Otherwise, the quality of empty homes are quickly reduced. Housing prices, which is next to this house also reduced. In a growing number of people begins to exceed the value of the loan collateral value of their homes going down, and this leads to new applications in embedded real penalties. Typically, these homes eventually put up for auction at lower market prices manage to recover some of their costs [17].

The third option, which provides lower rates of payments, also represented a solution. Reducing the interest rate leads not only to reduce the amount of payments, but also creates an incentive for the borrower did not declare a default.

The best option out of the crisis would be the fourth option - reducing the value of the principal amount of the mortgage debt. This would weaken the incentive for the borrower to declare itself insolvent and would lead to the fact that in difficulty with mortgage payments would have fewer people. For banks, this would mean reconciliation with reality, the recognition of loans at inflated prices because of "financial bubbles nadulasya." The adoption of this option would put an end to the illusion that they can fully return data to loan money.

The fifth option is to use the existing world experience the success of the mortgage market or developing new schemes of the market, aimed at reducing the possible default of the borrower. For example, as an alternative to the US market can give an example of the Danish mortgage market, which for over two centuries. Share defaults on loans are small, and standardized products provide strong competition, which leads to low interest rates and low operating costs. One of the reasons for the small proportion of ads on loans in the insolvency of Denmark are strict rules, and borrowers can not exceed 80% of the house. In the American system also increases the risk of negative equity, and also encourages market participants to engage in speculative transactions. The Danish system, by contrast, is designed to prevent negative equity and prevent speculation. It is characterized by a high degree of transparency, so those who buy mortgage bonds are based on accurate information about the quality of credit ratings of each potential recipient mortgages.

In the Danish system, where it appears a mortgage created stuffy letter, and the buyer can repay the loan (with a corresponding decrease in the amount of mortgage deed). In the American system, when interest rates rise with concomitant risk reduction in price of housing is a big risk of negative equity. In the Danish system, if housing prices fall, and simultaneously decrease the amount of a mortgage deed, and therefore easier to homeowners pay off their debts. This prevents negative equity. In fact, the Danish mortgage deed contribute to refinance at higher interest rates; Americans are doing it only when interest rates fall [18].

Lenders in this situation does not lose, because homeowners will have to change the loan without recourse to loans with recourse. Non-recourse loan is similar to the option that provides the absolute revenue growth in house prices and limiting risks arising from the lower prices. The transition from non-recourse loan for credit with recourse leads to the fact that in this embodiment government directs its efforts primarily to rescue banks, leaving most of the borrowers in ignorance of the possible occurrence of various kinds of problems.

Conclusions. After infusion of money into the banks in the mortgage market problems have become more serious. It follows that in future years the banking system expect great difficulties. Option rescue banks, which was proposed by the US government, prevented the restructuring of mortgage loans, did not contribute to the restoration of credit, and because it is a system restore lending served as a pretext for the development of the state program for overcoming the crisis. Eventually this led to a significant increase in public debt than would be expected when using alternative approaches.

Banks resist the appearance of any form of writing off principal amount of any government programs and especially do not want to allow any judicial precedent involving bankruptcy. In these circumstances, the government was implicitly (as in the case of Citibank and clear) the insurer huge losses. This means that the losses of the banking sector actually transferred to the taxpayers, and get all the benefits of this sector. If banks are not restructured mortgages and if there is recovery of real estate market, banks will receive income, but if the market does not recover and as a result, their losses will be even greater this loss will fall on the shoulders of taxpayers. Obama administration essentially provided a great opportunity for banks to restore market speculation.

The probability of default principal amount of delay due to current payments on mortgage loans is much higher than the grace period for mortgage loans that are fully taken into account in the accounting documentation [19]. This is strikingly evident during the current deep recession, especially for those loans where the difference between the cost of providing and credit debt was negative.

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Keywords: mortgage loans, securitization, subprime mortgages, deposit insurance, financial institutions, banks, innovative mortgage scheme, risk models, encumbered estate, defaulted mortgage letter, the principal amount.

Ключові слова: іпотечні кредити, сек'юритизація, субстандартні іпотечні кредити, страхування вкладів, фінансові інститути, банки, інноваційні іпотечні схеми, ризики, моделі, закладена нерухомість, дефолт, заставний лист, сума основного боргу.

Ключевые слова: ипотечные кредиты, секьюритизация, субстандартные ипотечные кредиты, страхование вкладов, финансовые институты, банки, инновационные ипотечные схемы, риски, модели, заложенная недвижимость, дефолт, залоговый письмо, сумма основного долга.

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**JUSTIFICATION TYPES OF ECONOMIC DAMAGES AND LOST PROFITS
CAUSED BY THE VIOLATION OF INTELLECTUAL PROPERTY RIGHTS**

Pererva P., Doctor of Economics, Professor, Dean of the Faculty of Economics of the National Technical University "Kharkiv Polytechnic Institute", Kharkov

Tkachev M., Postgraduate student of production and management personnel of the National Technical University "Kharkiv Polytechnic Institute", Kharkov

Pererva P., Tkachev M. Justification types of economic damages and lost profits caused by the violation of intellectual property rights.

The article considers the methodological approaches to identify and study types of economic loss and loss of profits in violation of the exclusive rights. A classification criteria losses holders of counterfeit goods: direct economic losses associated economic losses, lost profits copyright owner, the copyright holder moral hazard. Grounded types of economic losses holders of each of the classifications. The main attention was paid to reducing consumer confidence in the goods and services produced with the use of a registered trademark. Proposed to consider reducing the market share, which was in the possession of the trademark holder. Defined as a loss of direct economic losses by the owner of license benefits and increase of constant cost of advertising and promotion, as well as an increase in unit costs holders logistics. The structure factors of profits attributed the shortfall in revenue or profit in two ways: by replacing parts original and counterfeit products due to disruption of the conclusion of commercial agreements with potential licensees. This group also include potential losses resulting from the total or partial failure of existing contractors from supplying products manufactured with the use of intellectual property. First consider the proposed direct economic losses holders of production excess production and related economic losses. The economic essence of the past is that the complexity of the production, sale and use of original products may affect the other products that are in some way connected with the main products.

Перерва П. Г., Ткачов М. М. Обґрунтування видів економічних збитків та упущеної вигоди, завданих порушенням прав інтелектуальної власності.

У статті розглянуто методичні підходи до визначення та обґрунтування видів економічних збитків та упущеної вигоди при порушенні виключних прав (прав інтелектуальної власності). Запропоновано класифікаційні ознаки втрат правовласників від контрафактної продукції: прямі економічні збитки, супутні економічні збитки, упущена вигода правовласника, моральна шкода правовласника. Обґрунтовано види економічних втрат правовласників по кожній із класифікаційних ознак. Основна увага була приділена зниженню довіри споживачів до товарів та послуг, вироблених з використанням зареєстрованого товарного знаку. Запропоновано враховувати зменшення частки ринку, яка була в розпорядженні правовласника товарного знаку. Визначено в якості прямих економічних збитків недоотримання правовласником ліцензійних вигод та збільшення частки умовно-постійних витрат на рекламу та стимулювання, а також збільшення питомих витрат правовласників на логістику.. До складу факторів упущеної вигоди віднесено недоотримання доходу або прибутку в двох напрямках: за рахунок заміщення частини оригінальної продукції контрафактом та внаслідок зриву укладення комерційних угод з потенційним ліцензіатами. До цієї групи також віднесено потенційні збитки, отримані внаслідок повної або часткової відмови діючих контрагентів від поставок продукції, виготовленої з використанням об'єктів інтелектуальної власності. Вперше запропоновано враховувати прямі економічні збитки правовласників від виробництва надлишкової

продукції та супутні економічні збитки. Економічна сутність останніх полягає в тому, що складнощі з виробництвом, продажами та використанням оригінальної продукції може позначитися на інших виробках, які певним чином пов'язані з основною продукцією.

Перерва П.Г., Ткачев М.М. Обоснование видов экономического ущерба и упущенной выгоды, причиненных нарушением прав интеллектуальной собственности.

В статье рассмотрены методические подходы к определению и обоснование видов экономического ущерба и упущенной выгоды при нарушении исключительных прав (прав интеллектуальной собственности). Предложено классификационные признаки потерь правообладателей от контрафактной продукции: прямые экономические убытки, сопутствующие экономические убытки, упущенная выгода правообладателя, моральный ущерб правообладателя. Обоснованно виды экономических потерь правообладателей по каждом из классификационных признаков. Основное внимание было уделено снижению доверия потребителей к товарам и услугам, производимых с использованием зарегистрированного товарного знака. Предложено учитывать уменьшение доли рынка, которая была в распоряжении правообладателя товарного знака. Определено в качестве прямых экономических убытков недополучение правообладателем лицензионных выгод и увеличение доли условно-постоянных затрат на рекламу и стимулирование, а также увеличение удельных расходов правообладателей на логистику. В состав факторов упущенной выгоды отнесены недополучение дохода или прибыли в двух направлениях: за счет замещения части оригинальной продукции контрафактом и вследствие срыва заключения коммерческих соглашений с потенциальными лицензиатами. К этой группе также отнесены потенциальные убытки, полученные в результате полного или частичного отказа действующих контрагентов от поставок продукции, изготовленной с использованием объектов интеллектуальной собственности. Впервые предложено учитывать прямые экономические убытки правообладателей от производства избыточной продукции и сопутствующие экономические убытки. Экономическая сущность последних заключается в том, что сложности с производством, продажами и использованием оригинальной продукции может сказаться на других изделиях, которые определенным образом связаны с основной продукцией

Problem. Safety and protection of intellectual property in today's market economy Ukraine is important in production and business activities of its participants, who will not only be clear about the nature of intellectual property, but also to a certain material costs may lead violation of their rights needed to protect intellectual creations of man, his interest in the moral and material spheres that arise in its activities in various areas of innovative sectors.

Analysis of recent research and publications. Certain developments in the field definition and justification types of economic losses and profits in violation of the exclusive rights is A.V.Kostina in scientific publications [1-3] V.I.Muhopada [4] A.M.Kozyryeva [5] P.M.Tsybulova [6] V.H.Zinova [7] K.A.Orkinoyi [8] and others. [9; 10; 11]. Renowned researcher loss of intellectual property holders A.V.Kostin [1-3] in the assessment of losses holders ignores any related losses or moral damages, which are usually considered in court for violations urge exclusive rights to compensation. In our opinion, these types of damages should consider and make recommendations on their definition, and are another matter whether or not they are compensated by voluntary agreement of the offender, or by court order.

The article is a study of guidelines to identify areas' economic losses and profits in violation of the exclusive rights.

Statement of the main research. Compensation for loss - a reimbursement of expenses incurred legal or natural person whose rights are violated, and no revenues that could get the person

under normal conditions of turnover, if his right was not violated. Our proposals to determine the classifications losses poruschennya exclusive rights given in Figure 1.



Figure 1 - Classification of areas of formation damage in violation of the exclusive rights

The generalization of existing scientific research allowed the authors to isolate, to complement and justify the following types (Types formation) economic loss of patent holders from infringement of intellectual property rights (counterfeit, fake).

1. Reducing consumer confidence in goods and services, manufactured using a registered trademark. The presence of this type of damage occurs in the case where counterfeit products have significant differences in quality from the original. Experience shows that a consumer who buys a product or service, virtually no attention paid to the fact that someone raised in the exclusive trademark rights or not. The main goal is to get the customer required quality product for a certain amount of their money. If consumers will not hold product quality or price / quality ratio, in the future it is likely to give up buying this brand, and its holder is not objectively objectively lose customers (we can talk about how one particular customer and a share of the target market).

2. Reduction in market share, which was made available to the trademark holder. The presence of this type of damage occurs in the case where counterfeit products no significant differences in quality from the original. But for dear goods market size is appropriate limits, which are not easy to expand. The additional products made with the same utility value will inevitably lead to some negative consequences Manufacturer: decrease in sales of original products and the creation of surplus stocks; the need to reduce prices to eliminate surplus stocks (according to the law of demand). Note that in this case the capacity of the target market may not change or may keep growing, but the relative share of the copyright owner (licensor and / or licensee) will decrease, not increase, or will grow at a slower pace.

3. shortfall copyright holder of license fees. The practice of patent licensing market economy requires a license agreement between the patent (the licensor) and patentokorystuvachem (the licensee), which provides for official permission for the use of his intellectual product. For permission Licensee shall pay Licensor a fee in the form of royalties or lump sum payment or a combination thereof. If the trademark rights or other object of intellectual property violations, then wipe holder of such payments of existing license agreements due to the fact that some products sold in the market were replaced counterfeiting or commercial bids for the supply of more favorable for sellers and consumers (especially in price terms) conditions. Accordingly, its total revenues are reduced, which reduces not only the valuation of intellectual property, but also the value of the business as a whole. Especially noticeable economic losses may be in the case where the license fees received by Licensor a royalty (there is a direct correlation, licensed products sold less - less than the absolute amount of royalty payments).

4. Increase of constant advertising costs. The value and prestige of the product and, consequently, its brand is largely provided advertising and informational influence of market process. All costs of financing this process usually performs holder, so in violation of trademark rights, ie the emergence of the market counterfeiting (counterfeit), the effectiveness of promotional activities will have a tendency to reduction objective. In these circumstances, to achieve goals related object of the present intellectual property, there is a need to increase spending on additional advertising and information measures to restore goodwill and trust of consumers in relation to the right to IPO. Conducting such measures will also contribute to enhanced support for original products that can somehow compensate various kinds of negative consequences that may occur in the target market as a result of it the appearance of counterfeit goods.

5. shortfall in revenue or profit (loss of profits) by the owner or holder of the exclusive license (the licensee) due to the fact that part of the product sold in the market were replaced counterfeiting. This holder was unable to independently sell (hold supplies) original product of the territory or market the patent infringer due to supply counterfeit (false) product or use a patented method of its production in the patent. Our studies indicate that the received benefit or loss of profits in highly complex definitions and proofs. In its definition and justification to show the presence of a causal relationship between the facts improper actions violator and damages. In order to obtain the necessary information required for the calculation of the size of the examination of actual loss based on retrospective analysis and research practices similar violations, to determine the actual conditions of the exclusive rights violations received by the offender income, potential and plans of the authors, and determining the presence and depth of the relationship between these factors.

6. shortfall in revenue or profit (loss of profits) by the owner as a result of the breakdown of the conclusion of commercial agreements with potential licensees directly knitted with the appearance of the target market of counterfeit (false) product or use a patented method of its production in the potential of the license, which was supposed to give third party interest and to which a third party as a result of actions of the offender was reduced or completely lost. A similar situation can occur and when the opportunity assignment of a patent on certain commercial terms, but due to the same circumstances, and this agreement may be impossible, which potentially could result in loss of potential opportunities for patent income (loss of profits).

7. Potential damages (lost profits) resulting from the total or partial failure of counterparties operating supply batches produced using intellectual property (inventions, utility models, industrial designs, etc.) are protected by patents. Along with this are also possible cases of collapse of

negotiations with potential consumers of such products in connection with the appearance on the market of counterfeit (false) products or commercial offers to its delivery to more profitable for sellers and consumers (in price terms) conditions. Status profits in this area can get the status of direct damage if refusal to supply concerns are output. And this situation is more than possible, since there is not always supply evenly stocks of finished products may vary as zero (absent stocks) and to a very large size.

8. Direct economic losses, along with the loss of profits arising in licensor (property) and if the licensee on its own initiative exceeds the amount referred to it licensed the exclusive rights in relation to production volumes; area where it is produced, sold and consumed; type of license, etc. For example, under license, the licensee has the right to release products in 1000, for this number the licensor paid a fee (lump-sum payment) which do not vary with production volumes exceeding the licensee. That is, in this case the offender is a licensee, assigns part of the profits that rightfully belongs to the licensee (direct economic losses). If it was not, the licensor at least increase the amount of lump sum payment or royalties, or could find new licensees in more favorable conditions (loss of profits).

9. The increase in unit costs holders logistics. When counterfeit products to market trend in the number of holders rates and sales of original products is reduced, which can lead to an increase in product inventory holder (according to increased costs for their service), changes in schedule and rhythm as transportation of products in stock, and the space direct selling.

10. Direct economic losses licensor in connection with the early rupture of license agreements on the initiative of the licensee because of losses in the use of available licenses and deciding on its inefficient use. Moreover, a number of measures that have been or could be taken to correct violations in exclusive rights have not yielded positive results. Or these effects have not been sufficiently effective.

11. Economic losses from the production of surplus products. In some cases, damage to this area can be significant, as the future of the already made original products, with a potential replacement demand for counterfeiting (forgery), remains uncertain. Here there may be different options, the holder can realize surplus agricultural products, but at a discounted price within cost (losses will apply only to foregone revenue); holder can realize surplus agricultural products at prices less than the cost (losses will apply not only foregone profits, but losses to compensate for part of the cost); holder simply has no chance to sell surplus production (losses will apply not only foregone profits and losses in compensation costs, but will need additional cost of waste disposal, net residual value - for example, the price of scrap metal).

12. Related economic losses, the essence of which is that the complexity of the production, sale and use of original products may affect the other products that are in some way related to the main products. This may relate to: the volume of production and marketing (corresponding volumes of profits), where data items are part; spare parts for original products, providing services for this product (installation, commissioning, maintenance, force majeure service - removing sudden failures, etc.); further expansion of the consumer as the main product; initial capital investment to expand production of original products, which can not be grounds; marketing expenses elaboration of new markets that may be in vain; other related economic losses.

13. Non-pecuniary damage (loss) inflicted holders as individual (additional to the direct and potential economic damages by the court) or damage caused to the right holder reputation as a legal entity (reduction of the valuation of goodwill). The latter can be determined on the basis of certain quantitative economic calculations, since, unlike the moral harm to an individual, there is some

scientific and methodological basis for the calculation of the value of goodwill to the violation of the rights holder and after the violation has been made. When moral damages in this context propose understand non-property losses due to moral or physical suffering or other negative effects caused by a natural or legal person (holder. Inventor, author of a work of science, literature, art and architecture) a breach of moral (exclusive) rights ie unlawful acts or omissions of others.

Conclusions. Developed and reasonable directions of forming direct economic damages and lost profits in violation of intellectual property determines the main industrial areas and school material profits. In addition, the use of the proposed algorithms and approaches allowing holders of trademarks minimize their costs in the protection of their rights and interests, as well as reduce risks trademarks of management as intangible assets.

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Keywords: intellectual property rights holders, rights violations, damages, lost profits, moral hazard

Ключові слова: інтелектуальна власність, правовласник, порушення прав, збитки, упущена вигода, моральна шкода

Ключевые слова: интеллектуальная собственность, правообладатель, нарушения прав, убытки, упущенная выгода, моральный ущерб

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DEVELOPMENT APPROACHES OF THE REGIONAL INNOVATIVE POLICY, THAT IS THE MAIN THING OF THE MARKETABILITY OF THE UKRAINIAN REGIONS

Makarenko M.V. , Dr. sc.oes , assistant professor , head of a Business management and business activity on the sea-going vessels department of the Azov Maritime Institute Odesa National Maritime Academy.

Shayhatdinov A.Z. , candidate of historical science , assistant professor of the department of the IP and the law of the Public higher education institution Pryazovskyi State Technical University.

Makarenko M., Shayhatdynov A. Improvement rehyonalnoy direction ynnovatsyonnoy Policy How Glavnyi factor of competitiveness of regions of Ukraine.

In the article the importance and significance of regional innovation policy in shaping and strengthening the competitive potential of the regions. The main directions and principles of regional innovation policy, which should help to increase their innovative potential and to accelerate their economic development. The basics of innovation policy at national and regional levels to reflect some of the key priorities of innovation in operations. The article made a platoon that, given the similarity of experience developing in innovation and their strengths in the field of technologies could be taken as a natural strategic partners in mutual efforts to overcome the technology gap. To fulfill this role you need to create the right framework for access to scientific, technological and innovative resources in developing countries. Technological and innovative resources of regions of different countries will be crucial for networking companies and organizations in developing countries to the global knowledge economy in order to accelerate the development process. All this should be based on an understanding that innovation - is a multifaceted, highly interactive process as integrating science, technology and production, and to facilitate the promotion of charitable spirals productivity growth, technological progress and structural change in the world needs a new strategic thinking.

Макаренко М. В., Шайхатдінов А. З. Напрямки вдосконалення регіональної інноваційної політики як головного чинника конкурентоспроможності регіонів України.

У статті обґрунтована важливість і значимість регіональної інноваційної політики у формуванні й зміцненні конкурентного потенціалу регіонів. Запропоновані основні напрямки й принципи регіональної інноваційної політики, які повинні сприяти розширенню їх інноваційного потенціалу й прискоренню їх економічного розвитку. Розглянуті основи інноваційної політики на національному й регіональному рівнях для відбиття деяких ключових пріоритетів інноваційної діяльності в операціях. В статті зроблений висновок, що з урахуванням подібності досвіду країн, що розвиваються в інноваційній сфері і їх сильних сторін в області технологій ці країни можуть бути прийняті в якості природних стратегічних взаємних партнерів у зусиллях по подоланню технологічної прірви. Для виконання цієї ролі потрібно створити правильну основу для доступу до наукових, технологічних і інноваційних ресурсів у країнах, що розвиваються. Технологічні й інноваційні ресурси регіонів різних країн будуть мати вирішальне значення для налагодження зв'язків компаній і організацій країн, що розвиваються із глобальною економікою знань із метою прискорення процесів розвитку. Усе це повинне будуватися на розумінні того, що: інновації – це багатогранний, у вищій мері інтерактивний процес, що інтегрує науку, технологію й виробництво, і для сприяння розкручуванню добродійних спіралей росту продуктивності, технологічного прогресу й структурних перетворень в усьому світі необхідно нове стратегічне мислення

Макаренко М.В., Шайхатдинов А.З. Направления совершенствования региональной инновационной политики как главного фактора конкурентоспособности регионов Украины.

В статье обоснована важность и значимость региональной инновационной политики в формировании и укреплении конкурентного потенциала регионов. Предложены основные направления и принципы региональной инновационной политики, которые должны способствовать расширению их инновационного потенциала и ускорению их экономического развития. Рассмотрены основы инновационной политики на национальном и региональном уровнях для отражения некоторых ключевых приоритетов инновационной деятельности в операциях. В статье сделан вывод, что с учетом сходства опыта развивающихся в инновационной сфере и их сильных сторон в области технологий страны могут быть приняты в качестве естественных стратегических взаимных партнеров в усилиях по преодолению технологической пропасти. Для выполнения этой роли нужно создать правильную основу для доступа к научным, технологическим и инновационным ресурсам в развивающихся странах. Технологические и инновационные ресурсы регионов разных стран будут иметь решающее значение для налаживания связей компаний и организаций развивающихся стран с глобальной экономикой знаний с целью ускорения процессов развития. Все это должно строиться на понимании того, что инновации - это многогранный, в высшей мере интерактивный процесс, интегрирующий науку, технологию и производство, и для содействия раскрутке благотворительных спиралей роста производительности, технологического прогресса и структурных преобразований во всем мире необходимо новое стратегическое мышление.

Problem statement. Switching to the innovative way of economic and social development in Ukraine is an essential condition for its appearance in the leading positions in the modern world of globalization. An innovation policy takes a special place among the wide variety of methods, forms, approaches and ways that makes a significant process acceleration of the becoming an innovation economy possible. This innovation policy is formed in the regions of Ukraine.

Recently, the formation and implantation of the regional innovation policy to competitive recovery of the Ukrainian economy became the main subject of the local economists' researches. Foreign scholars found out, and practical activity of the developed countries confirmed that regional innovation policy is the source of the increasing production efficiency, increase its marketability, and increase citizens' welfare.

The innovation regional policy gets more recognition in government, that examines the content and implementation of the policy vectors. However, local scientific literature yet hasn't clearly identified the main points of the regional innovation policy, its immensity and necessary components.

A review of recent papers. Such scholars as Danko M., Nikolaev, A., D. Kokurin, Lixin B. Denysyuk V. and others devoted their works to the questions of the management forming regional innovation policy, the problems of the increasing marketability of the regions. Switching to the innovative way of economical and social development in Ukraine is followed by many problems, but it is an express condition for its appearance at the global level. This switching equires extensive research.

The object of the article is to investigate areas of improvement of regional innovation policy as the main factor in the marketability of regions of Ukraine.

The main statements of the research. Implementation of the full innovative potential of the region requires significant changes in the means of economical management in order to direct it to enhance the marketability and development. The ways and means of solving the problem also must be fully examined within the policy and practice at both national and regional levels. For example Donetsk region has considerable scientific potential, which should be the basis of the scientific, technological and innovating development and establish long-range social and economical structure of the region. There is a positive tendency of the numeral growth of the complete scientific and technical works. Since 2000, the share of companies that dealt with the

innovation continuously decreased, for the share of industrial enterprises that implemented innovations also reduced. Research intensity of the industrial production in Ukraine is about 0.3%, that is next smaller than worldwide level. The product release of the third technological way in Ukraine today is almost 58%, of the fourth technological way- 38%, and only 4% is fifth technological way.

One explanation for this negative situation is the lack of funding of companies that dealt the innovations and where these innovations were implemented. According to the studies conducted by the State Statistics Committee of Ukraine, the innovation of local companies constrain: the lack of funding (response 86%), the high costs (40%), the lack of funds of the customer (40%), high interest rates (39%), inadequate legislation (32%), difficulties with raw materials (29%), high economic risk (24%), lack of demand for products (15%), lack of information about markets (11%) [1, 237].

A number of principles on which is possible to build a conceptual framework for cooperation between regions both within the state and beyond in the field of technology and innovation, is proposed to solve the questions related to the formulation of an effective regional innovation policy. To begin with, short-term tasks associated with trade openness and import resources for industrialization process should be linked to longer-term goals of technological development in the developing world in general. Thus, the conceptual basis of cooperation can help in linking regional interests of all countries involved in this extremely important area. For another thing, though the technology and knowledge are key resources for the liquidation process the backlog (and convergence) due to them a lot of countries adopt the ideas and concepts of the advanced industrial countries, the accumulation of technological capabilities will not be possible without a clearly articulated policy and institutional support from the international community and the countries themselves. In this regard, within the conceptual basic framework of such countries, that are developing, is proposed to strengthen their cooperation with special emphasis on cooperation in the field of technology and innovation. It is recommended to adopt a conceptual framework that encourages interaction at three different levels: - the exchange of experience in policy development and the formation of policy in the field of technology and innovation; - the exchange of technologies and guarantee of flows in order to build capacity and share of public sector in the development area of technology; - transfer of technology in key sectors that are important for the well-being of the population, such as agriculture, health, climate change and renewable energy.

This kind of conceptual basis of regional co-operation in the field of technology and innovation must go beyond setting priorities and political declarations; it should provide clear guidelines for concrete measures.

The following is a set of principles that could serve as a foundation for this kind of international conceptual framework. These principles derive from some important questions in the context of technology exchange and innovation globally and among developing countries. They are briefly described below.

1. Technological needs of all developing countries should be better reflected within the current interaction between regions. To get over the gap between formal and informal institutions holding significant number of developing countries and promote the development of domestic capacity requires more cooperation initiative in meeting their technology needs in a dynamic and coordinated manner. This form of cooperation not only causes the need for increasing investment in education, professional training and advanced training by countries themselves, but should also be supported by better access to more favorable conditions to opportunities for capacity building in the field of knowledge and technology through, for example, inter-firm cooperation joint ventures and licensing agreements. Therefore, to reorient the economy of the developing countries for activities designed to increase added value and increase return on investment, extremely important has the supporting of the activity-based knowledge.

2. One should share more the experience of the countries in the strengthening the innovative capacity. Countries with market economies that are emerging, implement various policy measures and strategies in the industrial sector and in the area of development to facilitate the elimination of

the technological lags. An innovation policy is a key component of such strategies. Basic innovative policy can be understood as purposeful measures and incentives, provided by governments to encourage interactive learning and interaction between economic and non-economic by all actors in the system. This policy plays a crucial role in addressing market failures that impede technological progress and they are ubiquitous and widespread phenomenon, especially in developing countries. Exchange of policy's experience has actual meaning, because of two main reasons. First of all, it is useful for making general conclusions and identifying best practices in the matter of how a developing country can contribute to elimination of the economical backwardness. Secondly, this experience can also be very instructive to identify possible policy options aimed at fostering links between different aspects of innovation systems. Though not all measures will be applicable in all countries on a universal basis, sharing this experience will identify countries that are developing the whole range of policy options that can be used to encourage investment, linking IPR protection on innovation policy, linking companies development of innovation policies, coordination of research between universities and industry, etc.

3. The accumulation of knowledge should be encouraged through alliances and technology transfer. Reorientation of the regional co-operation in the field of technology and innovation, with a particular focus on encouraging the development of technology-based own rich and varied experience of the countries is badly needed. For decades in international discussions, that are developing sought access to some of the facilities of the accumulation of knowledge, including channels of technology transfer. Technological development means something more than simply encourage imports of technologies through the channels of foreign direct investment or trade of production. As discussed, more resolute is empowerment by means of developing of skills and transfer of operational and exploitation know-how, stimulating economic growth. Technological cooperation mechanisms provide opportunities to exchange experience in the field of strengthening the technological capacity and technology transfer. Moreover, in the developing countries these mechanisms may be particularly relevant because these countries have common tasks in the field of development. Such mechanisms can complement already ongoing efforts stimulating the transfer of technology between regions by strengthening the emphasis on technology development and strengthening of local innovation capabilities. One such mechanism is the creation of strategic technology alliances between some developing countries, especially countries with market economies, that are only emerging and other developing countries, to promote the accumulation of knowledge in the sector, which has achieved a certain level of local technological capabilities. Another method that the country could use experimenting with various solutions, is the transfer of technology and exchange of intangible know-how.

4. To support strengthening of the technological capacity foreign direct investment should be greater focused on technology. Many countries use FDI as a tool to facilitate the assimilation of technology and strengthening innovation capabilities. The Republic of Korea is an example of a country that has been taking efforts to use FDI as a source of technology as part of its overall strategy of industrial development. There are examples where foreign direct investment gave positive results in terms of strengthening national technological capabilities. Uganda and Ethiopia are interesting examples of countries where governments have encouraged the transfer of intangible know-how of foreign companies investing local partners. These examples show that foreign direct investment can be used in combination with other policy measures. However, in general, between innovation policies and policies on foreign direct investment in countries often have a break. This gap must be overcome by developing a framework of innovation policy that would allow recipient countries to realize the potential of foreign direct investment for the development of technologies.

5. To solve common objectives to developing countries should combine technological resources. There is a certain range of tasks in the field of development in all countries in varying degrees. They need technological innovation and platforms that facilitate a more orderly transition to a "competitive economy" and help to solve tasks linked to mitigate climate change and adaptation to it, to encourage the use of sustainable energy and technologies based on renewable

energy and contribute to the improvement of public health and food safety. To solve all these technical problems one can develop general measures.

In all these areas, the level of potential local companies in many developing countries is not sufficient to support the formation of traditional forms of technological alliances. Therefore it is necessary to create new alliances that allow you to develop specific types of technologies that are crucial to a developing country. Developing countries would also facilitate the exchange of existing knowledge in key sectors and areas that still wore systematic.

The experience of countries in strengthening innovative capacity is of particular relevance to bridge the technology gap; moreover, their technology is often better exposed as local adaptation in other developing countries through such conditions, so they are more suitable for these countries. The main directions of regional innovation policies are not exhaustive, but serves to pave the way forward. In addition, they should not be interpreted as binders for developing countries, especially with developing market economies, in the questions of obligations in the field of technology. Policies are offered, designed to facilitate technology cooperation between regions through targeted for long-term institutions in all developing countries, as both suppliers and recipients of technological knowledge through joint projects.

Fundamentals of regional innovation policy can be reinforce by the following policy measures targeted specifically at promoting regional cooperation in the field of technology and innovation.

Coordination of local and regional innovation policy with initiatives of individual regions. There are often differences between national and regional policies in the field of technology and innovation . Also, since some developing countries only recently become significant sources of accumulation of technological knowledge, many existing policy instruments are not directly related to cooperation in this field. For reflection and recognition of a new reality in the developing countries as a target for long-term partners in strengthening the technological capacity of this situation should be fundamentally changed within the setting of a new course in politics at both the national and regional levels.

As part of this work we need to review the basics of innovation policy at national and regional levels to reflect some of the key priorities of innovation activities in operations. To directly stimulating technological cooperation regions need to adopt a number of policies, which include the following aspects, but not necessarily limited to them: - linking FDI interested countries with clearly stated requirements in technology and intangible know-how; - provision / use of existing public funding to promote scientific and technological cooperation between the countries concerned in priority sectors (within their regions or even outside); - providing special incentives and tax breaks to local companies in exchange for the creation of joint ventures or joint production agreements concluded with companies from developing countries with a focus on the acquisition of technology; - provide incentives for foreign companies from developing countries, especially with market economies, that are only forming, such as special tax credits or guarantees under public procurement in exchange for setting up manufacturing facilities and know-how to local companies; - technological incubators provide services to support the application of new technologies in the local industry in assisting developing countries, especially with market economies.

Providing incentives for reorientation to activities with higher added value. To bring to a minimum the risk that local companies will remain closed at the lower levels of global production networks at low or no chances of advancing up the manufacturing value chain, required concerted policy actions in support of their participation in the activity that provides higher VAT. In this context, an activity that provides a high added value, closely related, but not fully identified with the manufacturing industry, although this sector, no doubt, is vital for structural change. The concept of higher added value should be kept in mind as increasing social added value from innovation, which inherently involves providing colligation of innovation activities to local needs, and stimulate conveniently and inclusive growth and its focus on the poor. Stimulating of this reorientation to enhance added value, especially in countries with rich natural resources can help to innovative funds both the national and the sector level.

Paying careful attention to the policy of countries with market economies in the development of technologies. To ensure that the development of technology will be an important component of the interaction region, interested countries could start using policy that help to focus on mutually beneficial cooperation in the field of technology and innovation.

Conclusion. Taking into account the similarity of the experience of developing countries in the sphere of innovations and their strengths in technology, these countries can be taken as a natural strategic partners in mutual efforts to overcome the technological divide. For this we must create a valid basis for access to scientific, technological and innovation resources in developing countries. Technological and innovation resources of regions of different countries will be crucial to networking companies and organizations in developing countries to the global knowledge of economy in order to accelerate the development process. All this must be based on the understanding of the next point: innovation is the application of better solutions that meet new requirements, in-articulated needs, or existing market needs. This is accomplished through more effective products, processes, services, technologies, or ideas that are readily available to markets, governments and society.

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Keywords: innovation policy, competitiveness, region, innovation, collaboration, technology needs, technology cooperation.

Ключові слова: інноваційна політика, конкурентоспроможність, регіон, інновація, співробітництво, технологічні потреби, технологічне співробітництво.

Ключевые слова: инновационная политика, конкурентоспособность, регион, инновация, сотрудничество, технологические нужды, технологическое сотрудничество.

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ADAPTATION OF INTERNATIONAL EXPERIENCE IN THE IMPLEMENTATION OF ANTI-CRISIS POLICY IN THE TOURISM INDUSTRY IN UKRAINE

Markina I., Doctor of Economics, Professor, Vice-educational and international cooperation, head of the department of management and administration of Poltava National Technical University named after Yuri Kondratyuk

Chernish I., PhD, associate professor, assistant professor of management and administration of Poltava National Technical University named after Yuri Kondratyuk

Markina I. Chernish I. Adaptation of international experience in the implementation of anti-crisis policy in the tourism industry in Ukraine.

Further development of the received scientific approaches to the selection of forms and methods of state regulation of the tourism industry on the basis of improved classification was presented in the article. Their expediency at the state level as the most effective model of state regulation based on Keynesian theory ("Asian"), the use of which will bring out the tourism industry in Ukraine from the crisis was presented. The experience of countries that use the most effective forms and methods of the model and their output for the tourism industry in order to come from the crisis, and that should be taken into account by the State Agency of Ukraine for Tourism and Resorts in order to solve this problem was presented.

Маркіна І. А., Черниш І. В. Адаптація міжнародного досвіду при реалізації антикризової політики держави у туристичній галузі України.

У статті отримали подальшого розвитку наукові підходи щодо відбору форм і методів державного регулювання туристичної галузі на основі вдосконаленої класифікації; обґрунтовано доцільність застосування на державному рівні найбільш ефективної моделі державного регулювання на основі кейнсіанської теорії («азіатської»), використання якої дозволить вивести туристичну галузь в Україні з кризового стану; узагальнено досвід країн, які використовують ефективні форми та методи відповідно цієї моделі для виведення туристичної галузі з кризи, та який повинен бути врахованим Державним агентством України з туризму та курортів із метою вирішення цієї проблеми.

Маркіна И.А., Черныш И.В. Адаптация международного опыта при реализации антикризисной политики государства в туристической отрасли Украины

В статье получили дальнейшее развитие научные подходы к отбору форм и методов государственного регулирования туристической отрасли на основе усовершенствованной классификации; обоснована целесообразность применения на государственном уровне наиболее эффективной модели государственного регулирования на основе кейнсианской теории («азиатскую»), использование которой позволит вывести туристическую отрасль в Украине из кризисного состояния; обобщен опыт стран, использующих эффективные формы и методы в соответствии этой модели для вывода туристической отрасли из кризиса, и который должен быть учтен Государственным агентством Украины по туризму и курортам с целью решения этой проблемы.

Problem. Since Ukraine's transition to a market levers of the economy, has led to the use of the liberal model of governance in general and, in particular - the processes occurring in the tourism industry, was the destruction of its infrastructure. Tourism - a sector of the economy, does not fulfill the main function of development, have spread trends in its shadow, unjustified increase of prices

for tourist services, with their low quality decline in inbound and domestic tourism. According to the famous Russian scientist and economist, VA Quarterly, which we completely agree listed negative trends characteristic for Ukraine and for most CIS countries and is a testament to the lack of conceptual approaches to anticipation and overcoming the crisis in the industry [1, p.22]. Disclaimer state regulation of the tourism industry to more stringent conditions using administrative methods and, in particular - its planned development, which is typical of all CIS countries [2], led to the emergence and development of the crisis.

The paradox of tourism development in Ukraine, which, on the occasion of the developed countries, the state is not carried out an active policy to promote national tourism product [3, s.252; 4, p.68], characterized by the fact that the state was unable to attract foreign tourists with sufficient historical and cultural heritage and favorable natural for this area. Thus, more Ukrainian citizens prefer outbound travel.

The foregoing necessitates the formation of an effective anti-crisis policy based on the active intervention of state institutions in the processes that occur in it as "... the possibility of self-tourism industry is now completely exhausted ..." [5, p.93].

Thus, the formation of anti-crisis policy in the tourism industry in Ukraine today is a contemporary issue that necessitates the adaptation of international experience of anti-crisis policy in other countries. Thus, to overcome the crisis in the tourism industry in Ukraine valuable experience of leading countries in the international tourism market, which at certain intervals find ways of removing the industry from the crisis through the use of appropriate forms and methods of state regulation.

Analysis of recent research and publications on a given issue. Among the scientists who devote their recent research study of international experience in the tourism industry can be identified by mortgages FD, Ilyashenko AH, Kravchuk IV, Petranivskoho VL Polyuhu VA, Schepanskoho E .In. [3; 4; 5; 6; 7]. The study forms and methods of state regulation of dedicated research Voronin AN [8] AD Kaur [9] Malskyy MP, Antonjuk NV and Ganych NM [10] NG Sahidovoyi [11] L. Gulyaev [12] Kosolapov AB [13] etc ..

Unsolved aspects of the problem. At the same time, scientists who study the international experience of tourism development, indirectly examines the forms and methods of state regulation in other countries that can be used to address industry development in Ukraine and its withdrawal from the crisis [3; 4; 5; 6; 7]. Other scientists who have made a contribution to the classification of the forms and methods of state regulation of tourism industry [8; 9; 10; 11; 12; 13], do not compare them with those used in other countries for the purpose of removing the industry from the crisis.

Formation of the purposes of article, setting goals. Thus, the purpose of this research is to study international experience in order to select the most effective methods of removing the tourism industry of Ukraine crisis preferred in other countries, and that they are realized. To achieve a goal of this study addressed the following research objectives: improved classification of the forms and methods of state regulation of the tourism industry; selected the most effective model, which allows the use of lead tourism industry in Ukraine from the crisis; The experience of countries that use effective methods according to this model to derive the tourism industry from the crisis, and that should be taken into account by the State Agency of Ukraine for Tourism and Resorts in order to solve this problem.

The main material research. Based on the research and compilation of views of scientists that examined the forms and methods of state regulation at the level of the national economy and tourism industry [3; 4; 5; 6; 7], singled out the following scientific problem: there is no unity in approaches to clustering methods for shape; classification provided without regard to crisis tourism development.

In order to solve scientific problems set, improved classification of the forms and methods of state regulation of the tourism industry (Fig. 1). The classification of the forms of their division for administrative nature (directive) - legalizing and regulating, coordinating, planning and forecasting, propaganda, and to stimulate (direct and indirect effects), can more clearly understand

the logic of practical use, public institutions (eg - State agency of Ukraine for Tourism and Resorts) in the regulation of processes occurring in the tourism industry for its bailout.

Thus the method of direct influence to include administrative (legislative) legal methods, legalizing, regulating and coordinating nature, and economic methods of direct stimulation, and the mediating - administrative (legislative) - planning, forecasting and propaganda, and indirect economic incentives.

This separation methods by means of influence is justified on the basis of the results of urgency tourism development: the application of methods of direct impact (either economic or administrative (legislative), government institutions are going to get the result in the immediate (short) period, while, as the application of methods of indirect effects - the medium - or long term.

In compliance with the classification of the experience of countries that use certain forms and techniques of drawing the maximum effect of the tourism industry crisis in building anti-crisis government policy. At present, the main government body responsible for the development of the tourism industry in Ukraine is the State Agency of Ukraine for Tourism and Resorts, which is to select the model of state regulation of the processes occurring in the area of effective selection methods that have been tested in leading countries the international tourism market and proved themselves in these countries in the derivation of the field of crisis.

It should be noted that none of the existing models in its pure form can not be applied in Ukraine in regulating the tourism industry, based distinctions in applicable laws and regulations of the industry. At the same time, based on public policy issues in the tourism industry in Ukraine, which is a result of liberalization, the actual withdrawal of State regulation processes in the area, leading to the appearance and aggravation of the crisis of the early 90-ies The twentieth century. It can be concluded that the formation of anti-crisis policy in the tourism industry in Ukraine should be based on the adoption of Keynesian theory priority "Asian" ("Turkish-Egyptian", "Japanese") model, which requires active government intervention in regulating processes in haluzi.Vvazhayemo that advantage of this model compared to the "American" (liberal), which involves minimal government intervention in the process covers only the economic sphere, devoid of Public Administration industry relies solely on private capital, implemented within the framework of adequate legal field which in Ukraine is not ready, or "European", the implementation of which is based on the adequacy of budget funds, stable political and economic situation is not peculiar to Ukraine at this time is that it is in the highest degree can be adapted to solve crisis the industry, because: first, covering all areas of the industry; Secondly, based on the use of all methods for administrative form of government regulation of their priority over economic value; thirdly, the combination provides finance industry both by government and by private investors; Fourth, zoriyentovuye state institutions to most actively assist entities in the industry for the development of tourism infrastructure.

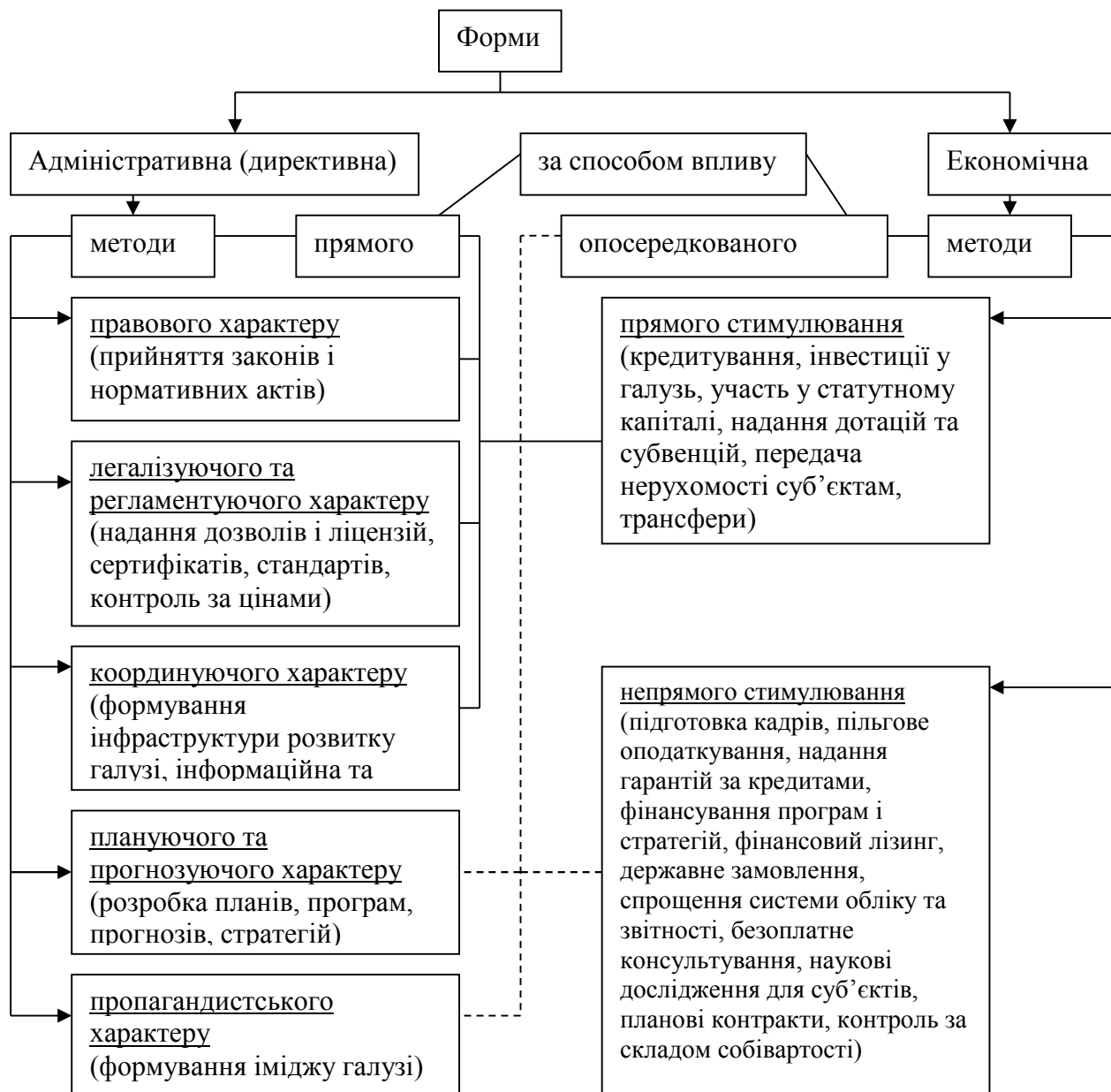


Figure 1. Forms and methods of state regulation of tourism industry

It is based on the principles of Keynesian theory of government regulation, countries such as France, Italy, UK, Japan, Turkey, Russia withdrew from the tourism industry crisis in certain periods of development in these countries. When rebuilding policy of state regulation of tourism industry based on Keynesian theory, in these countries preferred form of administrative priority

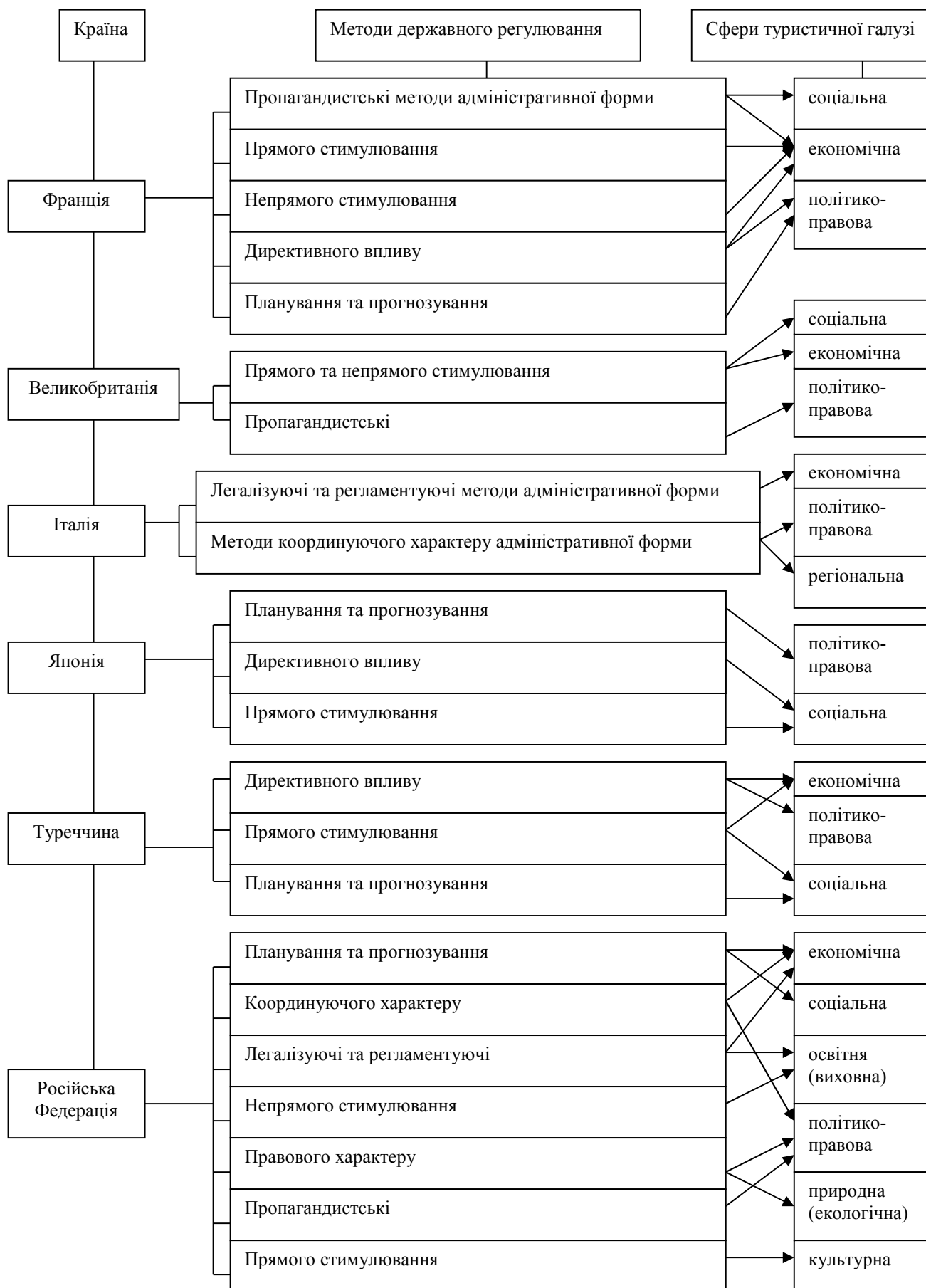


Figure 2 Synthesis of experience on implementation of anti-crisis policy in the tourism industry on the basis of selection methods to influence the scope

legal methods, legalizing, regulating, coordinating, planning and predicting the nature and methods of economic form of priority to the indirect stimulation; thus, the use of direct stimulation involving investment budget provides for strict state control over their use industry players.

Summarizing the results of the study can be grouped country experience to be adapted during the formation of anti-crisis policy in the tourism industry in Ukraine on the basis of usage of methods of state regulation to tackle the crisis in specific areas (Fig. 2). The above grouping countries allows visually identify priority methods of influence on specific areas of the tourism industry, used in countries that have taken out of the crisis based, while on Keynesian theory. As was shown above, on this theory, and based on the experience these countries should form an anti-crisis policy of the state in the tourism industry in Ukraine. We believe that the socio-economic impact of adaptation of international experience of anti-crisis policy in the tourism industry in Ukraine is to solve specific problems for each of the areas and, in the first place - in key areas (eg, political, legal and economic).

Organizational effect with is the ability to use state institutions (in particular - the State Agency of Ukraine for Tourism and Resorts, in collaboration with other authorities) maximum range of the most effective methods of state regulation that allowed countries to overcome the crisis in one or another field of tourism industry .

Conclusions and prospects for further research. Summarizing the results of the study, in order to adapt the international experience of anti-crisis policy in Ukraine, you can reach the following conclusions:

- Failure of state regulation of the industry in the early 90 th century., And the transition to a liberal (market) model of government regulation caused the emergence of the crisis in the field, to overcome which is necessary to form the anti-crisis policy of the state on the basis of Keynesian theory, and introduce "Asian" model of government regulation;

- Formation of anti-crisis policy in the tourism industry in Ukraine should be based on the three key provisions - the principle of adaptability international experience implementing anti-crisis policies in the tourism industry, the principle of coherence of actions between the executive, the principle of legal support;

- During the formation of anti-crisis policy in the tourism industry in Ukraine should use the experience of France, Britain, Italy, Japan, Turkey, Russia on selection of the most effective methods of state regulation in specific areas of the industry to overcome them in the crisis.

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Keywords: anti-crisis government policy, government regulation, methods of state regulation, the tourism industry, forms of state regulation.

Ключові слова: антикризова державна політика, державне регулювання, методи державного регулювання, туристична галузь, форми державного регулювання.

Ключевые слова: антикризисная государственная политика, государственное регулирование, методы государственного регулирования, туристическая отрасль, формы государственного регулирования.

UDC 347.7 : 336.71

ПРАВА ТА ОБ'ЄКТИ ПРАВА ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ ПРАЦІВНИКА КАФЕДРИ : ПРОБЛЕМА ЗБЕРІГАННЯ

Kondrashihin A., Doctor of Economics, lecturer, Academy of Municipal Administration Education of Ukraine, m. Kyiv

Kondrashihin A. The rights and the intellectual property rights of the department's worker: the problem of preservation.

The analysis of the conditions of protection of intellectual property rights and objects of this law in strengthening the role of the information component of productive forces, the rapid development of information technology, risk increases when the risks of infringement of intellectual property rights of the person, improper borrowing foreign copyright texts, plagiarism, especially when writing a dissertation research, textbooks, monographs and other kinds of scientific and technical products. Able to detect signs of trouble for the preservation of the rights and intellectual property rights, as well as identify opportunities to preserve the intellectual property rights for the person - an employee of the department of higher education through the use of internal resources of the university. Due to research information is updated and methodological support of the

department, new links in the space of education. It is proved that the preservation of intellectual property rights - are complex events that are embedded in the primary circuit generating scientific and technological products in respect of its accounting, protection and transfer to use objects created intellectual property rights and to prevent misconduct by the use of other objects that have been created work of others, including the improvement of organizational and legal conditions for handling intellectual property rights. Prevention system to preserve the intellectual property rights of the author includes promotion of creative work, moral means of promoting, creating an atmosphere of respect for intellectual labor, a special edition about the regulation of relations between the author and the user works.

Кондрашихін А. Б. Права та об'єкти права інтелектуальної власності працівника кафедри: проблема зберігання.

Зроблено аналіз умов захисту права інтелектуальної власності та об'єктів цього через посилення ролі інформаційного складника продуктивних сил, прискореного розвитку інформаційних технологій, коли небезпечно зростатимуть ризики порушення права на інтелектуальну власність особистості, некоректного запозичення чужих авторських текстів, навіть плагіату, зокрема під час написання дисертаційних досліджень, навчальних посібників, монографій, іншої науково-технічної продукції. Вдалося виявити ознаки проблеми із зберігання прав та об'єктів права інтелектуальної власності, а також визначити можливості зберігання прав інтелектуальної власності для особи – працівника кафедри вищого навчального закладу через використання внутрішніх засобів вищого навчального закладу. Внаслідок наукових розвідок відбувається оновлення інформаційно-методичного забезпечення кафедри, встановлюються нові зв'язки у просторі освіти. Доведено, що зберігання права інтелектуальної власності – це комплексні заходи, які впроваджуються у первинному ланцюзі вироблення науково-технічної продукції стосовно обліку, захисту та передачі у користування створених об'єктів права інтелектуальної власності, а також попередження неправомірних дій із використання інших об'єктів, які було створено працею інших осіб, у тому числі удосконаленням організаційно-правових умов обігу об'єктів права інтелектуальної власності. Профілактика системи зберігання прав інтелектуальної власності включає стимулювання авторської творчої праці, моральні засоби заохочення, створення атмосфери поваги до інтелектуальної праці, видання спеціального порядку регламентації стосунків між автором и користувачами твору.

Кондрашихин А. Б. Права и объекты права интеллектуальной собственности работника кафедры: проблема сохранения.

Сделан анализ условий защиты права интеллектуальной собственности и объектов этого права при усилении роли информационного компонента производительных сил, ускоренного развития информационных технологий, когда опасно возрастают риски нарушения права на интеллектуальную собственность личности, некорректного заимствования чужих авторских текстов, плагата, в частности при написании диссертационных исследований, учебных пособий, монографий, других видов научно-технической продукции. Удалось обнаружить признаки проблемы по сохранности прав и объектов права интеллектуальной собственности, а также определить возможности сохранения прав интеллектуальной собственности для лица - работника кафедры высшего учебного заведения через использование внутренних средств вуза. Вследствие научных

исследований происходит обновление информационно-методического обеспечения кафедры, устанавливаются новые связи в пространстве образования. Доказано, что сохранение права интеллектуальной собственности - это комплексные мероприятия, которые внедряются в первичной цепи выработки научно-технической продукции в отношении её учета, защиты и передачи в пользование созданных объектов права интеллектуальной собственности, а также предупреждения правонарушений по использованию других объектов, которые были созданы трудом других лиц, в том числе совершенствованием организационно-правовых условий обращения объектов права интеллектуальной собственности. Профилактика системы сохранения прав интеллектуальной собственности включает стимулирование авторской творческой работы, моральные средства поощрения, создание атмосферы уважения к интеллектуальному труду, издание специального порядка регламентации отношений между автором и пользователями произведения.

Problem. Search innovative investment paradigm of society in the globalized economy does not stop the creative work of making copyright rights products to create objects of intellectual property (IP). An important contribution to the accumulation of intellectual capital, creating the foundations for innovative movement makes higher education, research institutions of the country, ordinary innovators inventors. Their work has featured creative activities based on education and intellectual abilities, so needs to be evaluated by society, and the result of work - must be protected from outside attacks. In the absence of legal restrictions on the reservation negative phenomena of ITNs within the creative department staff need to protect copyright on products, keep IPO by developing internal regulations, improving the regulatory framework for implementing creative work, strengthening interpersonal traditions of decency.

Analysis of recent research and publications. Distribution theory and practice on intellectual property (IP) [1], including for scientific and technical activities [2], the specifics of its establishment teachers and engineering and technical workers [3, 4] account [5, 6] provides a theoretical basis for solving the problems of intellectual work of teachers and appropriate storage of the results in the form Fulfilling the (registered) objects or those that are under production, but get the signs copyright. Thus, during the debates over 70% of the employees of the department are not clearly represent the content rights to IP can not always discern the signs of the elements of copyright IPO despite many years of work to create their own teaching of scientific and technical production, master thesis [6]. Also distinctive is shifted from simple discussion topics objects teaching of a more complex - scientific articles, monographs, collective scientific monographs [7]. But still remains unresolved complex task of protecting the rights of IP products, storage (use, access, archiving, etc) finished scientific and technical products that made employees of the department of higher education. Duration interpersonal disputes in the distribution rights to the scientific and technical results in their product development into the problem of storing copyright and IP.

The purpose of the article - identify signs of problems with storage rights and intellectual property rights, and identify ways to store IPR person - an employee of the department of higher education institutions by means of internal university, research institution.

The main results of the study. Research Department usually varied and forms the core of the educational process. If the department maintains scientific relationships with leading scientists, institutions, countries, better entities, its scientific development is active, students will receive the latest information and good skills. Intellectual property rights - the right person for the result and intellectual property or other object IP rights, the Civil Code and special laws of Ukraine [8]. Authors product offered by the scientific and technical activities and employee has signs of ITNs. Storage intellectual property rights - comprehensive measures implemented in the primary circuit to develop scientific and technical products in respect of registration, protection and transfer of

established use of ITNs and prevent misconduct on the use of ITNs, which was set up by others, and improvement of organizational and legal terms of turnover IP (prevention storage IPR).

The documents, which reflects the scientific achievements of the department staff is; annual research plan; Report on the Research Department in a calendar year; informational materials that make up the scientific value; card research (NCI) and other information resources. Systematization and storage of these securities department provides in range of cases.

Organization of Scientific and Technical Activities primary production chain - department, laboratory - introduces the research work of certain classes of employees on a regular basis do research for her subjects - senior researchers, scientists and young researchers [3]. Also performing research staff teachers of the department during the second half of the day [9]. Of course, the scientific work of the department is not involved workers who hold positions of leading and chief researcher - is a natural research institutions.

Persons elected or appointed to the position of Senior Scientist and researcher, put forward the following requirements: the presence of a scientific degree or title; the availability of complete higher education and leadership experience (research) work over time if the person has no scientific degree or academic title. Junior researcher replaced by persons with higher education. That specific requirements for storing IP law on copyright [10] in these categories copyright manufacturers product does not advance and they should be prescribed separately.

Organization science takes place according to the Law of Ukraine "On scientific and technical activity" [3]. Thus, p. 6 of the Act defines the rights-based researchers department. In addition, they may provide additional rights, such as those that should be considered when storing IP: be elected academic (scientific and technical) of the faculty; participate in the development and discussion of guidelines and research programs that are implemented in the department, and participate in discussions of educational work with students, students, undergraduates; participate in scientific discussions, conferences, symposia, etc., address with presentations and reports (provided disclosure of state secrets, confidential information, etc.); use laboratories, experimental areas, units, computers, reading rooms, libraries, university during the research and marketing, information, patent-licensing and metrological support; take part in competitions for filling posts of scientific and educational, scientific workers; conduct training sessions with students, students, undergraduates according to the established schedule and procedures to learn.

The responsibilities of the department researchers include those provided for in Art. 6 of the Law of Ukraine "On scientific and technical activity", and the following: be aware of scientific issues, domestic and foreign developments in the relevant fields of research in the direction of the department; own methodology of scientific research, provadzhuvaty latest techniques in practice means research and development; be aware of the order execution and fulfillment of contractual terms in case of joint works with other research institutions, such as the protection of copyright and intellectual property to own methodology of scientific experiments and observations, synthesis and processing; conduct research using modern scientific methods and experience of the economy, government, participate in conferences, seminars and prepare scientific and technical products (articles, reports) for scientific professional publications; participate in the review of scientific papers, articles, reports, theses, qualification (diploma) work (projects, tasks), the results of scientific research in t. h. of those taken at other universities and research institutions, and give them about 'an objective evaluation; protect information that constitutes a state secret.

That is, any obligations on others' copyrights storage products in the scientific research, scientific and technical activities for employees not provided. In accordance with the rights and responsibilities of the department researchers to develop their functional duties, where you can also provide the following obligations on creating a copyright product storage, taking preventive measures in the field of IP.

By engineering the department includes workers who hold relevant positions in accordance with staffing engineer, senior engineer, technician. Plant engineering staff completed by persons who have higher (incomplete higher) education, and middle technical personnel with the necessary training, sufficient practical experience in working with computers and equipment. Responsibilities

officials engineering staff as such, with direct access to ITNs ready, should reduce the risks of unauthorized interference in others' copyrights. By teaching and support staff of the department includes workers who hold relevant positions in accordance staffing (Methodist, laboratory assistant, senior laboratory) and ensure implementation of training activities. Responsibilities for them developed in due course, approved by the head of the department, which also may include certain actions of IP and its storage facilities.

By alternating the department includes workers who study (graduate students, doctoral students, interns), students or undergraduates who are trained on the curriculum and at the same time engaged in works of education and scientific research activities. Of course, this category of contractors has ready access to the IPO, but the storage system IP rights may provide separate records of persons participating in scientific research indicating the level of access to ITNs. Within each group of scientific and technical staff of the danger losing immunity IP rights, partial borrowing other people's ideas, research methods, experimental data and more.

Production of ready-IP (teaching materials, textbooks, monographs, etc.) is the approval procedures and other administrative units of university education, research institutions (departments, related departments, divisions, etc.), and procedures based on internal documents that meet regulations in higher education. From the Law of Ukraine "On Higher Education" list of regulations and internal policies of the organization of learning [3] More than half of the positions should be developed by the Department of the author's creative work of teachers and storage needs (security, accounting, registration, accumulation, etc.). However, the development of curricula (educational work plans) and other components of methodological support rendered beyond the competence of the faculty of the department. These items are treated as separate ICs, such as range of cases typology university.

Workflow department - an important element in the storage system IP which you can be identified initially established IP, compare their richness with other modifications departments to assess the quality of vocational copyright enforcement made scientific and technical products and vyrishaty clearly many other tasks. Internal documents are composed of several groups (although the classification is rather arbitrary and depends on the objectives of creating scientific and technical products), incoming and outgoing correspondence; Regulations of the educational process; Educational records; Records; Human resource document that is in the department; Magazines registration; Papers of scientific research and research management students; Primary materials that make up the basis of scientific analysis; Creative projects, collective monographs etc. The objects of intellectual property; Papers from the training and professional development; Documents relating to the implementation of research results.

That is among the general classification 9 position (75.0%) directly related to the manufacture of ITNs and must meet the requirements of IP storage. To do this required a special order of the scientific and technical production through conciliation university (institution, unit), which is necessary to develop such procedures prior to the justification of stages, deadlines, author's rights in submitting work to another conciliation court, institutions, etc., and guarantee the integrity of copyright manufacturer of scientific and technical products from third parties. Structurally, this order must contain: Terms and terminosystemu; The accounting treatment of each newly created IP and persons who access it during conciliation; description of the risks of loss of IP rights; Warranty authors of the institution's storage integrity copyright and other intellectual property objects; other special conditions. The procedure is designed to ensure the integrity of the author's product, save it from misuse, partial copyright borrowing ideas, methods, and so on.

Conclusions. The problem of storing copyright and created his intellectual property rights in a globalized economy can be solved by means of internal department of the institution by creating functional responsibilities for all of its employees with the focus areas of intellectual property as an integrated system. Another component of the solution to this problem is to stimulate the author's creative work, including moral incentives, creating an atmosphere of respect for intellectual labor, education imperative in the collective integrity of intellectual property. Convenient to publishing a special order of research products through conciliation university, research institution, which would

be based on the terminology of higher education and intellectual property rights into account especially the creation of intellectual property in the scientific community, responsible task of keeping intellectual property rights against unauthorized use. In the future looks promising comparative analysis of rights and intellectual property rights in various kinds of scientific and technical products developed by the staff of the department.

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Ключові слова: інновації, об'єкт права інтелектуальної власності, автор, кафедра, виш

Ключевые слова: инновации, объект права интеллектуальной собственности, автор, кафедра, вуз

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TECHNOLOGICAL PARKS IN UKRAINE AS AN ELEMENT OF INNOVATION INFRASTRUCTURE

Taranenko O.M., candidate of History, docent of Cherkassy national Bohdan Khmelnytsky university, Cherkassy

Kornovenko S.V., Sc.D. of History, professor, professor of Cherkassy national Bohdan Khmelnytsky university, Cherkassy.

Taranenko Oleg, Kornovenko Sergei. Technological parks in Ukraine as an element of innovative infrastructure.

In the article is exposed history of development of technological parks of Ukraine from the moment of their formation and to present time. It is found out, that technological parks are one of the most successful forms of integration of science and production. The analysis of the last researches of the Ukrainian scientists that studied the problems of creation and functioning of technological parks in Ukraine is conducted. The modern state and tendencies of their activity are described, basic problems are outlined on the way of development of home technological parks in the system of home infrastructure. The differences of creation and functioning of Ukrainian technological parks are deduced from foreign, in connection with the features of home economy. Essence, basic tasks and setting of technological parks, is reflected as one of effective facilities of improvement of innovative development. The legislative adjusting of activity of technological parks of innovative structures is analyzed. Imperfection of legal base of innovative activity is found out. It is marked on importance roles that execute technological parks on the modern stage of development of industry of Ukraine. A row over of unfavorable factors that influence on forming and activity of technological parks in Ukraine is brought.

Тараненко О. М., Корновенко С. В. Технопарки в Україні як елемент інноваційної інфраструктури.

У статті розкрито історію розвитку технопарків України з моменту їх утворення і до тепер. З'ясовано, що технопарки є однією з найбільш вдалих форм інтеграції науки та виробництва. Проаналізовано останні дослідження українських учених, що вивчали питання створення та функціонування технопарків в Україні. Охарактеризовано сучасний стан, тенденції діяльності, окреслено основні проблеми на шляху розвитку українських технопарків у системі вітчизняної інфраструктури. Виявлено відмінності створення і функціонування українських технопарків від закордонних, зумовлені особливостями вітчизняної економіки. Висвітлено суть, основні завдання та призначення технологічних парків як одного із ефективних засобів поліпшення інноваційного розвитку. Проаналізовано законодавче регулювання діяльності технопаркових інноваційних структур. З'ясовано недосконалість правової бази інноваційної діяльності. Наголошено на важливості ролі, що виконують технопарки на сучасному етапі розвитку промисловості України. Наведено низку несприятливих факторів, що впливають на формування та діяльність технопарків в Україні.

Тараненко О. Н., Корновенко С. В. Технопарки в Украине как элемент инновационной инфраструктуры.

В статье раскрыта история развития технопарков Украины с момента их образования и до настоящего времени. Выяснено, что технопарки являются одной из наиболее удачных форм интеграции науки и производства. Проведен анализ последних исследований украинских ученых, которые изучали вопросы создания и функционирования технопарков в Украине. Охарактеризовано современное состояние, тенденции деятельности, очерчены основные проблемы на пути развития украинских технопарков в системе отечественной инфраструктуры. Выявлены отличия в создании и функционировании украинских технопарков от зарубежных, обусловленные особенностями отечественной экономики. Отражена суть, основные задания и назначения технологических парков как одного из

эффективных средств улучшения инновационного развития. Проанализировано законодательное регулирование деятельности технопарковых инновационных структур. Выяснено несовершенство правовой базы инновационной деятельности. Отмечена важная роль, которую выполняют технопарки на современном этапе развития промышленности Украины. Приведен ряд неблагоприятных факторов, которые влияют на формирование и деятельность технопарков в Украине.

Statement of the problem. Analysis of international experience shows that economic growth in developed countries and some of their regions has long been based on the use of the scope of knowledge and high technologies, and their effective combination ensures progressive development of the nation and mankind. One of the most successful forms of technology parks of such integration is industrial parks that are also the important elements of innovation infrastructure.

Analysis of recent research and publications. I. Antipov had analyzed the impact of tech parks on the innovative development [1], A. Kalenyuk and O. Sakun had highlighted the main problems of Ukrainian tech parks [2] A. Prodius, A. Doroshko had defined the nature and purpose of tech parks [3; 4], S. Revutsky explored the development of innovation infrastructure in Ukraine in general and also the activities tech parks' innovative structures in his writings [5; 6].

The purpose of the article is the research of the stages of development and problems of tech parks in Ukraine.

Statement of the main material. According to point 1 of the Law of Ukraine «About the innovation activity», innovation infrastructure – a set of businesses, organizations, institutions, associations, associations of any form of property, which provide services to support innovation activity (finance, consulting, marketing, information and communication, legal, educational, etc.) [7]. In the scientific literature as organizations realize innovation infrastructure (institutions) that contribute to the implementation of the innovation activity, as a complex of organizations (institutions) that are subordinate and ancillary to that service innovation and provide conditions for the normal course of the innovation process. The structure of the infrastructure include: innovation and technology centers, technology incubators, tech parks, educational and business centers, and other specialized organizations [8, P. 60].

Technopark – this is a Research and Production territorial complex, whose main task is to build the most favorable environment for small and medium-sized knowledge-intensive innovative firms. The structure of technology parks are such centers: innovation and technological, educational, counseling, information, marketing, legal, financial, economic, industrial area [1, P. 3].

Creation and operation of industrial park aimed at maximizing the convergence of science and industry, accelerating the transfer and implementation of the results of research activities in the sphere of material production for their commercialization. He established for the development and promotion of high technologies, development and support of new risky projects and enterprises that introduces them [9, P. 189-190].

In recent times the world are more than 500 tehnparkovyh structures in the United States there are more than 160 in Japan – 50, China – more than 50, UK – 46, France – over 50 and in Sweden and Finland – respectively, 16 and 17 . More than 100 scientific and technological parks operate in Central and Eastern Europe over the 50th of [6, P. 64].

Ukrainian practice of establishing technology parks went different way from the general model by causing the interest and the need to study it. The first idea of creating a technology park originated from the disbanded missile base near the city of Brody, the Lviv region. With the active participation of Centre for Scientific and Technological Potential and Science History Studies. GM Dobrov NAS Ukraine was prepared set of documents on which in 1994 signed a Decree of the President of Ukraine of March 25, 1994 № 113 «On conducting economic and technological experiments on the development of innovative enterprises in Brody district, Lviv region by creating territorial innovation center (TIC) «Brody».

And, unfortunately, this is first step to create a technology park have failed for several reasons. During the formation of the first technology park, the power in Ukraine Brody was changed, new leaders found no interest in continuing the experiment and it will no longer operate.

There were no strong Research Center and the necessary investments, especially foreign at the Brody [5, P. 298].

First legislative regulation of the idea of creating technology parks in Ukraine was in 1996 in a order of the President of Ukraine number 17/96-rp «The issue of parks and other types of innovative structures» to complement the specification and which was approved by the Cabinet of Ministers of Ukraine № 549 of May 22, 1996 «Regulation on the establishment and operation of parks and other types of innovative structures» [9, P. 191].

Actually the history of the formation of technology parks in Ukraine takes the beginning dates in 1997, since then in order to stimulate innovation and implementation of research results into production, testing mechanisms to support the implementation of research results, the Law of Ukraine «On special economic zone «Yavoriv» [10] and established technology park «Yavoriv».

In 1999, was adopted the Law of Ukraine «On special economic zone of tourist- recreational type «Truskavec Resort» and the first and so far the only one in Ukraine techno [11]. In the same 1999, was adopted the Law of Ukraine «On Special Regime Innovation of technology parks», according to which there were eight technology parks [12]. From 1 January 2005, the Law of Ukraine «On Amending Certain Laws of Ukraine regarding special investment and innovation of technology parks», according to which nine parks, the creation of which began in 1997 – 1999, joined seven [13].

So, we can distinguish three stages in the development of technology parks in Ukraine:

- 1) the establishment and formation of the legal framework of operation (1997 – 1999);
- 2) the rapture (2000 – 2005);
- 3) a decline that began since 2006 and continues to date.

According to the Law of Ukraine «On Special Regime Innovation of technology parks» Technology Park (Techno park) – a legal entity or group of entities that operate under the joint venture agreement without legal persons and associations without deposits to create organizational principles project implementation process industrial parks with introduction of high D, high-tech and software industrial production of globally competitive products [12]. As of early 2014, according to the Law of Ukraine «On Special Regime Innovation of technology parks» in Ukraine created 16 technology parks :

1. «Semiconductor technologies and materials, optoelectronics and sensor technology» (Kyiv);
2. «Institute of Electrical behalf E.O Paton» (Kyiv);
3. «Institute for Single Crystals» (Kharkiv);
4. «Vuglemash» (Donetsk);
5. «Institute of Engineering Thermophysics» (Kyiv);
6. «Kyiv Polytechnic» (Kyiv);
7. «Intelligent Information Technologies» (Kyiv);
8. «Ukrinfoteh» (Kyiv);
9. «Ahrotehnopark» (Kyiv);
10. «Eco- Ukraine» (Donetsk);
11. «Research and teaching apparatus» (Sumy);
12. «Textile» (Kherson);
13. «Resources of Donbass» (Donetsk);
14. «Ukrainian center of microbiological synthesis and new technologies» (UMBITSENT) (Odessa);
15. «Yavoriv» (Lviv region);
16. «Machinery Technology» (Dnepropetrovsk) [12].

Of the 16 technology parks, as defined in the Law of Ukraine «On special investment and innovation of technology parks» actually operate only 8: «Institute of Electrical behalf E.O. Paton», «Institute of Single Crystals», «Vuglemash», «Semiconductor technologies and materials, optoelectronics and sensor technology», «Institute of Engineering Thermophysics», «Ukrinfoteh», «Kiev Polytechnic» and «Intelligent information technology» [5, P. 235].

With the development of technology parks in Ukraine can activate the solution of many urgent problems:

first, accelerate the transfer of the production of scientific and technological developments and knowledge acquired through basic and applied research;

secondly, to enhance the formation and development of small innovation and production business;

thirdly, to mobilize financial resources of the private sector , businesses , banks, government for the development of innovation;

fourthly, to optimize the location of production , labor and capital in areas where advanced technology parks;

fifth, create jobs for the production of high technology products, even in regions where no technology parks [14, P. 114].

However, the experience of technology parks in Ukraine shows that their functioning is associated with a number of problems. First, over 99 % of sales of innovative products accounted for three industrial parks established in the leading scientific organizations of the National Academy of Sciences of Ukraine – Institute of Electric E.O. Paton, Institute for Single Crystals and the Institute of Semiconductor Physics V. Loshkarova. Second, the instability of government policies for technology parks impact on their effectiveness. Thirdly, the results confirm the need to strengthen their organizational form for the purpose of strengthening the position and role of technology parks in the innovative development of the country [2, P. 11].

Gaps in the legal framework of innovation activity today reinforces the practice of suspending certain articles of applicable laws or legal regulations. Thus, Articles 21 and 22 of the Law of Ukraine «On the innovation» provided fostering innovation by establishing tax incentives. However, the validity of these items was initially suspended in 2003 and then in 2004, in 2005 – completely abolished. Under the present conditions, in the absence of budgetary support innovation, this law is simply declarative.

Unlike foreign technology parks that were designed for the creation and involvement in the innovation of new firms and companies, venture capital funds, under the overall guidance of the leading research institution in Ukraine establishment of technology parks first performed in the leading scientific centers, which enjoyed a wide reputation in the scientific world, involving the implementation of their plans are already well-known enterprises, which for years have been their reliable partners [15, P. 17].

Creating a network of Ukrainian technological parks going on in terms of scientific and technical products formed in Ukraine under the influence of a number of adverse factors, the most important are:

- Limited demand for innovative offer in the country;
- Low purchasing power of domestic consumers of new technology;
- Limited offer innovation funding from the state budget;
- Lack of interest in the financial and banking and credit systems in support of innovative projects;
- The existence of competition in domestic markets from western firms of technologies, manufacturers and suppliers of materials, equipment and technology in general;
- The desire for Western customers without any significant investment to commercialize take advantage of existing scientific potential in Ukraine, especially with dual-use technologies;
- Political instability in the country.

Conclusions:

1. Unfortunately, about the fact that today is the only industrial parks in Ukraine form of innovation, that really works. Talk about the creation of a national innovation system and still talk.
2. Ukrainian industrial parks established under the Law of Ukraine «On special investment and innovation of technology parks» significantly different from the classical technology parks in foreign countries.

3. Due to changes in legislation (complete exclusion from any measure of public support for innovation activities), but also because of the wider campaign displacement technology parks in economic and social life of the country, the conditions for technology parks are not favorable.

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Key words: technological parks, innovative center, innovative infrastructure, innovative activity, market.

Ключові слова: технопарк, інноваційний центр, інноваційна інфраструктура, інноваційна діяльність, ринок.

Ключевые слова: технопарк, инновационный центр, инновационная инфраструктура, инновационная деятельность, рынок.

UDC 338.45 : 621

**MONITORING THE COMMERCIAL POTENTIAL OF INTELLECTUAL PROPERTY
USING THE FUNCTION OF TANGENTIAL ECONOMIC EFFECT**

Kosenko O., PhD, assistant professor of marketing at National Technical University "Kharkiv Polytechnic Institute", Kharkov

Kosenko O. Monitoring the commercial potential of intellectual property using the function of tangential economic effect.

The article deals with theoretical and methodological foundations of intelligent monitoring technologies that are based on intellectual property. The existing monitoring system considering its capabilities extremely well, including the bailout, environmental, financial innovation are other types of monitoring. We prove that the theory and practice of economic monitoring is not enough highlights its capabilities towards intelligent technologies. Meaningful sequence of steps proposed monitoring market appeal (commercial building) intelligent technologies. Important author considers the fact that each of the present process stages (stages) is to some extent independent. We prove that the evaluation of market opportunities now intelligent technology, the state of their target market, market changes on it to determine its position relative to market goods and analog products, substitutes and identification of possible prospects and areas of intellectual development can be done very effectively using the principles and methods of economic monitoring. Methodical provision of monitoring commercial potential of intellectual property using the function of tangential economic effect. It is proved that the performance of economic benefit to the developer (seller) and the user (buyer) of intellectual property can be played during monitoring using monitoring tangential function F_I . The proposed function is defined in the interval $[-1, +1]$ and by the nonlinearity of the function F_I is possible to track changes in the gradient of economic benefit from the development and use of intelligent technology. The size of the change and the basis for monitoring the commercial potential of intellectual property.

Косенко О.П. Моніторинг комерційного потенціалу об'єктів інтелектуальної власності з використанням тангенціальної функції економічного ефекту.

У статті розглянуто теоретичні та методичні засади моніторингу інтелектуальних технологій, основу яких складають об'єкти інтелектуальної власності. Існуючі системи моніторингу розглядають його можливості надзвичайно широко, включаючи антикризовий, екологічний, фінансовий, інноваційний ті інші види моніторингу. Доведено, що теорія і практика економічного моніторингу недостатньо висвітлює його можливості по відношенню до інтелектуальних технологій. Запропонована змістовна послідовність етапів моніторингу ринкової привабливості (комерційного потенціалу) інтелектуальних технологій. Важливим автор вважає той факт, що кожна з запропонованих в даному процесі стадій (етапів) є в певній мірі самостійною. Доведено, що оцінка підприємством ринкових можливостей інтелектуальних технологій, стану їх цільового ринку, кон'юнктурних зрушень на ньому, визначення на ринку своєї позиції відносно товарів-аналогів та товарів-субститутів та визначення можливих перспектив і напрямків інтелектуального розвитку досить ефективно можна проводити з використанням принципів і методів економічного моніторингу. Розроблено методичні положення моніторингу комерційного потенціалу об'єктів інтелектуальної власності з використанням тангенціальної функції економічного ефекту. Доведено, що показники економічного ефекту у розробника (продавця) та споживача (покупця) об'єктів інтелектуальної власності можуть бути відтворені в ході проведення моніторингу з використанням моніторингової тангенціальної функції Φ_I . Пропонована функція визначена в інтервалі $[-1; +1]$ і через нелінійність функції Φ_I з'являється можливість

відстежити градієнт зміни економічного ефекту від розробки та споживання інтелектуальної технології. Розмір цієї зміни і покладено в основу моніторингу комерційного потенціалу об'єктів інтелектуальної власності.

Косенко А.П. Мониторинг коммерческого потенциала объектов интеллектуальной собственности с использованием тангенциальной функции экономического эффекта.

В статье рассмотрены теоретические и методические основы мониторинга интеллектуальных технологий, основу которых составляют объекты интеллектуальной собственности. Существующие системы мониторинга рассматривают его возможности чрезвычайно широко, включая антикризисный, экологический, финансовый, инновационный и другие виды мониторинга. Доказано, что теория и практика экономического мониторинга недостаточно освещает его возможности по отношению к интеллектуальным технологиям. Предложена содержательная последовательность этапов мониторинга рыночной привлекательности (коммерческого потенциала) интеллектуальных технологий. Важным представляется тот факт, что каждая из предлагаемых в данном процессе стадий (этапов) является в определенной степени самостоятельной. Доказано, что оценка предприятием рыночных возможностей интеллектуальных технологий, состояния их целевого рынка, конъюнктурных сдвигов в нем, определение на рынке своей позиции относительно товаров - аналогов и товаров-субститутов и определение возможных перспектив и направлений интеллектуального развития довольно эффективно можно проводить с использованием принципов и методов экономического мониторинга. Разработаны методические положения мониторинга коммерческого потенциала объектов интеллектуальной собственности с использованием тангенциальной функции экономического эффекта. Доказано, что показатели экономического эффекта у разработчика (продавца) и потребителя (покупателя) объектов интеллектуальной собственности могут быть воспроизведены в ходе проведения мониторинга с использованием мониторинговой тангенциальной функции Φ_I . Предлагаемая функция определена в интервале $[-1; +1]$ и из-за нелинейности функции Φ_I появляется возможность отследить градиент изменения экономического эффекта от разработки и потребления интеллектуальной технологии. Размер этого изменения и положено в основу мониторинга коммерческого потенциала объектов интеллектуальной собственности

Problem. The monitoring system of production and business activities of industrial enterprises is an effective means to monitor and ensure the proper functioning of various economic objects and processes. This economic category long enough and widely used in the field of production and business activities of enterprises. Our studies show that the most frequent monitoring concept finds its use in the economy of nature [1], crisis management [2; 3; 4], a financial [5] and innovation [6; 7], in monitoring market conditions [8].

Analysis of recent research and publications. Research and analysis of the formation and use of economic monitoring was conducted in the works of local and foreign scientists, including: Zavlina P., V. Zakharchenko T.Klebanovoyi, A.Kozyryeva, D. Kokuryna, O.Lapko, Lohanovoyi V., V. Muhopada, E. Ogorodnikov, I. Otenko, P. Breaks, O.Rayevnevoyi, B. Santo, R. Fatkhutdinova, T. Fedoseevoyi, L. Fedulova, V.Tovazhnyanskoho, D. Chervanova, P.Tsybulova, N. Chukhrai, Yakovlev et al.

However, in our view, the theory and practice of monitoring can be very effectively implemented in other areas of the market of industrial activities, in particular, to monitor the processes of formation, economic analysis, change management and intellectual activity (intellectual property) innovation oriented industry [9; 10]. It should also be noted insufficient development of the complex tasks associated with monitoring the test market industrial areas not fully explored methodological bases of monitoring commodity market conditions that are not defined its place and role in the management of market processes, virtually no organizational and methodological support monitoring the situation without the optimization of its communication with the external environment. The theoretical importance of these tasks, their practical importance

for the efficient operation of enterprises, organizations resulted in the choice of topic and article outlined the range of issues that it investigated [11; 12].

The article aims to study the formation of guidelines and implementation mechanism for monitoring commercial potential of intellectual property to industrial and recommendations for its effective use.

Statement of the main research. The process of economic monitoring market opportunities intelligent technologies (intellectual property) to improve the efficiency of its proposed represented as a series of interrelated steps (Figure 1).

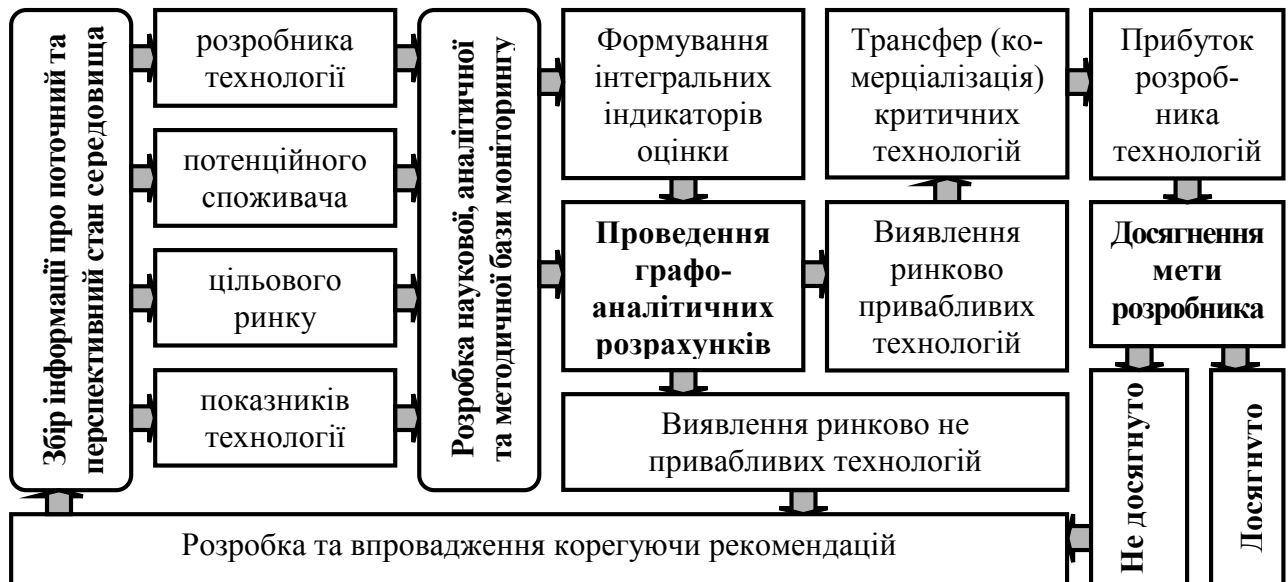


Figure 1 - Meaningful sequence of stages of monitoring market appeal (commercial potential) intelligently

Each proposed in this process stages (stages) is to some extent independent, but considering the system to other stages (phases) of the monitoring process takes an entirely different meaning, which, as it seems, can be called teamwork. This situation is due, in our opinion, we have considered the presence of higher principles of economic monitoring market prospects of intelligent technologies, including the principles of integration, consistency and efficiency.

Our studies indicate that the accuracy and objectivity of the current state of the commercial potential of intelligent technology largely depends on the potential economic benefit Erozr who can get developer technology for its commercialization and consumer of this technology when using Espozh Defining values indicated effects, in our view, it is appropriate to define the entire life cycle of intellectual technology. If there is a need to assess the effect of annual user and developer, its value can be calculated taking into account potentially effective life of intellectual technology. Note that these values Erozr Espozh and over time change their meaning, since, first, changing conditions and factors that characterize the environment of consumer technology and, secondly, changing technological trends on the market characteristics, thirdly, can strong enough to change the qualitative characteristics of the technology and its potential opportunities.

A value of parameters Erozr and Espozh, or rather their ratio, used to change the current assessment of market attractiveness (commercial building). To do this, in our opinion, should be used tangential function F1. The formation of this function, as the experience of its use for crisis management [4] and control market conditions [8] should be used in two varieties:

$$\text{Варіант «А»}: \Phi_1 = \text{tg} [\pi (E_{\text{розр}} - E_{\text{спож}})/4 E_{\text{розр}}] , \text{ якщо } E_{\text{розр}} > E_{\text{спож}}; \quad (1)$$

$$\text{Варіант «Б»}: \Phi_1 = \text{tg} [\pi (E_{\text{розр}} - E_{\text{спож}})/4 E_{\text{спож}}] , \text{ якщо } E_{\text{спож}} > E_{\text{розр}}, \quad (2)$$

Options (1) and (2) can be seen as the technological market for a particular company - in this case considered the overall efficiency of the developer (firms, companies) and overall effectiveness of potential users of intellectual work of the developer and for specific intellectual products (technologies) Enterprise developer - in this case considered the level of market attractiveness of a particular technology.

Certain restrictions for the use of functions (1) and (2) is the fact that their use should be a condition:

$$(E_{розр} + E_{спож}) > 0. \quad (3)$$

The presence of such constraints (3) because the function F1, which is proposed for use in option "A" and a version of "B" only involves analysis of intelligent technologies that would be attractive to all market actors Technology (developer and consumer), or at least one of them, or the developer (in this case involves only the technology of consumption) or consumers (case only involves technology licensed version of commercialization, as their consumption is inefficient). If the technology to be tested is not effective for either developer or to a potential customer, in this case it makes no sense for its review and analysis.

Dependencies (1) and (2) can be represented more clearly using some changes, then these functions become easier for economic interpretation and further use of the form:

$$\Phi_1 = \operatorname{tg} \frac{\pi}{4} \left(\frac{E_{розр} - E_{спож}}{E_{розр}} \right) \rightarrow E_{розр} > E_{спож} \quad (4)$$

Варіант «А»:

Функція Φ_1 варіанту «А» визначена в інтервалі $[0; 1]$.

$$\Phi_1 = \operatorname{tg} \frac{\pi}{4} \left(\frac{E_{розр} - E_{спож}}{E_{спож}} \right) \rightarrow E_{розр} < E_{спож} \quad (5)$$

Варіант «Б»:

Функція Φ_1 варіанту «Б» визначена в інтервалі $[-1; 0]$.

The choice of the functional form of the present model F1 based on trigonometric tangent function requires some explanation and justification. Mathematical theory suggests that the tangential function represented by functions (1) and (2) defined in the interval $[-1; 1]$. In our view, the tangential nature of the functions F1 provides the greatest extent possible to limit (pronormuvaty) field of values in the range $[-1; 1]$, and because of the nonlinearity of the function F1 is possible to track changes in the gradient of economic benefit from the development and use of intelligent technology in general and the market of the enterprise developer technologies, in particular.

Determining the economic substance tangential F1 function that characterizes the relationship of economic benefit to the consumer and developer of intelligent technology, and economic characteristics of the most important values of reference points allows the researcher to obtain economically important needs for monitoring performance.

When choosing a functional form F1 model, we proceeded from the premise that the function F1 should simulate priority use of intelligent technology that reproduces, first, the main technological and environmental changes on the market, that is, with increasing demand for technological product (reduced supply) the effect of increasing developer and vice versa; Secondly, the effect of the developer and consumer technology largely reproduces timeliness sale or consumption of technological products. In the present form (models 1 and 2, 4 and 5) function F1 models (describes) a positive trend in the developer ($E_{розр} > E_{спож}$) and consumer ($E_{спож} > E_{розр}$) IP technology and possible difficulties in the economic environment of the technology (decrement $E_{розр}$) and among potential consumer technology (decrease the $E_{спож}$). Although equality between the developer and consumer effects ($E_{розр} = E_{спож}$) is the most desirable for anyone commodity market, usually no such condition and the technology market we are seeing

more permanent tactical variations in one or the other way. Considering all the above, we can conclude the following: certain differences between the economic effects that are developer technologies at its commercialization and consumer technology when used, can be used for normalization characteristic trends and marketing strategies of the company and the developer firm in determining consumer market appeal of intelligent technology and determining its commercial potential.

The analysis suggests that the range of values monitoring function F1 includes a number of very interesting values of reference, each with its separate my economic assessment and describes the economic situation as a developer environment technology and its consumers. Our proposals on this issue can be reduced to the following terms and generalizations.

The analysis of the set of possible values of the monitoring functions F1 should make final conclusions and generalizations.

Table 1 - Economic characteristics set values of tangential monitoring function F1

Трансфертна тенденція технології	Розрахункове значення функції Φ_1	Поточний стан аргументів Φ_1		Розширена характеристика рівня ринкової привабливості (комерційного потенціалу) інтелектуальної технології
		$E_{розр}$	$E_{спож}$	
Некомерційний трансфер	$\Phi_1 = 1$	$E_{розр} = 0$	$E_{спож} > 0$	Інтелектуальна технологія в поточний час може виконувати соціально-екологічні функції. Розробник не отримує прямої матеріальної вигоди, задовольняючись іміджевими досягненнями.
Пасивний трансфер	$1 < \Phi_1 < 0$	$E_{розр} < E_{спож}$	$E_{спож} > E_{розр}$	Трансферні позиції технологічної розробки не активні, розробник не спішить здійснювати трансферну операцію, намагаючись схилити споживача до більш привабливої для розробника ціни
Справедливий трансфер	$\Phi_1 = 0$	$E_{розр} = E_{спож}$	$E_{спож} = E_{розр}$	Рівновігідна трансферна операція для споживача і розробника. Здійснення трансферу сприяє розвитку подальших комерційних відносин між споживачами і розробниками технологій.
Активний трансфер	$(-1) < \Phi_1 < 0$	$E_{розр} > E_{спож}$	$E_{спож} < E_{розр}$	Ситуація складається на користь розробника технологічного продукту, який буде прикладати максимум зусиль для її використання в плані здійснення трансфертної операції
Внутрішній трансфер	$\Phi_1 = (-1)$	$E_{розр} > 0$	$E_{спож} = 0$	Зовнішні споживачі не зацікавлені в даній технології. Ефективне використання технологічного продукту можливе тільки за рахунок внутрішнього трансферу

First, in the present to use a tangential function F1 allows the economic effects of scientific and innovative enterprises to permanent monitoring of the current state of the market-transfer prospects of intelligent technologies (intellectual property of innovation).

Second, the results of this analysis warehoused reasonable scientific basis for the development prospects of transfer of technology products, which is extremely important in the preparation of perspective plans of scientific and business enterprise developer intellectual products.

Third, the set of values monitoring function F1 can detect and identify many important intervals, each of which may find their interpretation from an economic point of view. Each of these intervals can be defined as a current and future plan of the enterprise developer of intelligent technologies in terms of transfer opportunities.

Based on the conclusions and generalizations, we can state the following position in the enterprise developer intellectual products. If the set of calculated values monitoring function F1 is close to (-1), it can be concluded that the developer makes insufficient efforts to intensify transfer operations. Approaching the function F1 zero stability plays in the enterprise developer in this time and it fairly stable market position in the future. Anxious moments can occur in the enterprise developer water when the value of tangential monitoring function F1 tends to (1).

The main value of tangential monitoring function to assess market prospects (commercial building) intelligent technologies that largely determine the transfer policy of the enterprise and developer technologies have been thoroughly analyzed above are presented in Table 1.

Conclusions. Using tangential monitoring function F1 needs to analyze and assess the market attractiveness (commercial building) intelligent technologies, we believe, can provide sufficiently objective data to form an idea of the market situation of each technological product developed by the company, which has the potential for practical use to improve the products produced by this or other entities or processes of production. The results of the monitoring process product allows developers to create his transfer program, including both current and prospect transfer possibilities and opportunities for further improvement.

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Keywords: monitoring, commercial potential, smart technology, economic impact, transfer, commercialization.

Ключові слова: моніторинг, комерційний потенціал, інтелектуальні технології, економічний ефект, трансфер, комерціалізація.

Ключевые слова: мониторинг, коммерческий потенциал, интеллектуальные технологии, экономический эффект, трансфер, коммерциализация.

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GENERAL DESCRIPTION FEATURES LICENSE AGREEMENT ABOUT USING OBJECT OF INDUSTRIAL PROPERTY IN CONSTRUCTION

Pysieva Olena, leading specialist of Industrial Property Department of Intellectual Property Research Institute of the National Academy of Law Sciences of Ukraine, intellectual property specialist, Master of Law.

Piseva O. General description of features of licence contracts about the use of objects of industrial property in building.

By applying of innovative advanced technologies, methods, approaches and tools in the implementation of construction works, which are currently being actively implemented at all levels and stages of construction, and, of course, include or are based on industrial property necessitates a general analysis of this type of contract to dispose of intellectual property rights as a license agreement on the use of industrial property in the construction and / or construction work, which is by far one of the most popular ways to implement the results of intellectual activity in the industrial processes. Problems of this type of licensing agreement based on the specifics of the construction industry, one of the most characteristic features of the contractual relationship which is a system of general contract with the possibility of the involvement of third parties(subcontractors) that automatically generates the possibility of issuance of sublicenses for use of industrial property in order to prevent illegal use of the subject license. Identification of all objects of industrial property that can be used in the construction is the main condition for the rights of the owner of the industrial property rights. Installation of all objects of industrial property that can be used in the construction is the main condition for the owner of the industrial property rights. Given the peculiarities inherent in the construction industry at the conclusion of a license agreement on the use of industrial property in the implementation of construction work, it is necessary to properly identify and resolve including such important conditions as the license subject to the establishment of the beneficial effects of its use in construction, scope, scope of work, the number of participants involved in the execution of the contract subcontract, the possibility of a sub - license agreement, the total price of the license, confidentiality, etc. The purpose of the study characteristics license agreements for use of industrial property in the construction is to establish the conceptual differences and the specific terms of the treaty in the construction industry.

Писєва О.В. Загальна характеристика особливостей ліцензійних договорів про використання об'єктів промислової власності у будівництві.

Використання принципово нових прогресивних технологій, методів, підходів та засобів при здійсненні будівельних робіт, які на сьогоднішній день активно впроваджуються на всіх рівнях та етапах будівництва, та, безумовно, включають або ґрунтуються на об'єктах промислової власності, обумовлює необхідність загального аналізу такого виду договору на розпорядження майновими правами інтелектуальної власності, як ліцензійний договір про використання об'єктів промислової власності при будівництві та/або проведенні будівельних робіт, який, наразі, є одним з найбільш затребуваних способів впровадження результатів інтелектуальної діяльності у виробничі процеси. Проблематика даного виду ліцензійного договору ґрунтується на специфіці будівельної галузі, однією з найбільш характерних ознак договірних відносин якої є система генерального підряду з можливістю залучення третіх осіб (субпідрядників), що автоматично породжує питання про можливість видачі субліцензій на використання об'єктів промислової власності з метою запобігання незаконного використання предмету ліцензії. Визначення всіх об'єктів промислової власності, що можуть бути використані у процесі будівництва є головною умовою дотримання прав власника на об'єкти промислової власності. Враховуючи особливості, що притаманні будівельній галузі при

укладанні ліцензійного договору про використання об'єктів промислової власності при здійсненні будівельних робіт, необхідно правильно визначити та врегулювати зокрема такі істотні умови, як: предмет ліцензії з встановленням корисного ефекту від його використання при будівництві, сферою застосування, обсягом робіт, кількістю учасників, що залучаються до виконання за договором субпідряду, можливістю укладення субліцензійних договорів, остаточної ціни ліцензії, конфіденційність та ін. Метою даного дослідження особливостей ліцензійних договорів про використання об'єктів промислової власності у будівництві є встановлення концептуальних відмінностей та специфіки умов вказаного договору у будівельній галузі.

Писева О. В. Общая характеристика особенностей лицензионных договоров об использовании объектов промышленной собственности в строительстве.

Использование принципиально новых прогрессивных технологий, методов, подходов и средств при осуществлении строительных работ, которые на сегодняшний день активно внедряются на всех уровнях и этапах строительства, и безусловно, включают или основываются на объектах промышленной собственности, обуславливает необходимость общего анализа такого вида договора на распоряжение имущественными правами интеллектуальной собственности, как лицензионный договор об использовании объектов промышленной собственности при строительстве и / или проведении строительных работ, который является одним из самых востребованных способов внедрения результатов интеллектуальной деятельности в производственные процессы. Проблематика данного вида лицензионного договора основывается на специфике строительной отрасли, одной из наиболее характерных признаков договорных отношений которой является система генерального подряда с возможностью привлечения третьих лиц (субподрядчиков) что автоматически порождает вопрос о возможности выдачи сублицензий на использование объектов промышленной собственности с целью предотвращения незаконного использования предмета лицензии. Установление всех объектов промышленной собственности, которые могут быть использованы в процессе строительства является главным условием соблюдения прав собственника на объекты промышленной собственности. Учитывая особенности, присущие строительной отрасли при заключении лицензионного договора об использовании объектов промышленной собственности при осуществлении строительных работ, необходимо правильно определить и урегулировать в частности такие существенные условия, как: предмет лицензии с установлением полезного эффекта вот эго использования при строительстве, сфере применения, объемом работ, количеством участников, привлекаемых к выполнению по договору субподряда, возможностью заключения сублицензионных договоров, окончательной цены лицензии, конфиденциальность и др. Целью данного исследования особенностей лицензионных договоров об использовании объектов промышленной собственности в строительстве является установление концептуальных различий и специфики условий указанного договора в строительной отрасли.

Abstract. By applying a fundamentally new advanced technologies and using industrial property of the construction to prevent the illegal use will require signing license agreements on the use of industrial property objects in the implementation of construction works. Problems of this type of licensing agreement is based both on the specifics of the construction industry and the need to correctly identify and resolve such underlying conditions as the subject of the contract, and the establishment of the so-called beneficial effects of using license during construction; method , timing and area of use; type of license, with the establishment of the terms of the sublicense; confidentiality, etc.. The purpose of the study characteristics license agreements for use of industrial property in the construction is to establish the conceptual differences and the specific terms of the treaty in the construction industry.

Statement of the problem. In terms of innovative development of the society, which is characterized by the use of new progressive technologies, the transition to high-tech products, intellectualization of all productive activity use the objects of industrial property on the basis of the

licensing agreement (licence under a patent; patent licence), including in construction currently is one of the most popular ways of implementation of the results of intellectual activity.

The newest methodologies and building technologies acquire all greater popularity as among consumers (customers) so among contractors, since most of them are focused on sustainability, resilience and minimize costs during construction.

Currently, the construction industry one of basic directions (a major focus) of innovative development is the new technologies, that are implemented during construction, such as 3D- of panel, ecological construction methods and others whose composition includes IPOs protected in accordance with the legislation of Ukraine.

The **research aim** is a decision of specific and features of licence contracts about the use of objects of industrial property in the indicated construction area.

Analysis of recent research and publications. In the scientific literature there are many papers devoted to the problems and peculiarities of regulation of relations within the framework of licence contract, as one of the types of agreements concerning the disposal of intellectual property rights, but the features inherent to the use of the indicated agreement in the construction industry are not covered, that underlines actuality of this research.

The main provisions. Accordance with the legislation of Ukraine, relations that bring into contractual relations, in the process of implementation of construction-works regulated by positions of the Commercial code of Ukraine, Civil code of Ukraine and other special normative acts.

In Part 1, Art. 317 of the Commercial Code of Ukraine stated that the construction of production and other purposes, preparation of construction sites, work on building equipment, building completion, applied and experimental research and development, etc., are executed for entities other entities or their orders are carried out under the terms of a contract (construction contract)[2].

Due to the practice of using contracts in the construction industry and in accordance with Art. 838 of the Civil Code of Ukraine, - any contract work is mainly executed or can be performed with the assistance of third parties, unless otherwise provided by agreement between the parties. [1]

The one of the most characteristic features of contractual relations in the construction industry is a system of general contract under which the customer enters into a contract with one building contractor - a general contractor that individual to perform complex operations may involve other specialized organizations under the subcontract, as a subcontractors [1, p. 838].

In construction industry hasn't typical, exemplary or model contracts of use of industrial property in the course of new construction, repair, and renovation of buildings, structures and performing other construction under patent licence.

So during the construction of any building object, according to the project records and budget documentation, recommended to identify all IPOs that can be used in the construction process, and accordingly obtain and such use is to conclude licensing agreement with the owner of the patent for the relevant industrial property.

The issue of persons which are obliged to be licensed to use the patented object depends on the agreement of the parties in each case, but the general practice of analyzing one could argue that most of these issues is directly involved in developer company - general contractor.

In the license agreement may be restricted the right general contractor (the developer) independently engage sub-contractors to carry out construction work with the using of the subject of the license.

Therefore, in the license for using object of industrial property a lots of terms and conditions of a contract and fate of the corresponding objects depends of the correctness indication of its essential conditions, indication of the scope of rights which the transferred to use under the license, way to using and etc.

According to Art. 1109 of the Civil Code of Ukraine "under a licensing agreement, one party (the licensor) grants the other party (licensee) permission for use of intellectual property rights (license) to conditions determined by mutual agreement of the parties on the basis of this Code and other law" [1 , p. 1109].

The doctrine of legal science and in the accepted legal practice with regard to the legal nature and form of the conclusion of license agreements on industrial property distinguish the following essential terms, the definition of parties to the contract, the subject of the contract, the measure of rights of transferred rights, territory and term of the contract, the remuneration.

The question about the parties of this contract, as an essential condition, was considered above, and generally does not need an explanation as sufficiently regulated at the level of legislation and highlighted in many scientific research and in practice.

Definition of the subject of contract which provided for the use and installation of the so-called beneficial effect is expected from the use of this object during construction is not only one of the essential conditions, but also the feature of the license agreement on the use of industrial property objects in this field.

The subject of the license agreement in the construction industry, are mainly inventions, industrial designs, know-how and exclusive rights to the use of these items.

So the direct subject of the license can be: any technological nature development, as the engineering; innovative activity; power-intensive technology; resource-saving technology; composition of the material; methods of exploration and development of mineral resources; calculation methodology (including the means of software and computer programs); information, organizational, financial, managerial, such as those containing invention, as those that do not have them, as well as trademarks, industrial designs and copyrights.

For purpose of non-infringement and guarantee of rights of third parties the subject of license must have a novelty.

For example Law on the Protection of Rights to Inventions and Utility Models in Section 2, Art. 28 states: "A patent gives its owner the exclusive right to use an invention (utility model) in its sole discretion, if such use does not violate the rights of patent holders" [5, p. 28].

In the license agreement may be conditions that specify the method and sphere for using subject of license, and can be specified information concerning the technical documentation that is necessary and sufficient for the proper use of object which is available for use under patent license.

At the same time, one of the license terms may be rules about informing parties about improvement of the subject of the license and about involved in protecting the rights of the owner of the license against the illegal actions of third parties.

The terms of license agreement relative to the measure of rights granted to the licensee by the license, as already mentioned is one of the essential and most important, as well as according to general rule, the right to ownership of the licenses's subject is reserved for the licensor, and the measure of rights depends on the kind of license.

Considering the feature of relationships in the construction industry, mainly used non-exclusive license, which creates the right to issue sublicenses, and it is desirable clearly establish conditions and procedure for making sub-license agreements in the terms of the license agreement or supplementary agreement.

Therefore, the license agreement may provide for the right to grant the licensee (enter) sub-license agreements, which sublicensee gives another person (sublicensees) sublicense to use the intellectual property objects [1, p. 1109 Part 2].

Essential terms of the license agreement is its validity and the territory in which the licensor can to use the object of industrial property.

According to Art. 1110 of the Civil Code of Ukraine license agreement is concluded for a period which should not be the same as a final date after the expiry of the validity of exclusive property rights in the contract for a definite object of intellectual property, and according ch.7 st.1109 Civil Code of Ukraine in case of no indication of the territory of the contract, this license shall be applies on the territory of Ukraine [1, p. 1109, c .. 1110].

Thus, considering the above, and the interests of the licensor, in the license agreement should be specified territory in which the licensee is entitled to use the subject of the license, this condition is appropriate in cases where there is an opportunity to comply with this objective conditions and subjective need for the licensors' protected.

Determining the amount, manner and terms of payment and royalty for use of industrial property in the license agreement, established by agreement of the parties, given the characteristic virtually every industrial property object as the "obsolescence and deterioration."

In addition, another mandatory condition license agreement on the use of industrial property in the building is confidentiality under which the parties take responsibilities to preserve the confidentiality of technical documentation and information relating to the subject under license and other information determined by agreement between the parties as secret

Condition to the place and manner of the dispute which may arise in the course of the contract shall be determined by agreement of the parties.

Legislatively license agreements are not subject to compulsory state registration, but at the request of the licensor or the licensee, such agreements can be registered with the State Intellectual Property Service of Ukraine. The lack of state registration does not affect the validity of the rights granted by the license agreement, and other rights to the appropriate object, including the right of the licensee to apply to the court to protect their rights. [6, p. 321]

Conclusions. Therefore, the analysis makes it possible to conclude that the feature license agreements for use of industrial property in the construction caused by:

1. definition of direct subject of the contract and the beneficial effects of its use;
2. type of license - given the specificity of the field is usually provided by non-exclusive license for use of industrial property;
3. licensee's ability to grant sublicenses ;
4. Terms relating to improvement and improvement of the subject of the license;
5. definition of territoriality, specified the right of the licensee to use the subject of the contract only in the designated area by the licensor ;
6. confidentiality;
7. and other conditions caused by type of industrial property object, which is transmitted in accordance with the license agreement.

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Keywords: license, construction, use, industrial property, contract, sub-license.

Ключові слова: ліцензія, будівництво, використання, об'єкти промислової власності, підряд, субліцензія.

Ключевые слова: лицензия, строительство, использование, объекты промышленной собственности, подряд, сублицензия.

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FEATURES AND PROBLEMS OF USE OF INDUSTRIAL DESIGN IN ENTERPRISES

Bondarenko O., lecturer "Intellectual Property and Law," State higher education institution "Azov State Technical University, Mariupol.

Bondarenko O. Features and problems of using industrial designs in the business.

Developed economies is largely innovative in nature, that is based on the application of new knowledge and modern information technology. Global trend began deregulation of markets and the reduction or elimination of barriers to free trade, and the establishment of the standard terms and conditions of international trade. This domestic and regional markets become common features and put the same requirements for manufacturers and suppliers of goods and services. In such circumstances, intellectual property has become one of the most important factors determining the success of the production and business activities both in the domestic and international market. It can provide significant advantages in competition. Protection of industrial designs encourages creativity and stimulates the development of the industry. Protection of designs is not only contributes to the overall objectives of the country - there are interested and industry, and company developers and consumers. New times and circumstances create new challenges for managers. It is important not only easy to understand the importance of legal protection of designs and work for its implementation. Therefore, the article devoted to the issue of legal protection of industrial property rights - civil and legal protection of designs in Ukraine and features the use of industrial design companies. The analysis of the basic normative - legal acts regulating the use and protection of industrial designs. The basic points that you need to learn to officers and employees of large industrial enterprises in the use of industrial property, as well as in obtaining protection for industrial design and continue with his defense for the most positive effect of the use.

Бондаренко О. О. Особливості та проблеми використання промислових зразків на підприємствах.

Стаття присвячена актуальній проблемі правової охорони промислової власності – цивільно-правовій охороні промислових зразків в Україні та особливостям використання промислового зразка підприємствами. Зроблено аналіз основних нормативно - правових актів, які регулюють використання та охорону промислових зразків. Виділено основні моменти, які необхідно засвоїти керівникам і працівникам великих промислових підприємств при використанні об'єктів промислової власності, а також при отриманні охорони на промисловий зразок і надалі при його захисті для найбільшого отримання позитивного ефекту від використання.

Бондаренко О. О. Особенности и проблемы использования промышленных образцов на предприятиях.

Статья посвящена актуальной проблеме правовой охраны промышленной собственности – гражданско - правовой охране промышленных образцов в Украине и особенностям использования промышленного образца предприятиями. Сделан анализ основных нормативно - правовых актов, регулирующих использование и охрану промышленных образцов. Выделены основные моменты , которые необходимо усвоить руководителям и работникам крупных промышленных предприятий при использовании объектов промышленной собственности, а также при получении охраны на промышленный образец и в дальнейшем при его защите для наибольшего получения положительного эффекта от использования.

Statement of the problem. The article is devoted to the problem of legal protection of industrial property rights - civil and legal protection of designs in Ukraine and features the use of industrial design companies.

The development of the art of design in recent years has led to the fact that consumers are becoming more interested in getting the products which they purchase are not only useful but also attractive in aesthetic terms. On the one hand, forcing manufacturers to invest in the design of more funds , and on the other - makes it necessary to protect the results of the creative work of designers through the acquisition of rights to industrial designs. Designs are subject to special protection of intellectual property and enjoy special recognition and mode [1].

Developed economies is largely innovative in nature, that is based on the application of new knowledge and modern information technology. Global trend began deregulation of markets and the reduction or elimination of barriers to free trade , and the establishment of the standard terms and conditions of international trade. This domestic and regional markets become common features and put the same requirements for manufacturers and suppliers of goods and services. In such circumstances, intellectual property has become one of the most important factors determining the success of the production and business activities both in the domestic and international market. It can provide significant advantages in the competition [2].

The purpose of the article. The aim of the paper is to solve these problems: a study of national legislation on the protection of the industrial design ; address the problems arising from the acquisition and enjoyment of property for industrial design firms; recommendations to managers about the features use designs for a profit.

Statement of the material. Designs became a separate subject of intellectual property through specific character which should satisfy both aesthetic and functional needs of the application to tangible products . Designs are at the intersection of art and technology, as developers try to create products of industrial products , the shape and appearance of which meet the aesthetic tastes of consumers and their expectations regarding the functionality of these products. In the conventional understanding of industrial design - the result of creative activity aimed at achieving the decorative appearance of mass produced items that considering the existing constraints on the price meets the needs of potential users like about the visual appeal of the subject , and the ability to effectively perform assigned it a function. In the legal sense, industrial design refers to the rights granted in many countries, according to the filing system for the protection of original ornamental and not functional features of an industrial product or a product that is the result of creative activity.

Where the specifications of different products that are offered by different manufacturers is relatively equal, aesthetic appeal , of course , taking into account the price will determine consumer choice. Legal Protection of Industrial Designs , shall be so important function of protection of one of the distinctive features that make manufacturers succeed in the market.

Designs for over a century are independent among intellectual property , both in national laws and by international treaties. This status is reflected in the fact that most countries have recently introduced laws that provide protection for original designs . However, despite the many changes in national laws on industrial designs that were introduced since the mid -1990s , and much harmonization as a result of this process at the national level still remain significant differences in the treatment of industrial designs as intellectual property. Many of these differences are caused by different historical and legal traditions characteristic of the confusion that arises from the dual nature of industrial design both functional and aesthetic development.

From 1 July 1994 , Ukraine has the Law of Ukraine "On Protection of Rights to Industrial Designs" (hereinafter the Act) , passed December 23, 1993 This Law regulates relations arising in connection with the acquisition of ownership of industrial designs in Ukraine . [3] In accordance with the above Act , the object of the design can be a form , picture, or color , or combination thereof that define the appearance of industrial products and designed to meet the aesthetic and ergonomic needs.

Designs can be lengthy (model) , plane (shown) or combined [3].

Protection of industrial designs encourages creativity and stimulates the development of the industry. Protection of designs is not only contributes to the overall objectives of the country - there are interested and industry, and company developers and consumers .

Typically , designs are protected against unlawful copying or imitation. To do this, they must be registered with the Patent Office . Protection of designs means that the sample can not be copied or imitated without the permission of the right holder , and a copy or imitation , made without the authorization could not be sold or imported.

Scope of the legal protection afforded by a patent for industrial design , defined the essential features of the design shown in the photographs of the product (the layout of the figure) and that define the appearance of a product from its aesthetic and ergonomic features specified by the applicant . [4]

Protection of industrial designs encourages creativity and stimulates the development of the industry. Protection of designs is not only contributes to the overall objectives of the country - there are interested and industry, and company developers and consumers .

Through the use of industrial design product becomes external and consumer appeal. As a result - increase the commercial value of the product and the likelihood of its implementation on the market. Industrial design - is an artistic decoration or aesthetic components of the product. Sample volume can contain elements such as the shape or surface relief products , or elements within a single plane , such as patterns, lines or color performance [5].

Effective utilization of the industrial design allows enterprises to improve their competitiveness, and thus gain strategic advantage in the marketplace .

If the company created industrial designs protected by intellectual property rights , they acquire a certain value, and may not be used without permission of the owner . This demonstrates the need for registration of rights to specified intellectual property, so that no outsider could not use it at their own discretion and useful purpose.

New times and circumstances create new challenges for managers . It is important not only easy to understand the importance of legal protection of designs and work for its implementation. First of all we must understand why it depends on the competitiveness of the industrial design. And analyzing concluded that the competitiveness of a product depends on:

- That the quality of products with the consumer, including aesthetic, ergonomic ;
- The legal status of the company, as well as the possibility of product differentiation, which produces a ;
- The ability to forecast the enterprise business significance of technical, artistic and design decisions.

We believe businesses must first create their own patent strategy that will be to maximize the use of all possible objects of intellectual property and the whole variety of legal protection and security. Applying and analyzing the practice of developed countries, it can be concluded that properly designed strategy for the use of intellectual property , including industrial design , allows the company to :

- Consolidate the favorable market position through the use of modern technology for production ;
- Increase the competitiveness of the enterprise;
- Get product differentiation, by giving it the aesthetic appearance and ergonomic qualities that attract customers;
- To improve their financial performance by applying the intangible assets to generate additional revenue , and using advanced and creative design of their products.

Conclusions. Based on the above it can be concluded that the legal protection of industrial designs serves an important function of the protection of one of the distinctive features that make manufacturers succeed in the market. But when using industrial design experience problems that are closely related to the imperfect mechanism of implementation of protection of industrial designs. This indicates that you need to create a comprehensive , enhanced protection of industrial design , which will continue as a result of the said term of protection of intellectual property, as well as a

comprehensive methodological framework that will carry a recommendatory nature for managers and employees of the patent departments of large enterprises. This will allow more efficient and productive use of industrial design and benefit from this income .

Ukraine , and with it the company, going through a difficult phase of market reforms in the economy. Therefore the benefits of development, and all positive results will have those companies whose leaders soon realize new opportunities opening up in the use of industrial design , and learn to use them properly.

Key words: industrial design, patent, legal protection, intellectual property, innovation, the scope of protection.

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Key words: industrial design, patent, legal protection, intellectual property, innovation, the scope of protection.

Ключові слова: промисловий зразок, патент, правова охорона, інтелектуальна власність, інновації, обсяг правової охорони.

Ключевые слова: промышленный образец, патент, правовая охрана, интеллектуальная собственность, инновации, объем правовой охраны.

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SOME ASPECTS OF THE ESSENTIAL CONDITIONS OF AGREEMENTS ON TECHNOLOGY TRANSFER

Paduchak B., PhD in Law, Head of Sector of Use and Transfer of Intellectual Property Rights of Economic and Legal Department at the Scientific Research Institute of Intellectual Property of the National Academy of Law Sciences of Ukraine, Kyiv

Paduchak B. Some aspects of the essential conditions of agreements on technology transfer.

The features of legislative consolidation of essential conditions of agreements in general and on technology transfer agreements in particular are analyzed. Doctrinal approaches to the definition and classification of agreement conditions are examined. It is pointed out most widespread are three groups: essence, usual and accidental. The essence of essential conditions and the specific of usual and accidental are described. Legislator uses and thus revealing contents of first group only – essence of the contract. Namely conditions which are necessary and sufficient to ensure that contracts were concluded and thus able to generate rights and obligations of the parties. It is accented that, unlike essence, usual and accidental conditions are examined in law doctrine only. Summarizing scientific approaches it is noticed that usual conditions are those based on discretionary rules of law or custom. Their inclusion in the agreement are not binding, their presence or absence does not affect the fact of the contract. Accidental conditions are those which, although not relevant for the contract, but get legal significance only if they are included in the contract. Author analyzed the condition of contracts, mediating technology transfer, referred to in Law of Ukraine "On state regulation of activities in the field of technology transfer" in detail. It is emphasized their inconsistency with general principles of law and proposed to amend this Law by establishing new list of essential conditions, which would correspond to general principles of civil doctrine.

Падучак Б. М. Деякі аспекти істотних умов договорів про трансфер технологій.

У статті висвітлюються особливості законодавчого закріплення істотних умов договорів в цілому і щодо договорів у сфері трансферу технологій зокрема. Автором проаналізовано доктринальні підходи щодо визначення та класифікації умов цивільно-правових договорів. Зазначається, що найбільш широкє розповсюдження отримали три групи умов: істотні, звичайні і випадкові. Автором визначено сутність істотних умов, а також охарактеризовано специфіку звичайних та випадкових умов договорів. Законодавство України використовує та, відповідно, розкриває зміст лише першої групи, тобто істотні умови. Ними є умови, які необхідні і достатні для того, щоб договір вважався укладеним і цим самим здатним породжувати права і обов'язки для його сторін. Акцентується, що на відміну від істотних, виділення умов звичайних і випадкових дається лише в правовій доктрині. Узагальнюючи наукові підходи, зроблено висновок, що звичайними є ті умови, котрі ґрунтуються на диспозитивних нормах закону або звичаях. Їх включення в текст договору не є обов'язковим, їхня наявність або відсутність не впливає на факт укладення договору. Випадковими слід вважати ті умови договору, які хоч і не мають значення для його укладення, але набувають юридичного значення лише в разі їх включення в договір. У

статті детально проаналізовано умови укладення договорів, що опосередковують передачу технологій, які визначені у новій редакції Закону України «Про державне регулювання діяльності у сфері трансферу технологій». Наголошується на їх невідповідності загальним засадам цивільного права та запропоновано внести відповідні зміни до цього Закону, закріпивши перелік істотних умов, який би відповідав принципам цивілістичної доктрини.

Падучак Б. М. Некоторые аспекты существенных условий договоров о трансфере технологий. В статье освещаются особенности законодательного закрепления существенных условий договоров в целом и относительно договоров в области трансфера технологий в частности. Автором проанализированы доктринальные подходы к определению и классификации условий гражданско-правовых договоров. Отмечается, что наиболее широкое распространение получили три группы условий: существенные, обычные и случайные. Автором определена сущность существенных условий, а также охарактеризовано специфику обычных и случайных условий договоров. Законодательство Украины использует и, соответственно, раскрывает содержание только первой группы, то есть существенные условия. Ими являются условия, которые необходимы и достаточны для того, чтобы договор считался заключенным и тем самым способным породить права и обязанности для его сторон. Акцентируется, что в отличие от существенных, выделение условий обычных и случайных дается только в правовой доктрине. Обобщая научные подходы, сделан вывод, что обычными являются те условия, которые основываются на диспозитивных нормах закона или обычаях. Их включение в текст договора не является обязательным, их наличие или отсутствие не влияет на факт заключения договора. Случайными следует считать те условия договора, которые хотя и не имеют значения для его заключения, но приобретают юридическое значение лишь в случае их включения в договор. В статье детально проанализированы условия заключения договоров, опосредующих передачу технологий, которые определены в новой редакции Закона Украины «О государственном регулировании деятельности в сфере трансфера технологий». Подчеркивается их несоответствия общим принципам права и предложено внести соответствующие изменения в указанный Закон, закрыв перечень существенных условий, который бы отвечал принципам доктрины гражданского права.

Problem statement. Today Ukrainian legislation on technology transfer is being forming. International experience shows that harmonious technology transfer system promotes rapid innovation and market competitive products. Execution of agreement is both an integral and important stage of technology transfer and one of the most common legal facts by means of which the law links arising, modification and termination of civil rights and obligations. And a prerequisite is the availability of contracting arrangements between the parties on all essential conditions.

Analysis of recent research and publications. The theoretical basis of the study present papers of domestics and foreign scientists, namely M. Braginskii, V. Vytrianskii, O. Ioffe, V. Luts, S. Mai, D. Meier, I. Nowytskii, O. Orliuk, E. Sukhanov, Ya. Shevchenko, Yu. Shemshuchenko.

Unsolved problems. In Ukraine new edition of Law "On state regulation of activities in the field of technology transfer" entered into force on 2 October 2012. And provisions regarding essence of agreements have also undergone changes among other novelty of this Law. These circumstances have predetermined appropriateness of our research.

The purpose of this paper is to study the essence of civil contracts in general and to identify their peculiarities in the context of agreements in the field of technology transfer.

Results of the study.

1. Essence of the agreement (conditions of the contract) – is a way of fixing the mutual rights and obligations. So when it comes to the content of the contract, we keep in mind the rights and obligations of the contracting parties. According to Article 628 of Civil Code of Ukraine content of the contract constitute conditions (points) determined at the discretion of the parties and approved by them, and the conditions that are binding under civil law. In civil law under the content of the contract we understand the meaning of conditions (points) agreed by the parties upon concluding the agreement.

Essence of the agreement has different legal significance. Thus, D. Meier pointed out that the main difference between the conditions of the contract is that some of them are related to the nature of the contract, and others - not. The value of such classification lies in the legal consequences of their invalidity. So if invalid conditions relating to the nature of the contract, destroy it, then as a condition unrelated to its essence in case of their invalidity do not have the consequence of the invalidity of the contract as a whole [1, p. 163].

Conditions of the contract are usually combined into certain groups. The most widespread group of three conditions: essence, usual and accidental [2, p. 407; 3, p. 30-31; 4, p. 163-165; 5, p. 11-12]. But legislator uses and thus revealing the contents of only the first group, that is essence of the contract. Usual and accidental conditions are examined in civil law doctrine only.

A feature that combines the essence of the contract in one group does not cause much dispute. It is about conditions which form the agreement as a whole and types of agreements in particular. On account of this aspect essence are conditions that are necessary and sufficient to ensure that the contract was concluded and thus able to generate rights and obligations of the parties [6, p. 295-296].

In contrast of essence, usual and accidental conditions are distinguished only in the scientific literature. Only doctrinal nature of this separation was one of the reasons for the lack of unity in ideas about the classification features of usual and, therefore, accidental conditions and what are the consequences of this.

Summarizing practice what used to be called "bourgeois jurisprudence", S. Mai emphasized that usual conditions are those arising from the discretionary provisions of the law and customs. These rules may not actually find any expression in the contract and, despite this, apply to relationships that arise from it. Unlike them, accidental are recognized contractual conditions that, while not essence and necessary for all general contracts of a certain type, containing provisions agreed by the parties, which sometimes do not match the discretionary provisions of the law or customs [7, p. 72].

The literature covered with various issues related to the content of agreements usually deal with the essence of the contract that are directly derived from the meaning of Article 638 Civil Code of Ukraine. Taking into consideration this fact, particular differences on this issue does not arise. Another matter – conditions that are not the essence, that are usual accidental. The position outlined by the works of O. Ioffe and I. Nowytskii are of great interest to us. These concepts are generally close to each other.

Thus, O. Ioffe concluded that the usual are conditions presence or absence of which has no effect on the contract execution. "Moreover, there is little need to include the usual conditions in the contract, because they are formulated in the law or other regulations, and because contractors have agreed to enter into a contract they express agreement to submit to those conditions which are applicable under the law to contractual relationships of the relevant type or all contracts in general". As accidental should be considered provisions that also "have no value to the contract. And if the usual conditions prescribed by law and therefore enter into force by virtue of the mere fact of signing the contract, the accidental conditions can be casual and gain validity only when they are actually included in the contract" [8, p. 387-388].

The above examples show that O. Ioffe find the gist of the essence of the contract in the coincidence of the discretionary provisions of the rules, while accidental are conditions which, being identical outside their actions with one of the discretionary rules, contain distinct from its disposal option.

I. Nowytskii highlighted in addition to essence of the contract the following items, which are often used in some agreements, so that these items are provided discretionary rules (usual conditions of contract). As a result, even if the parties did not foresee such matters it should be supposed that they were referring to the usual way of solutions which is expressed in the dispositive norm. If the parties have expressed a desire to give their agreement in this part of another value, they are given the opportunity to indicate in the relevant provision of the contract then the rule will not receive discretionary use. So the question is usual conditions. Along with these conditions, I. Nowytskii identifies also "accidental items, in another word those that are neither necessary nor a normal part of the contract and included in its contents only at the request of the parties (e.g., terms of the technical meanings of the word)" [9, p. 148].

So, reduced views on usual conditions coincide: both authors refer to these conditions those which are enshrined in the dispositive norm. As for the accidental conditions, one of the authors includes to this category only those that rebel against discretionary rules (O. Ioffe) and second (I. Nowytskii) - any except for essence of the contract and usual.

Summarizing different approaches it should be noticed that usual conditions are those that are based on discretionary rules of law or custom. Their inclusion in the text of the agreement is not binding, their presence or absence does not affect the fact of the contract, they do not require separate approvals, but they shall be binding on the parties on the facts of the contract. These conditions may include, for example, the conditions for compensation for the damage caused, disputes procedure – in the absence of such understandings in the contract these issues will be addressed in accordance with the common rules of law [10, p. 104-105].

Accidental conditions of the contract are those which, although not relevant for the contract, but get legal significance only if they are included in the contract (as opposed to the usual conditions, which shall be binding on the facts of the contract). Accidental are conditions, inter alia, that or not regulated by law, or in some way beyond the limit set by discretionary regulatory standards, but for which there is the understandings between parties.

2. Legal regulation on issues related to the structure and even the definition of essential conditions, does not fully coincide in the Civil Codes of Ukraine. Thus, in the Civil Code of the Ukrainian SSR 1922, it was noted that essential conditions in any case recognized subject of the contract, price, termination, and all the items in respect of which and by prior application of either party shall be agreed. The Civil Code of the Ukrainian SSR 1963 (Art. 153) as essential defines conditions of the contract that are recognized as such by law or necessary for contracts of this type, as well as all the conditions on which any statement of a party to be agreed.

According to the current Civil Code of Ukraine 2003 (Art. 638) the essential conditions of agreement are: a) subject of the contract; b) the conditions defined by law as essential; c) the conditions that are necessary for contracts of certain type; d) all other conditions for which must be agreed at the request of at least one of the parties.

One of the essential conditions - subject of the agreement – explicitly provided by the law as far as the contract should be clear about the nature of the understanding of the parties (including the type and quantity of goods, the nature of works and services).

Legislative acts define essential conditions on certain types of contracts. For example, the law defines the essential conditions of the lease of state and municipal property, leasing, franchising agreements, production-sharing agreements, foreign-economic contracts, etc.

Essential conditions, although not mentioned in the law but is necessary for contracts of this type, is the price of paid contracts, terms - in the contracts of tenancy, etc.

Also law determines as essential those conditions for the inclusion of which insists some party of the contract. It can be any terms (as governed by law and not), e.g. conditions to ensure fulfillment of the obligations, the order on discharge of obligations and acceptance of performance, etc.

So mentioning of essential (mandatory) conditions (essence of the contract) in any section of the third chapter of Civil Code of Ukraine or in special laws that govern the proper types of agreements is possible, but not mandatory.

The foregoing provisions suggest that for contractual models not covered by the Civil Code of Ukraine or other laws essence of the contract shall be recognized only subject of agreement, conditions that are necessary for contracts of certain type as well as all other conditions for which must be agreed at the request of at least one of the parties. Article 638 of Civil Code of Ukraine with its four groups of essence of contract fully operates only for legally designated agreements (in this Code or other Law). So the difference is that second rule (essence of contract is the conditions defined by law as essential) does not work for agreements unprovided in Civil Code of Ukraine and other laws (unnamed agreements).

3. Now we consider the question on the essential conditions of the technology transfer agreements defined in the new edition of the Law of Ukraine "On state regulation of activities in the field of technology transfer".

According to part 1 Article 19 of this Law the essence of technology transfer agreement (essential conditions) includes: 1) the list of constituents of technologies that are being transferred (determining their functional properties and guaranteed indicators); 2) price of technologies or payment for their use; 3) terms, place and method of conveyance of technologies; 4) conditions of transfer of technical knowledge, required for assembly, use and maintenance of equipment, acquisition or tenancy, assembly and use of machines, equipment, spare parts and materials; 5) size, procedure and conditions of payment of royalties for using technologies and also type (one-time payments - lump sum, periodic payments - royalties or other payments); 6) responsibilities of the parties for violation of the conditions of the agreement; 7) procedure of settlement of disputable issues concerning fulfillment of conditions of the agreement.

At the same time according to part 2 Article 19 of this Law technology transfer agreements should include also provisions concerning: 1) license and its conditions for using technologies and their constituents; 2) territorial limitations; 3) limitation of the sphere of application of technologies and their constituents; 4) procedure of issuing sub-licenses for constituents of technologies to third parties; 5) conditions of conveyance of the rights for know-how, technical economic substantiation, plans, instructions, specifications, sketches and other informational materials about technologies and their constituents, required for efficient use, including limitations due to conditions of preserving confidentiality of information about technologies and their constituents in the course of their use; 6) conditions of work on improvement of technologies and their constituents and procedure of provision of information on such improvements by the parties; 7) conditions of provision of consultations and services on designing, assistance and training of the staff that ensures realization of technologies and management personnel of the entity that they rights to technologies and its constituents are transferred; 8) conditions of insurance of technologies and their constituents; 9) procedure of compensation of expenses in connection with transfer of technologies; 10) limitations that concern activity of the parties in case of end of the term of validity of the agreement; its termination or force majeure circumstances.

As a result of analyze of the previous version of the Law of Ukraine "On state regulation of activities in the field of technology transfer", namely Article 16 which contained eighteen essential conditions of technology transfer agreements, we concluded that the legislature actually only divided these conditions into two groups. Thus, the first group includes seven conditions that are defined in the new version as "essential", and the second - the conditions that "should" be specified in such types of agreements. That is, from a legal point of view, the second group of conditions can also be called essential.

But the list of essential conditions leaves more questions and less answers. Professor O. Orliuk has noticed that essence of technology transfer contract determined in this Law immediately raises censorious remarks of professionals who specialize in intellectual property law and civil law. Her assertion is based on the provisions of the Civil Code of Ukraine and the theory of civil law in general [11, p. 73]. In our opinion this list of conditions do not take into account the features of different types of technology transfer agreements (licence agreement, assignment of IP rights contract and other agreements on disposal of intellectual property rights). This Law has

consolidated in one group essential conditions that are set by other laws and are required for different types of contracts, and usual conditions.

However certain essential conditions specific to one type of contract can not be recognized as essential for the particular type of contract in nature. So, some of essential conditions mentioned in Law can not be contained in certain types of contracts in general, because they do not correspond to the content or subject of them. For example, during the execution of licence agreement the right on know-how may be missing in a licensor in general and their transmission is not possible priori. Instead, the Law contains the following essential condition as conveyance of the rights for know-how (Part 5 of Article 19), etc.

Consequently, it is possible a conflict during the execution of technology transfer contract due to the fact that the Law actually defines 17 mandatory conditions to be included in the agreement, but the parties wish to enter into a contract, which, in fact, can not include all certain mandatory conditions.

In addition, the aforementioned Act affirmed as essential conditions appropriate to usual. In particular, it is the responsibilities of the parties for violation of the conditions of the agreement, procedure of settlement of disputable issues concerning fulfillment of conditions of the agreement.

It should be noted that the absence at least one of the essential conditions are the ground for declaring the contract not concluded. It does not have legal significance availability intent or fault of the party of the contact, as well as the degree of fulfillment of obligations under the contract. Sufficient is only the fact of the absence of a essential conditions. This position is confirmed by the court practice and clarifying in Section 17 of the Supreme Economic Court of Ukraine Explanation "On some issues of disputes related to the recognition of transactions invalid" [12].

Conclusions and recommendations

In view of the abovementioned, we consider a need to make appropriate amendments to this Law to consolidate the list of essential conditions that would meet the principles of the Civil Code of Ukraine and the general principles of civil law theory.

Based on the above, the article of the Law of Ukraine "On state regulation of activities in the field of technology transfer", which specify the essential conditions, advisable to define as follows: "Technology transfer agreements should contain together with essential conditions defined in articles 1109, 1110. 1113 of Civil Code of Ukraine such essential conditions: 1) list of constituents of technologies that are being transferred (determining their functional properties and guaranteed indicators), terms of the documents certifying the exclusive intellectual property rights (patents, certificates, etc.); 2) price of technologies or payment for their use; 3) terms, place and method of conveyance of technologies; 4) size, procedure and conditions of payment of royalties for using technologies and also type of payment (one-time payments - lump sum, periodic payments - royalties or other payments).

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Key words: technology transfer, agreements, conditions of agreements, usual conditions, essential conditions.

Ключові слова: передача технологій, договори, умови договорів, звичайні умови, істотні умови.

Ключевые слова: передача технологий, сделки, условия сделок, обычные условия, существенные условия

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KARAOKE, AS A MEANS OF USE OBJECTS OF COPYRIGHT AND RELATED RIGHTS

Chernenko L. Senior researcher fellow, department of industrial property Intellectual Property Research Institute of the Academy of law sciences of Ukraine.

Chernenko L. Karaoke, as means of the use of objects of copyright and allied rights.

The work consists of two parts(1. Term "karaoke", 2. Works protected by copyright and related rights, which are used in "karaoke"), described and analyzed the technical and legal aspects "karaoke" systems. In the technical aspect, consider the concept of "karaoke" by the historical context of the creation of the device itself, such as: its development and further improvement; interpretation given to the concept of "karaoke", which includes some of the inherent him three categories: design, music(which is carried out through), a technical device. Also in the work presents the karaoke function, which is closely related to the storage medium, as well as with the devices themselves for their reproduction; noted that as a result of the use of certain functions karaoke industry develops in two market segments: the creation and improvement of technologies for professional use devices (systems) karaoke (for karaoke clubs , including the championship), as well as for the "home" ("domestic") karaoke. An analysis of the functions and features of karaoke systems at present allocated objects that may have legal protection , such as a piece of music (no text) , the text itself , as well as objects that constitute the background for the text (if the monitor). In legal aspect, through the doctrine of copyright concepts are presented as works and musical work, which at this stage and are not fixed at the legislative level; the characteristic object (product), protected by copyright and related rights, which are used in "karaoke". Analyzes the concept of performance works with systems "karaoke" with regard to their publicity. Just filed to implement data collection characteristic of remuneration for the use of the above objects , as well as control over their fair use authorized by collective management organizations.

Черненко Л.А. Караоке, как средство использования объектов авторского права и смежных прав.

Работа состоит из двух частей (1. Понятие «караоке», 2. Произведения, охраняемые авторским правом и смежными правами, которые используются в системах «караоке»), где рассмотрены и проанализированы технический и юридический аспекты «караоке»-систем. В техническом аспекте рассмотрено понятие «караоке» через исторический контекст создания самого устройства, как такового: его развития и дальнейшего усовершенствования; дано толкование понятия «караоке», которое включает в себя изначально заложенные в него три категории: исполнение, музыкальное сопровождение (которого осуществляется через), техническое устройство. Так же в работе представлены функции караоке, которые тесно связаны с носителем информации, а так же с самими устройствами для их воспроизведения; отмечено, что в результате использования определенных функций караоке индустрия караоке развивается в двух сегментах рынка: создание и совершенствование технологий для профессионального использования устройств (систем) караоке (для клубов-караоке, включая и чемпионаты), а так же для «домашнего» («бытового») караоке. В результате анализа функций и возможностей караоке-систем на современном этапе выделены объекты, которые могут пользоваться правовой охраной, такие как: музыкальное произведение (без текста), сам текст, а так же объекты, которые составляют фон для текста (при наличии монитора). В юридическом (правовом) аспекте, через доктрину авторского права, представлены понятия как произведения, так и музыкального произведения, которые на данном этапе так и не закреплены на законодательном уровне; дана характеристика объектам (произведениям), охраняемым авторским правом и смежными правами, которые используются в системах «караоке». Проанализировано понятие исполнения произведений с систем «караоке» с учетом их публичности. Так же подана характеристика по осуществлению сбора вознаграждения за использование указанных выше объектов, а так же контроль за их правоммерным использованием уполномоченными организациями коллективного управления.

Черненко Л.А. Караоке, як засіб використання об'єктів авторського права і суміжних прав.

Робота складається з двох частин (1. Поняття «караоке», 2. Твори, що охороняються авторським правом і суміжними правами, які використовуються в системах «караоке»), де розглянуто та проаналізовано технічний і юридичний аспекти «караоке» - систем. У технічному аспекті розглянуто поняття «караоке» через історичний контекст створення самого приладу, як такого: його розвитку та подальшого удосконалення; дано тлумачення поняття «караоке», яку включає в собі споконвічно закладені в нього три категорії: виконання, музичний супровід (якого здійснюється через), технічний пристрій. Також в роботі представлені функції караоке, які тісно пов'язані з носієм інформації та з самими прибудовами для їх відтворення; зазначено, що в результаті використання певних функцій караоке індустрія караоке розвивається у двох сегментах ринку : створення і вдосконалення технологій для професійного використання пристроїв (систем) караоке (для клубів - караоке, включаючи і чемпіонати), а таке саме для «домашнього» («побутового») караоке. У результаті аналізу функцій і можливостей «караоке» - систем на сучасному етапі виділені об'єкти, які можуть користуватися правовою охороною, такі як: музичний твір (без тексту), сам текст, а таке саме об'єкти, які становлять фон для тексту (за наявності монітора). У юридичному (правовому) аспекті, через доктрину авторського права, представлені поняття як твори, так і музичного твору, які на даному етапі так і не закріплені на законодавчому рівні; дана характеристика об'єктам (творам), що охороняються авторським правом і суміжними правами, які використовуються в системах «караоке». Проаналізовано поняття виконання творів з систем «караоке» з урахуванням їх публічності. Подана характеристика по здійсненню збору винагороди за використання зазначених вище об'єктів, а також контроль за їх правомірним використанням уповноваженими організаціями колективного управління.

Statement of the problem. In today's world of entertainment take different forms, which may be involved in intellectual property in the field of copyright and related rights. This may relate to jukeboxes , and ordinary players, which can be used , for example - music applications as a directory that includes both the printed text and musical notation . Particularly popular in the late 80s and early 90s in the territory of the former Soviet Union acquires karaoke , which uses different objects of copyright and related rights. This fact is the use of copyright and related rights in the karaoke should condition the integrated approach to the study of the "karaoke", its features and capabilities of the reflect changing technology progress and improvement , as well as objects of copyright and related rights, which can hold karaoke .

Analysis of recent research and publications. In the scientific literature are sufficient number of works in which analyzed features certain objects, that are protected by copyright and related rights, for example, - literary, musical, photographic works, as well as sound and video recordings. Unfortunately, the issues that are associated with the definition of "karaoke", as well as the study of karaoke systems, which include the specific subject matter of copyright and related rights, remained virtually unnoticed among Ukrainian scientists, while these problems, related to the using of copyrights object in karaoke systems like certain forms, has been specified in the writings a Russian scientist – N. Ivanov. This gap in the study objects of copyright and related rights that are available in karaoke systems, already underlines the relevance of this study.

Research aim: define the concepts of the "karaoke", explore the features of the device with karaoke functions that depend on the market segment karaoke industry, explore works that are protected by copyright and related rights, and in particular used in systems the form of "karaoke".

Basic material

1 Concept of the "karaoke" There are many different variants of a statement, telling us about the creation of all the now famous karaoke, which evolved into the phenomenon, as in the countries of East Asia and Western countries, including the United States.

Palm of victory holds it with Japan and the city are Kancai jazz mecca of those years - Kobe, in one of the eateries which started the history of the inverse image of technical devices - karaoke machines, the first batch in 1971, which was released to the public and implemented in these same diners drummer Daisuke Inoue institutions. He invented a machine that can play the melody without replacement text.

In the late 80's karaoke spread to Southeast Asia through singing coffee (utagoe kissa) and afterwards the so-called special KTB or «noraebang», - space in the form of isolated sections, where visitors spent their time in singing (alone or company) with musical accompaniment of a special device.

In contrast to the Asian model karaoke, American and European model transformed into a karaoke to karaoke bars (clubs), which implies more public performance at the mini-concert venues. And in this form karaoke 90s became popular in the post-Soviet countries.

"Karaoke" is formed by fusion of two words: Jap. カラオケ (karappo - empty) and orchestra; in japanese: オーケストラ—ōkesutora (空 [kara] — «empty» и オケ [ō:ke] (or オーケストラ [ō:kesutora] — «orchestra»); recorded in Japanese dictionary, and many dictionaries world that already suggests a considerable fame and popularity of karaoke in the world.

The Concise Oxford Dictionary gives the concept of karaoke music ("empty orchestra"), as a style of singing, which became popular in Japan in the 1970s, in which the songs were recorded with full support to the accompaniment, but without the vocals, which can then be added by any person wishing to do so.

So you can cite several interpretations of this concept: Karaoke - entertainment, consisting of unprofessional singing with a device allowing sing to pre-recorded music (soundtrack); as the device itself;

Karaoke - singular [kəre `ok^j ɪ], plural [kəre `ok^j ɪ] - entertainment, consisting of unprofessional singing under a pre-recorded accompaniment.

Karaoke - 1. View Entertainment - version of popular songs under the musical soundtrack and video with subtitles lyrics. 2. Electronic music device designed for such entertainment.

Karaoke - way of performing familiar songs under the music played in the record specifically for this by singing accompaniment.

Karaoke - entertaining electronic music installation, the monitor which demonstrates the colorful music video phonograms and titles lyrics ticker that allows anyone to sing into the microphone in any language.

So, based on the history of, creating the inverse image of karaoke and interpretations of the term, it can be concluded that the concept of "karaoke" is inherently three categories: singing, musical accompaniment (which is carried out through), a technical device.

Karaoke function and the number of the objects of copyright and related rights related to the information carrier and devices themselves. Previously, carriers were vinyl records and tapes. Today, they were replaced by DVD-players, stereos and home theater with karaoke options, personal computers (hereinafter - PC) and even phones with special karaoke program.

Devices with karaoke functions are widely used in public places - specialized karaoke clubs, entertainment venues (bars, cafes, restaurants), as well as at home, where a limited number of people access to certain objects that are included in the components of the karaoke.

As a result of the use of the karaoke industry has been developing in two market segments: the creation and improvement of technologies for professional use devices (systems) karaoke (for karaoke clubs, including the championship), as well as for the "home" ("home") karaoke.

So, given the above, analyzing the features and functions of karaoke at the present stage, we can note the following (basic) objects that can to have the legal protection: music, lyrics, as well as objects that constitute the background for the text (if the monitor) which may be given legal protection as objects of copyright and related rights.

2 Works that are protected by Copyright and related rights which are used in "karaoke" systems

According article 433 Civil Code of Ukraine objects of copyright include literary and artistic works, which include, written works, musical works (with or without text), musical and dramatic works, arrangements and other alterations literary and artistic works.

Article 8 of the Law of Ukraine "On Copyright and Related Rights" clarifies that are subject to copyright works in the field of science, literature and art, as well as in paragraph 14) indicates how the objects of legal protection, derivative artworks.

According to the results of studying the question "What is musical work?" we can conclude that hasn't the concept of "musical work" in intellectual property law (Ukraine).

The doctrine of copyright the most popular is the concept of "work", which gave V. Serebrovskii more than 50 years ago, namely: "product" ("work", "artwork") - a combination of ideas, thoughts, and imagery that are expressed as a result of the creative activity of the author in an accessible form, which foresees the possibility of reproducing [1].

E. Gavrilov simplified this concept as "the result of the creative activity of the author expressed in the objective form" [2].

«Shorter Oxford English Dictionary» gives the notion of music as reproduced by voice or instrument sounds, which together form a harmonious combination.

Also, based on the theory of copyright musical work is considered a work in which artistic images expressed with sounds [3].

As many people know, musical work can be expressed in different objective form: musical notation, audio, video, performance. As for the notation of a musical work, it refers to a written literary work, because through notes (specific characters) piece of music can be fixed at a certain tangible medium (paper, as well as digital media).

For example, the program function karaoke «Vocal Jam» provide singing with on-screen notation of music. Musical compositions with a words is the song. And in the case of performing the song (a performance), be aware that at the same time with the musical work as object of Copyright, and the other is used to Copyright - literary work (verse), which may have a distinct style. Such text (couplets, choruses) of this literary work is broken down into syllables and laid out in the bottom of the screen. Font highlighted by different colors in the course of sound of the audio portion of a musical composition.

In the study of a musical work very often pay attention to the formats that are used in karaoke. Effect to the format of music work (compression), and the impact on the tempo and other elements, how users find, can change the sound of the product, giving it a new sound character, which leads to the so-called processing works. But, in this case, will not create a new object of copyright, but only significant distortion of the work by a certain "manipulation" using certain program. These manipulation are "technical" in nature (for example, you can remove the function of a particular instrument). Cause such manipulations are not creative approach to work with the elements of a musical work, which can manifest originality that serve to create a derivative musical work.

Thus, a study of music works should be aware of this fine line (creative work to create derivative works, which outlined the originality and technical work, as such, to amend the original work).

In the book «The modern law of copyright and design» of the United Kingdom is reflected based on judgment «Austin v. Columbia gramophone co» (1932), the following reference: when evaluating musical works in terms of their originality and copyright infringement on their sounds (perceived hearing music) should be considered as a significant parameter in comparison with the musical notation representing the written form of expression sounds [4].

To note, in the study of a musical work, as well as examining issues related to the legal protection of a musical work should always be aware of the external form of the product, which is copyrighted. Such an outer shape of a musical work form melody, harmony and rhythm, which are composed of sounds and sound combinations of different pitch and duration.

Article 9 of the Law of Ukraine "On Copyright and Related Rights" (copyright protection fragment of the work) indicates that part of the work, which can be used independently, including the original title of the work, taken as a product and given legal security.

Of all the components of a musical work is the most interesting melody.

Due to the fact that the melody is the result of the composer, exists in an objective form, can be used alone - that any use of the melody without the consent of the author (composer) is a violation of its copyright. Rhythm, harmony, and other components of a musical work can only be used in combination with each other and with the melody - appropriate them is simply impossible. Possible to appropriate only the melody [3].

If we talk about playing a piece of music with karaoke, the melody for karaoke versions are usually not fixed, but because it seems clear that the actions of manufacturers such discs directly affect the exclusive right to the part where it covers actions to reproduce and processing work , not to mention the right to inviolability of the work [5].

Popular music works in most cases, are simpler musical arrangements. Harmony and rhythm together with the arrangement and lyrics running line on the screen is easy enough to allow identification of each product contained on the disk, and thus it is possible to talk about his use or the use of at least part of it. Under current legislation, manufacturers of karaoke players, in which the memory was originally written a certain set of works, as well as manufacturers of karaoke discs required to pre-negotiate the terms of such use of music, including the amount and manner of payment of remuneration to the owners. In practice, unfortunately, when using the music work in the "karaoke" the interests of copyright holders are often ignored [5].

Upon further examination functions in karaoke systems, which can be visually observed through the monitor, there is a choice of background depending on the sound of music.

This can be seen in the development versions of the system LG DVD-karaoke system, in which each song steals up the appropriate mood roller. Feature of this design is that each song is stored in the database and each have their own video "stylistic label." Just four styles - they are conventionally called "modern", "rock", "rap" and "dance". When choosing specific song, the system automatically finds the harmony with her video. Thus, from the karaoke disc manufacturer depends on whether he will include in the video objects, enjoys legal protection, or limited to a standard background.

So, as a background, can be used the following objects of copyright and related rights:

- static objects (and also change the images through the slide show function) photographic works, images cartoons characters (depending on the repertoire that they will accompany), as well as screenshots of certain episodes of animated or cinematographic works;
- dynamic objects (video recordings, fragments of audiovisual works, including video clips, etc.).

Taking into account that in the background can be used by different objects, taking into account, for example, the label "dance", as a backdrop can be used with the performance of certain videogram dancer who demonstrates the art of choreography, of which he is the author. Such a way, besides the fact that we have an object of related rights - videogram, so it you may see as an object of Copyright, a choreographic work.

In such cases, the question of the legality of the use of such a background can be resolved only by the results of studying the conditions of contracts for the use of such a work in the collection the disc manufacturer, subject to the moral (intangible) copyright.

Singing to the soundtrack (phonogram) - this is the highlight, and for which was created and continues to improve the whole industry karaoke.

Performances and phonograms, as objects of related rights, enshrined in article 449 of the Civil Code of Ukraine and article 35 of the Law of Ukraine "On Copyright and Related Rights".

As subjects of related rights, article 36 of the aforementioned Act specifies (primary) works performers and producers of phonograms.

The very same performance (singing) under a soundtrack (phonogram) is one of the ways to use the artwork, which are fixed in Article 441 of the Civil Code (use of the work) and have been partially discussed earlier.

This use of the product is one of the elements of property rights.

Performance (singing) - action (which are the result of creative activity), before an audience of literary, musical (with or without text) works in any manner and in any form through artistic, physical, occupational opportunities inherent performer. Execution of the works are the representation of singers, musicians who sing, declaim, play on the musical instruments.

About Systems Karaoke: there are systems - karaoke program that are designed specifically for a particular instrument - there is karaoke for guitar that originally, outlines the range of performers (guitarists).

Performer can only be a natural person, a producer of phonograms - both physical and legal persons.

In the beginning of this article were noted two main segments of the market karaoke industry: technologies that are used to "home" ("household"), karaoke, as well as for professional use devices (systems) karaoke - for karaoke clubs and other public institutions.

The presence of a certain number of people, the audience promotes demand on many soundtracks (phonograms), and thus, often questioned the legality of the use of most objects of related rights Copyright in this market segment.

Article 1 of the Law of Ukraine "On Copyright and Related Rights" indicates that the public performance - it supply (with the consent of copyright and related rights works, performances, phonograms by singing, recitation, in another way, either directly (in live performance) so indirectly - with the use of specific devices and processes (except for feeding to broadcast or cable) in areas where there are, or may be attended by persons who do not belong to the circle of family or close friends of the family circle, regardless of whether they are present in one place at the same time or at different locations and different times.

Thus, the concept of automatically separates the segment "home karaoke", when used in the family (apartment, villa, which is not subject to public signs of public places open to public access (access)).

In another embodiment, whatever karaoke technology is used, it does not affect the signs of publicity when playing with the device of copyright and related rights Article 43 of the Law of Ukraine "On Copyright and Related Rights" provides for the use, without the consent of the Phonographic Industry (video recordings), soundtracks / phonograms (video recordings) are published for commercial purposes, and performer whose performance is fixed in phonograms data (videograms), but with payment of remuneration of public performance or phonogram instance or public demonstration video recordings or instance. Collecting remuneration use the above objects, as well as control over their fair use, carried out by authorized organizations.

Procedure for payment of compensation for use of published for commercial purposes phonograms and videograms was provided in the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the remuneration (royalty) for the use of published for commercial gain phonograms and videograms and their payment procedure" from 18.01.2003 N 71.

State permits the formation of organizations to manage the rights of different categories of owners, so it is these organizations and are monitored and the payment of remunerations.

As a result of such control is the interaction between the organizations for the distribution of spheres of activity in the market of intellectual products; for example, Ukrainian Music Alliance collects remuneration for the use of published for commercial gain phonograms and videograms in the field of television and radio; Ukrainian League music rights monitors use of intellectual property in the activities of establishments catering, consumer services and transport [6], Ukrainian Agency of Copyright and Related ref manages rights on a collective basis for the published musical

work (with or without text), and other works, the use of which is carried out, including in public performance.

Conclusions. Thus, summarizing, we can again see how difficult the system is karaoke, what opportunities and resources are available; with the growth of technological progress, a karaoke system, as if under the influence of gravity, attracts a growing number of copyright and related rights while cultivating as playback data objects: karaoke if the early 90-ies of XX century, includes a microphone and a paper list with musical works, copies of which are located on removable chips, now being in the digital environment, the ability to play through certain objects through plasma monitors, dragged into the nucleus and other objects besides text, names of the sound. We are dealing with images, static, dynamic, which are displayed as screensavers (background) and can enjoy legal protection.

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Key words: karaoke, copyright, neighboring rights, performance, music, technical device.

Ключові слова: караоке, авторське право, суміжні права, виконання, музичний супровід (якого здійснюється через), технічний пристрій

Ключевые слова: караоке, авторское право, смежные права, исполнение, музыкальное сопровождение, техническое устройство

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DISPLAYING OF NORMS OF COPYRIGHT LAWS IN THE MASS MEDIA LAWS OF UKRAINE

Matskevych O., research scientist and external doctorate student of S&R Institute of Intellectual Property of NALSU, master of intellectual property.

Matskevych O. Displaying of Norms of Copyright Laws in the Mass Media Laws of Ukraine.

It is made an analysis of what provisions of the legislation of Ukraine on copyright and related rights in the existing special laws regulating mass media. It was established that the terminological determination in information legislation is an important aspect for legal science in general as well as for copyright. In particular, the analysis of the definition of “information” is made. The author highlights the deficiencies and proposed her own definition. Such terms as “printed information”, “audio-visual information” are also studied. It is determined that the definition of “printed information” available in no law and formulation of “audiovisual information” needs adjustment. Attention is also given to the network media. The author draws attention to the different interpretations of audiovisual works in the Laws of Ukraine “On Copyright and Related Rights” and “On Television and Radio”. Through further analysis of the Law of Ukraine “On Television and Radio” was found the highlight of such norms of copyright as the right to a name, the right to inviolability of the work, co-authorship (interview), and a mandatory compliance with copyright use and distribution of broadcast programs. It is also analyzed the status of such person as a journalist and concluded that the laws regulating mass media set forth certain powers of the journalist, as the subject of copyright. A particular note on the rights of authors of letters printed media and the nature of the contractual relations is made.

Мацкевич О. О. Відображення норм авторського права у законах України щодо засобів масової інформації.

Проведений аналіз того, які саме положення законодавства України про авторське право і суміжні права наявні у спеціальних законах, що регулюють діяльність засобів масової інформації. Встановлено, що визначеність термінів інформаційного законодавства є важливим аспектом не тільки для юридичної науки загалом, але і для авторського права. Зокрема, проаналізоване визначення поняття «інформація». Автором висвітлено наявні недоліки та запропоноване власне визначення цього поняття. Окрім того розглянуто такі поняття як «друкована інформація», «аудіовізуальна інформація». Встановлено, що визначення друкованої інформації немає в жодному законі, а формулювання аудіовізуальної інформації потребує коригування. Увагу також приділено визначенню мережного засобу масової інформації. Автор звертає увагу на різне тлумачення аудіовізуального твору в Законах України «Про авторське право і суміжні права» та «Про телебачення і радіомовлення». Завдяки подальшому аналізу Закону України «Про телебачення і радіомовлення» у ньому виявлено висвітлення таких норм авторського права, як право на ім'я, право на недоторканність твору, співавторство (інтерв'ю); а також обов'язковість дотримання авторських прав при використанні і розповсюдженні програм мовлення. Також

проаналізовано статус такої особи, як журналіст та зроблено висновок про те, що у законах, що регулюють діяльність засобів масової інформації, закріплені окремі правомочності журналіста, як суб'єкта авторського права. Окремо звернуто увагу, на прав авторів листів друкованих засобів масової інформації та договірних характер правовідносин.

Мацкевич О. А. Отражение норм авторского права в законах Украины о средствах массовой информации. Проведен анализ того, какие именно положения законодательства Украины об авторском праве и смежных правах имеются в специальных законах, регулирующих деятельность средств массовой информации. Установлено, что определенность терминов информационного законодательства является важным аспектом не только для юридической науки в целом, но и для авторского права. В частности, проанализировано определение понятия «информация». Автором рассмотрены имеющиеся недостатки и предложено собственное определение этого понятия. Кроме того, рассмотрены такие понятия как «печатная информация», «аудиовизуальная информация». Установлено, что определение печатной информации нет ни в одном законе, а формулировка аудиовизуальной информации требует корректировки. Внимание также уделено определению сетевого средства массовой информации. Автор обращает внимание на различное толкование аудиовизуального произведения в Законах Украины «Об авторском праве и смежных правах» и «О телевидении и радиовещании». Благодаря дальнейшему анализу Закона Украины «О телевидении и радиовещании» в нем выявлено освещение таких норм авторского права, как право на имя, право на неприкосновенность произведения, соавторство (интервью), а также обязательность соблюдения авторских прав при использовании и распространении программ вещания. Также проанализирован статус такого лица, как журналист и сделан вывод о том, что в законах, регулирующих деятельность средств массовой информации, закреплены отдельные правомочия журналиста, как субъекта авторского права. Отдельно обращено внимание, на права авторов писем печатных средств массовой информации и договорных характер правоотношений.

Nowadays there is no united national law that regulates the whole amount of relations in media sphere (including the protection of copyright and related rights) takes into account all the latest achievements in this field. Laws of Ukraine, which in some way regulate the mass media, are: “On information” [1], “On the information agencies” [2], “On Printed Mass Media (Press) in Ukraine” [3], “On Television and Radio Broadcasting” [4], “On Publishing” etc. At the same time a very logical question appears – do they reflect the provisions of the Law of Ukraine “On Copyright and Related Rights” (hereinafter - the Copyright Law) [5] as long as a large number of modern media products are the objects of copyright?

Recent researches analysis. The shortcomings of the national legislation in this area studied O. Germanova, A. Shtefan and others.

The aim of the paper is the analysis of some provisions of the legislation of Ukraine, which regulates the activity of mass media through the prism of keeping in mass media legislation the norms of copyright laws.

The main material

A certainty of terms of informational legislation is an important aspect not only of legal science in general, but for copyright also. That is why, before analyzing the provisions relating to copyright and related rights existing in the acts given above, it is necessary to highlight some special terms and definitions which, in author's opinion, need to be corrected. E. g., information.

In general, the information can be viewed in broad and narrow contexts - as a universal concept and a legal category. In broad-spectrum, the information is a certain form of reflection of what happened or is happening around. From the legal point of view the information can be

considered as something that can be the subject of relations. The information also can be viewed from different approaches: as a transfer of knowledge about the diversity of nature: as any set of signals, actions or statements etc. [6].

From the standpoint of copyright enforcement, the correct definition of this concept is important. Indeed, as it is noted by O. Germanova the information processed by the creative efforts should be distinguished from a work of broadcast messages, since the protection shall not be given to daily news or current events information that are regular press information (according to the Article 10 of the Copyright Law) [7, P. 52].

In the current version of the Law of Ukraine "On Information" (Article 1) the information is defined as any witting and/or data that may be stored on physical media or displayed electronically (as opposed to the previous definition in which the term "information" meant documented or openly disclosed records on events and facts that take place in society, state and environment).

The definition established in the above mentioned law reasonably does not limit the scope of the operation of information using the word "any". Contrariwise legislators narrowed the actual nature of information to as one that should be able to be stored on a physical medium or displayed electronically. Thus, for example, a dance performance can not be considered as information. In addition, it does not provide what can be "physical media" and "electronically".

Previous version of the Law of Ukraine "On Information" limited a nature of information with the need of documentation or openly disclosing as well. That is why, to author's mind, this definition needs to be improved. One may check how this notion given in the Ozhegov's dictionary where an appropriate differentiation of data (static) and messages (action / dynamic): Information – 1. Data about the world and the processes occurring in it are perceived by a person or a special device. 2. Messages that report (convey) on the situation, the status of something. [8, P. 253] Apparently, these definitions do not "bind" to a certain media.

Consequently, author proposes to change the abovementioned term in the Law of Ukraine «On Information» to as follows: information - any witting, data, messages, regardless their views, which are perceived by a person or a special device. The information can be stored on a physical medium or displayed electronically.

Continuing the categorical analysis, one can see the inconsistencies in the definition of mass media. Thus, § 1 of the Article 22 of the Law of Ukraine «On Information» provides that the mass information - information that is spread for the purpose of making it available to unlimited number of people. However, in the next paragraph of the same article (§ 2 of the Article 22 of the Law of Ukraine "On Information") this definition is not used at all: mass media – means intended for public spreading of printed or audiovisual information. This Law does not explain what "printed or audiovisual information" is. In addition, the use of conjunction "or" between the words "print" and "audiovisual" allows us to make a logical conclusion that one can not simultaneously combine two means of conveying the information.

In turn, the Law of Ukraine "On Printed Mass Media (Press) in Ukraine" in the Article 1 only establishes that the printed media (press) in Ukraine refers to periodic and continued editions, published under the same title, at intervals of one or more numbers (issues) during the year on the basis of the certificate of registration.

On the contrary, the definitions of "audiovisual information" and "audiovisual media" are found in the Law of Ukraine "On Television and Radio Broadcasting", under Art. 1 of which audiovisual information means any type of signals perceived by visual and auditory receptors of a person and identified as the data about events, facts, phenomena, processes, personal information, and also comments (ideas) about these being transmitted by using pictures and sounds. The next concept that sets this Law: audiovisual (electronic) mass communication media means an agency which gives for mass consumers' reception the audiovisual information transmitted in the form of electric signals and accepted by means of household electronic devices.

In author's opinion, these definitions also have some disadvantages and need further changes. Thus, a device that accepts audio-visual information may be non-household (screens broadcasting a football game on the street or a fashion show in the shopping center. Additionally,

modern communication means can already transmit signals with the help of waves (e.g., Wi-Fi Internet access technology). Wireless connection allows the transmission signal of a certain channel to someone's mobile phone. Needless to say that in the definitions given above Ukrainian legal doctrine completely paid no attention to the Internet.

At the same time, for example, in accordance with the Article 2 of Armenian law, information can be distributed via public telecommunication network (the networked mass media), and under the Article 2 of Russian law networked edition means a site on the Internet information and telecommunication network, which is registered as a mass medium according to the law.

In this regard, it is necessary to give A. Shtephan's comment of the term "networked edition": according to the dictionary, networked 'is the adjective of "network" and the network - this is a particular set of paths located in a certain area, lines of communication, communication channels, or similar institutions, businesses, etc., or devices connected by one system. The term "network" is broader and encompasses many types of communications unrelating to the operation of the Internet, that is why in our opinion, more apt is to use the phrase "Internet edition" to the media that are available on the Internet' [9, P. 25].

Terminological imperfection is present today in the Article 1 of the Law of Ukraine "On Television and Radio Broadcasting", which includes the definitions of some objects of copyright and related rights provided for by the Copyright Law.

So, according to the Article 1 of the Law of Ukraine "On Television and Radio Broadcasting" audiovisual work - a part of a TV and radio program which is an object of the copyright, has a certain length, title and own concept, consists of episodes or integral authors' works combined together by a common creative project and with the help of audiovisual appliances, and is the result of joint authors', performers' and producers' activities. Despite the recognition of an audiovisual work as an object of copyright, given definition does not match the analogous terms of the Copyright Law: audiovisual work - a work fixed on a certain material medium (cinema film, magnetic tape or magnetic disk, CD, etc.) in the form of a series of consecutive frames (images) or analog or discrete signals reproducing (encoding) moving images (with and without a soundtrack), the perception of which is possible exclusively by means of any sort of a display (cinema screen, TV screen, etc.) on which the moving images are reproduced visually with the help of certain technical means. The varieties of an audiovisual work are movies, TV films, video films, diapositive film strips, slide films, etc. that can be fiction, animation (cartoons), non-fiction or other.

Continuing the analysis of the Law of Ukraine "On Television and Radio Broadcasting" from the point of view of copyright, it is necessary to note the presence of the term "schedule of broadcasting" which means an open information of broadcasting organizations to which the copyright does not extend, about sequences of televising items and timing of TV transmissions during a certain fixed time interval. It is also non-protected objects in accordance with the Article 10 of the Copyright Law.

The provisions of copyright law are reflected not only in the Article 1 of the Law of Ukraine "On Television and Radio Broadcasting" but in other articles too. So, the § 5 of the Article 6 of the Law of Ukraine "On Television and Radio Broadcasting" establishes the author's right to a name providing that the data on every individual program or broadcast must contain names of an author or authors, a name and an address of a program body maker.

The article 47 (§ 1) of the Law of Ukraine "On Television and Radio Broadcasting" provides that the use of programs or transfers of other broadcasting organizations is realized in compliance with the Copyright Law. Also (§ 2 of the Article 47 of the Law of Ukraine "On Television and Radio Broadcasting") while distributing programs of foreign broadcasting companies in multi-channel television networks, it is forbidden to make any changes in the program, except for the cases mentioned by the agreements with the law-holders of audiovisual production or provided for in the legislation of Ukraine

Moreover, according to the § 4 of the Article 57 of the Law of Ukraine "On Television and Radio Broadcasting" broadcasting editorial charter defines among other issues the requirement to

observance of the author's and related rights at distribution of the information. The article 40 (§ 7) of the Law of Ukraine "On Television and Radio Broadcasting" provides that the license of the provider of program service can be cancelled in the judicial order on the National Council's presentation of the documents testifying to the regular wrong doing of the requirements of this Law, legislation of Ukraine on protection of public morals, legislation of Ukraine about copyright and related rights by this provider.

The § 1 Article 63 Law of Ukraine "On Television and Radio Broadcasting", in turn, constitutes that the person interviewed, or the person who has given the information for the broadcasting organization, has the right on the basis of the written statement to look through and/or listen to the corresponding transfer before its transmission. This provision corresponds to the § 3 of the Article 13 of the Copyright Law according to which a recording of an interview can be published only with the interviewee's consent. It's worth mentioning that the definition of an interview itself is absent in special media laws as well as in the Copyright Law.

Remembering the persons of law, a journalist can not be ignored. They is a regular or freelance creative worker, who professionally collects, receives, creates and prepares some information for distribution on the basis of employment or other contractual relations with an editorial or engaged in such activities for its authorization (the Article 21 of the Law of Ukraine "On the Information Agencies", the Article 25 of the Law of Ukraine "On Printed Mass Media (Press) in Ukraine", the Article 1 of the Law of Ukraine "On Television and Radio Broadcasting").

Article 25 of the Law "On Information" provides guarantees for the mass media and journalists, including those relating to copyright and related rights. Hence, under the Article 1 of the cited Law while performing daily functions a journalist has the right to make written reports, audio and video using the necessary technical means except the cases provided by a law (i.e. in some cases to create objects of intellectual property rights). Also in the § 5 of the same article set a personal non-property right to distribute materials prepared by a person (phonograms, videos, written texts etc.) self-signed (authorship) or under the symbol name (pseudonym). A similar provision is contained in the Law of Ukraine "On Printed Mass Media (Press) in Ukraine" (the § 9 of the Article 26).

Also, a journalist of a mass medium has the right to refuse authorship (signature) of a material if content after editor's revision (editing) contradicts person's belief. This norm is stipulated in the § 6 of the Article 25 of the Law of Ukraine "On Information" (and including § 10 the Article 26 of the Law of Ukraine "On Printed Mass Media (Press) in Ukraine"). From the point of compliance with copyright legislation, this provision, in author's opinion, is controversial, because no one can be deprived of moral rights (right of authorship); in addition, the author has the right to prohibit the use of altered work. On the other hand, journalistic work can only contain the original (new) information / content, but not to be original by form.

Some norms of copyright legislation are also reflected in the Article 36 of the Law of Ukraine "On Printed Mass Media (Press) in Ukraine". In accordance with the provisions of this article, the editors obliged to use copyrighted materials, works of literature, science and art in compliance with the intellectual property legislation. A letter, addressed to the editorial, may be used in the messages and materials, if it does not change the content of the letter and does not violate the provisions of the law.

The contractual nature of the copyright relationship which is established in the Copyright Law is also reflected in the Article 32 of the Law of Ukraine "On the Information Agencies", according to which the relations of the news agencies with the authors or owners of information are carried out on the basis of agreements concluded between them.

Conclusions and recommendations

As it can be seen from the above written, the current laws governing the activities of the mass media reflects the provisions relating to the protection of copyright and related rights. In addition, they need some adjustment of definitions and concepts according to formulations proposed in the text above.

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Ключевые слова: авторское право, информация, СМИ, медиа право

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SOME QUESTIONS ABOUT INTELLECTUAL PROPERTY RIGHTS OWNERS OF OBJECTS OF INTELLECTUAL PROPERTY RIGHTS, CREATED IN HIGHER EDUCATIONAL ESTABLISHMENTS OF UKRAINE BY THEIR EMPLOYEES

Osyova Iu., Scientific Associate of Scientific sector of economy and valuation of intellectual property of economic and legal department of Scientific Research Institute of Intellectual Property National Academy of Law Sciences of Ukraine.

Osyova Iuliia. Some questions about intellectual property rights owners of objects of intellectual property rights, created in higher educational establishments of Ukraine by their employees.

The article deals with the questions of determination of intellectual property rights (further – IP rights) owners of objects of IP rights, created in higher educational establishments of Ukraine (further – Universities) by their employees. First of all, the problem of determination of a person, who is the employer of the employees and leaders of Universities is investigated. The indicated problem is predefined a terminology imbalance, which existing between provision of legislation in the field of intellectual property and provision of labour, educational legislation in part of determination that, who is the another, than employee, party of a labour contract (directly legal

entity or its owner, or body, authorized by the owner) and accordingly is a potential IP rights owner of employee-created objects of IP rights, including objects of IP rights, created in the Universities by their employees. Secondly, in the article is examined the question of possibility of the state, the Autonomous republic Crimea, territorial community to be a IP rights owner of objects of IP rights, created in state and municipal Universities and in Universities, owned by the Autonomous republic Crimea, (further together – public Universities) by their employees, in case when the state, the Autonomous republic Crimea, territorial community are property owner of public Universities. On the basis of the got results identified the circle of employers of the employees and leaders of Universities. In addition, identified which of these individuals may be IP rights owners of objects of IP rights, created in Universities by their employees. Also found that the state, the Autonomous republic Crimea, territorial community cannot be IP rights owners of objects of IP rights, created in Universities by their employees, even by means that these individuals are the property owner of public Universities. Also changes to Article 21 of the Labour Code of Ukraine and to the Law of Ukraine "On Higher Education" are proposed.

Осипова Ю. В. Суб'єкти права інтелектуальної власності на службові об'єкти права інтелектуальної власності, створені у вищих навчальних закладах України: окремі питання.

Стаття присвячена наступним аспектам питання визначення осіб, що є суб'єктами права інтелектуальної власності на службові об'єкти права інтелектуальної власності (далі – ОПІВ), створені у вищих навчальних закладах України (далі – ВНЗ). По-перше, досліджено проблему, пов'язану з визначенням особи, що є роботодавцем для працівників та керівників ВНЗ. Вказана проблема зумовлена термінологічним дисбалансом, що існує між нормами законодавства у сфері інтелектуальної власності та нормами трудового і освітнього законодавства в частині визначення того, хто є іншою ніж працівник стороною трудового договору (безпосередньо юридична особа чи її власник або уповноважений ним орган) і відповідно потенційним суб'єктом права інтелектуальної власності на «службові» ОПІВ, в тому числі й на ті, що створені у ВНЗ. По-друге, розглянуто питання можливості держави, Автономної республіки Крим (далі – АРК), територіальної громади бути суб'єктом права інтелектуальної власності на службові ОПІВ, створені у державних, комунальних ВНЗ та ВНЗ, що знаходяться у власності АРК (далі разом – публічні ВНЗ), завдяки тому, що вказані учасники цивільних відносин є власниками майна зазначених видів ВНЗ. За результатами проведеного дослідження встановлено коло осіб, що є роботодавцями для працівників та керівників ВНЗ. Крім того, встановлено, хто з цих осіб може бути суб'єктом права інтелектуальної власності на службові ОПІВ, створені у ВНЗ, а хто ні. Також встановлено, що до кола суб'єктів права інтелектуальної власності на службові ОПІВ, створені у ВНЗ, не входять держава, територіальні громади та АРК, навіть не зважаючи на те, що останні є власниками майна публічних ВНЗ. Запропоновані зміни до статті 21 Кодексу законів про працю України та Закону України «Про вищу освіту».

Осипова Ю. В. Субъекты права интеллектуальной собственности на служебные объекты права интеллектуальной собственности, созданные в высших учебных заведениях Украины: отдельные вопросы.

Статья посвящена следующим аспектам вопроса определения лиц, являющихся субъектами права интеллектуальной собственности на служебные объекты права интеллектуальной собственности (далее - ОПИС), созданные в высших учебных заведениях Украины (далее - вузы). Во-первых, исследована проблема, связанная с определением лица, являющегося работодателем для работников и руководителей вузов. Указанная проблема предопределена терминологическим дисбалансом, существующим между нормами

законодательства в сфере интеллектуальной собственности и нормами трудового, образовательного законодательства в части определения того, кто является другой, нежели работник, стороной трудового договора (непосредственно юридическое лицо или его собственник или уполномоченный им орган) и соответственно потенциальным субъектом права интеллектуальной собственности на служебные ОПИС, в том числе и на те, которые могут быть созданы в вузе. Во-вторых, рассмотрен вопрос возможности государства, Автономной республики Крым (далее - АРК), территориальной общины быть субъектом права интеллектуальной собственности на служебные ОПИС, созданные в государственных, коммунальных вузах и вузах, находящихся в собственности АРК (далее вместе - публичные вузы), посредством того, что указанные участники гражданских отношений являются собственниками имущества указанных видов вузов. По результатам проведенного исследования установлен круг лиц, являющихся работодателями для работников и руководителей вузов. Кроме того, установлено, кто из этих лиц может быть субъектом права интеллектуальной собственности на служебные ОПИС, созданные в вузах, а кто нет. Также установлено, что к субъектам права интеллектуальной собственности на служебные ОПИС, созданные в вузах, не относятся государство, территориальные общины и АРК, несмотря на то, что последние являются собственниками имущества публичных вузов. Предложены изменения к статье 21 Кодекса законов о труде Украины и к Закону Украины «О высшем образовании».

Statement of the problem. As you know, the majority objects of intellectual property rights (further – IP rights), created in higher educational institutions of Ukraine (further – Universities) are employee-created objects of IP rights. So the question of determination of persons, who are the intellectual property rights (further – IP rights) owners of employee-created objects of IP rights, is very important for Universities. Unfortunately, the solution of this question is more complex than it seems at first glance. Systematic analysis of Art. 429 of the Civil Code of Ukraine [1] and the relevant rules of special laws of intellectual property [2, Art.1, Art.16; 3, Art. 1, Art. 9; 4, Art. 1, Art. 8; 5, Art. 1, Art. 7; 6, Art. 1, Art.17] suggests that these Legislative Acts to the IP rights owners of employee-created objects of IP rights include, primarily, persons who are labour contract parties, within the framework of which was created objects of IP rights. In other words - the employee, who is the creator of objects of IP rights, and his employer, or using the terminology of Civil Code of Ukraine – legal entity or physical person, where or in which the employee works. At the same time, using definitions of Labour Law to indicated IP rights owners of employee-created objects of IP rights, Civil Code of Ukraine and special laws of intellectual property put on these definitions another meaning than it does Art. 21 of the Labour Code Ukraine [7]. So the Civil Code of Ukraine and the special laws of intellectual property [1, Art. 421; 2, Art.1, Art.16; 3, Art. 1, Art. 9; 4, Art.1, Art. 8; 5, Art. 1, Art.7; 6, Art.1, Art. 17], speaking of another, than the employee, party of the labour contract, means, in particular, directly the legal entity. At the same time, the Labor Code of Ukraine, speaking about another, than the employee, party of the labour contract, means not directly legal entity, but its owner or body, authorized by the owner [7, Art. 21]. So the question is, who of the above-mentioned persons is an employer and accordingly is a potential IP rights owner of objects of IP rights, created by employees of Universities – directly the University or its owner, or body, authorized by the owner? Furthermore, considering the fact that state and municipal Universities and Universities, owned by Autonomous republic Crimea, (further together – public Universities) are not the owner of their property (it is on their operational management), the

question is, whether the circle of IP rights owners of objects of IP rights, created by employees of public Universities, includes the state, the Autonomous republic Crimea and territorial community as property owners of public Universities? The solution of these questions is the purpose of this article.

Analysis of recent research and publications. Unfortunately, the above-mentioned questions have not been researched by national scientists. Some aspects of these questions have been researched by such Russian scientists as Vorobov E.G. [8, P.70-85], Battahov P.P. [9, P. 84-85] and Merzlikina R.A. [10, P. 272-274]. So the research which will be conducted in this paper has theoretical and practical interest.

The description of main statements. According to the opinion of scientists [11, P. 123; 12, P. 208-215; 13, P. 13, 14, 17], status of the employer has a legal entity, but not its owner or body, authorized by the owner. It is a legal entity, not its owner or its authorized body, has the following features necessary to be an employer: ability to employ and to fire employees; property independence; an ability to provide the conditions necessary for the employment of employees; an authority to bringing an employee to disciplinary liability; an ability to be a plaintiff and defendant in a court [13, P.14]. According to this and considering the analysis of civil and educational legislation [1, section 3 Art. 96; sections 1, 2 Art. 176; 14, section 1 Art. 23; paragraph 3 section 1 Art. 29; paragraph 2 section 2 Art. 29; paragraphs 2, 7-9, 15 section 2 Art. 32; paragraphs 1, 2 Art. 47; 15, item 32; subparagraphs 6)-9) paragraph 58; paragraph 87] it can be concluded that the above-mentioned features necessary to be an employer has Universities, but not its owner or body, authorized by the owner. So it is the University is an employer, and, consequently, the potential IP rights owner of objects of IP rights, created in the University by its employees.

Analysis of educational legislation suggests that, the right to employ and to fire a leader of University, unlike other university employees, directly relates to authority of University's owner or body, authorized by the owner. At the same time the analysis of the Law of Ukraine "On Higher Education" [14, paragraph 16 Art. 1; paragraph 6 Art.17; Art. 18; 20; 21; paragraph 5 ч.1 Art. 27; section 3 Art. 64; ч. 4 Art. 27; paragraph 3 section 1 Art. 29; paragraph 19 section 2 Art. 32; paragraph 7 section 1 Art. 37; paragraph 7 section 2 Art. 37; 39; section 1, section 4 Art. 63] suggests that each time using the term "owner of University" lawmaker puts into it a different meaning. So in the case of determining who the employer for University's leaders this term means: 1) for state Universities - the central body of executive authority responsible for implementing the national policy on education (at present it is the Ministry of Education and Science of Ukraine) and central executive bodies, who have indicated in their submission this sort universities; 2) municipal Universities - local bodies, which have in its submission this sort of universities; 3) for universities owned by the Autonomous republic Crimea - Autonomous republic Crimea authorities, who have indicated in their submission this sort of universities; 4) for private universities - is legal entity or physical person-founder of this type of Universities. At the same time, considering that an executive and a local bodies, mentioned in items 1)-3), being public legal entity, can simultaneously act on its own behalf and act on behalf of the state, the Autonomous republic Crimea, territorial community (in other words – can acquire rights and responsibilities for themselves or for the state, the Autonomous republic Crimea and territorial community), again we can ask the question, who from above-mentioned individuals acquires labour rights and duties before the leader of University – directly Ministry of Education and Science of Ukraine, other central executive body, authority of the Autonomous Republic of Crimea, local bodies or directly the state, the Autonomous republic Crimea and territorial community? Analysis of Ukrainian legislation [in particular, 16, section 1

Art. 4; subparagraphs 5-8, 10-13, 17, 20, 21 section 2 Art. 8; subparagraphs 7-10 section 4 Art.10; section 6 Art. 11; subparagraphs 5, 10, 12-17, 22, 31 section 4 Art. 19; section 5 Art. 20; section 4-6 Art. 21; 17, section 5 Art. 10, section 1 Art. 16, subparagraphs 3-5 section 1 Art. 26, subparagraphs 4-6, 10, 11 section 4 Art. 42, subparagraphs 4 section 1 Art. 43; 18, subparagraphs 39, 40, 71 item 4; subparagraphs 2 item 5; subparagraphs 13, item 10; item 13] suggests that status of the employer for leader of the public Universities has above-mentioned executive and local bodies instead of the state, the Autonomous republic Crimea and territorial community. The correctness of this statements also indicates that nor the Constitution of Ukraine [19], nor the law of Ukraine "On the central executive authorities" [16], nor the law of Ukraine "On local self- government" [17], nor local legal acts on ministries and other central executive body do not provide a mechanism for acquiring economics rights by above-mentioned executive and local bodies, which is indicated by scientists [21, P.118-119].

It should be noted, that above-mentioned question is solved somewhat differently relative to private Universities and their leaders. According to opinion of author of this article, that status of the employer for leader of the private Universities has directly private Universities, instead of its founder or body, authorized by the founder. As rightly observes some scientists, after the state registration of the private legal entity, it is becomes the owner of its property and in accordance with its Statute is responsible for its obligations [12, P. 208-209]. Instead, a founder is not liable for the obligations of a legal entity created by him and a legal entity is not liable for the obligations of its founder, except in cases provided by laws of Ukraine. In other words, a legal entity, which since its creation is endowed with legal capacity, it becomes an independent subject of legal relations [12, P. 208-209]. In support of these statements scientists [12, P. 209] cite the provisions of Art. 46 of the Commercial Code of Ukraine, according to which the entrepreneurs (entrepreneurs in accordance with Articles 42 and 55 of the Commercial Code of Ukraine, in particular, are legal entities established under the Civil Code of Ukraine, state and municipal and other enterprises established in accordance with Commercial Code of Ukraine and other legal entities, which is carrying out economic activities and established under the Commercial Code of Ukraine), not their founders, have the right to conclude labour contracts with citizens. During the conclusion of the employment agreement, exactly an entrepreneur shall provide necessary and safe working conditions, a salary not less, than that prescribed by law, and its timely receipt and other social benefits, including social and health insurance and social security, in accordance with the laws of Ukraine [22, section 1 Art. 46]. Thus, the founders of private universities certainly are involved in the appointment of a leader of the University. For example, in the case of creation the University in the form of a limited liability company, the leader of private University will be appointed and dismissed by the general meeting of founders (participants) of this University, so final decision on the candidacy of the leader of the University really take founders (participants), however, as the general meeting of founders (participants) is the body of the University their solution gives rise to rights and obligations just for University, but not for its founders.

As for the second question, the answer of which is related to the purpose of this article, following should be mentioned. The state, the Autonomous republic Crimea and territorial community cannot be IP rights owners of objects of IP rights, created in public Universities by their employees, even by means that these individuals are the property owner of public Universities. In support of this statement may cite the following arguments. First of all, as correctly noted by scientists [21, P. 18-19], IP rights owners of objects of IP rights are considered creator and other "person" [1, Art. 421]. This legal term according to section 1 of Article 2 of the Civil Code of

Ukraine indicates only legal entity or physical person. At the same time the state, the Autonomous republic Crimea and territorial community according to Section 2 of Article 2 of the Civil Code of Ukraine are considered other participants of civil relations, but not "person". Second, because the state, territorial communities and the Autonomous republic Crimea "must act only on the basis and within the limits and in the manner envisaged by the Constitution and laws of Ukraine" [21, P.119] and above- mentioned Legislative Acts do not contain mechanism of the acquisition and realization economics IP rights by above-mentioned participants of civil relations, it can be concluded that the these participants of civil relations cannot be IP rights owners. Thirdly, the Civil Code of Ukraine and the special laws of intellectual property rights as IP rights owners also define only legal entity or physical person, but not other participants of civil relations. Fourth, Section 2 of Art. 3 of the Law of Ukraine "On State Property Management" says that this Law does not extend to the realization of intellectual property rights [21, P.119].

Summarizing all the above, the status of the employer for employees and leaders of the Universities has following persons: 1) for the leaders of private Universities - Universities directly; 2) for the leaders of public Universities – the Ministry of Education and Science of Ukraine, other central executive body, authority of the Autonomous Republic of Crimea, local bodies, which have in its submission appropriate Universities; 3) for all other employees of private and public Universities - Universities directly. On the basis of the got results identified that of the foregoing individuals to the circle of IP rights owners of objects of IP rights, created in Universities by their employees, can be referred only Universities. Also found that the state, the Autonomous republic Crimea, territorial community cannot be IP rights owners of objects of IP rights, created in Universities by their employees, even by means that these individuals are the property owner of public Universities. Moreover, the results of the research allows to conclude that Art. 21 of the Labour Code of Ukraine needs to change, particularly in the determination of other, than the employee, party of the labour contract. In particular, other, than the employee, party of the labour contract should be recognized as a legal entity, instead of its owner or body, authorized by owner. It should be noted, that the need of these changes are allowed in Art. 24 of the new draft of the Labour code of Ukraine [24]. Changes are needed and the Law of Ukraine "On Higher Education". In particular, changes are needed in the part concerning the definition of "owner" of Universities. Especially considering the fact that above-mentioned Law every time puts in this legal terms different meaning: in one case it means only founders of private Universities; in the second case - the founders of all types of Universities; in the third case – individuals, which are employers of employees and leaders of Universities and in this context they are not "check with" the founders of Universities because they acquire employment rights and responsibilities for themselves, but not for the state, the Autonomous republic Crimea, territorial community – owners of public Universities.

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Keywords: intellectual property rights owners, employee-created objects of intellectual property rights, higher educational establishments, Universities, employer, employee, state, Autonomous republic Crimea, territorial community.

Ключові слова: суб'єкти права інтелектуальної власності, службові об'єкти права інтелектуальної власності, вищі навчальні заклади, університети, роботодавець, працівник, держава, Автономна республіка Крим, територіальна громада.

Ключевые слова: субъекты права интеллектуальной собственности, служебные объекты права интеллектуальной собственности, высшие учебные заведения, университеты, работодатель, работник, государство, Автономная республика Крым, территориальная община.

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IMPLEMENTATION OF COPYRIGHT ON LITERARY COMPOSITIONS BY UNDERAGE AND JUVENILE PERSONS

Petrenco I. Researcher, Research Associate of Intellectual Property Research Institute of the National Academy of Law Sciences of Ukraine, Kiev.

Petrenco I. Implementation of copyright on literary compositions by underage and juvenile persons.

The article shows of every child, author of a composition, including literary composition, is entitled to exercise their copyright. In this case, the main prerequisite for this process is the objective existence of the composition in a form that provides an opportunity to recreate it. For the composition to become the subject of intellectual property that is protected, it must meet the legislated requirements. To acquire a legal copyright protection, a work must be the product of the creative work of the author, be original and have an objective form of expression. It is also important to note that a child is limited with his or her knowledge and experience. Because of this the composition may include borrowing from compositions of other persons. We believe that such borrowing does not contain any intention of unlawful acts by an underage or a juvenile author. These actions can be regarded as lawful because of lack of awareness of the young author on the principles of copyright law protection, confidence in the legality of their actions, the inability to distinguish protected objects from no protected sources.

Copyright of minors must be carried by their parents or their other legal representatives provided the underage or juvenile author will consent to allow use of his work. Such consent to use the work must be expressed in written form. If because of the age illiteracy or physical inability providing of written consent is not possible, then it must be given orally. Given that a minor author because of lack of experience and simple knowledge cannot objectively enough evaluate all aspects of drawing up contracts for the use of compositions, his or her legal representatives must accompany the exercise of such legal actions. At present, the existing legal regulation of realization of copyright on literary compositions by underage and juvenile persons, according to Ukrainian legislation, is insufficient and needs to be improved.

Петренко І. І. Здійснення авторських прав на літературні твори малолітніми та неповнолітніми особами.

Зроблено аналіз чинного законодавства України яке регулює права інтелектуальної власності на об'єкти авторського права малолітніх та неповнолітніх осіб, наведено досвід законодавства Франції у цій сфері та зроблено висновок що кожна дитина яка є автором твору, у тому числі і літературного, має право на здійснення своїх авторських прав. При цьому, головною передумовою цього процесу - є об'єктивне існування самого твору у формі, яка передбачає можливість його відтворення. Для того щоб твір став об'єктом інтелектуальної власності, що охороняється, він має відповідати законодавчо закріпленим вимогам. Для набуття авторсько-правової охорони, твір має бути створений творчою працею автора, бути оригінальним та мати об'єктивну форму вираження.

Авторські права малолітніх осіб повинні здійснювати їх батьки або інші законні їх представники за умови, що неповнолітній або малолітній автор надасть згоду на використання свого твору. Така згода на використання твору має бути виражена у письмовій формі. Якщо в силу вікової неграмотності або фізичної нездатності, надання письмової згоди є неможливим, тоді усно. Враховуючи те, що неповнолітній автор через брак досвіду та простих знань, не може достатньо об'єктивно оцінити усі аспекти укладення договорів на

використання творів, їх законні представники повинні супроводжувати здійснення таких правочинів. На сьогодні існує правове регулювання здійснення авторських прав на літературні твори малолітніми та неповнолітніми особами, відповідно до законодавства України, є недостатнім і потребує свого удосконалення.

Петренко И. И. Осуществление авторских прав на литературные произведения малолетними и несовершеннолетними лицами.

Сделан анализ действующего законодательства Украины на основании которого регулируются права интеллектуальной собственности на объекты авторского права малолетних и несовершеннолетних лиц, приведены опыт законодательства Франции в этой сфере, и сделан вывод что каждый ребенок, который является автором произведения, в том числе и литературного, имеет право на осуществление своих авторских прав. При этом, главной предпосылкой этого процесса - есть объективное существование самого произведения в форме, которая предусматривает возможность его воспроизведения. Для того чтобы произведение стало охраняемым объектом интеллектуальной собственности, оно должно отвечать требованиям, которые закреплены в законодательстве. Для получения авторско- правовой охраны, произведение должно быть создано творческим трудом автора, быть оригинальным и иметь объективную форму выражения. Авторские права малолетних лиц должны осуществлять их родители или другие законные их представители при условии, что несовершеннолетний или малолетний автор предоставит согласие на использование своего произведения. Такое согласие на использование произведения должно быть выражено в письменной форме. Однако, если в силу возрастной неграмотности или физической несостоятельности, предоставления письменного согласия невозможно, тогда устно. Учитывая то, что несовершеннолетний автор из-за недостатка опыта и простых знаний не может достаточно объективно оценить все аспекты заключения договоров на использование произведений, их законные представители должны сопровождать осуществление таких сделок. На сегодня существующее правовое регулирование осуществления авторских прав на литературные произведения малолетними и несовершеннолетними лицами, в соответствии с законодательством Украины, является недостаточным и требует совершенствования.

Problem statement At all times, the younger generation is a powerful source of creative thoughts, original and unconventional solutions. In contrast to adult person, child's mind is not limited by experiences, criteria and rules. Creativity of children contributes to the development of the cultural heritage of society. Many artists , began their creative activity in their childhood. For example, the famous Ukrainian writer Larissa Kosach (Lesya Ukrainka) wrote her first poem" Hope "when she was 9 years old, and in 13 years she has been actively writing and publishing her poems in the magazine "Zorya" [12, P. 107]. Nicka Turbina in her youth became famous in the post-Soviet space because of her poetic work [13, P. 96]. Now, because of the rapid development of modern technologies and intellectual development of society, opportunities increase for realization by children of their creative abilities. Children draw, write literary works, create computer programs , music , audiovisual works and more. Thus, arises a number of issues related to implementation of intellectual property rights on one or the other result of creative activity of underage or juvenile person.

Analysis of recent research and publications indicates that the problems related to the protection of intellectual property rights of underage and juvenile authors in the context of general intellectual property rights issues, were investigated by domestic and foreign scholars, including V.S. Drobyazko, E.P. Gavrilov, O. Sergeev, V. Viyenke, D. Lipszyc, R.Dyuma and others. L.B. Halperin, N. Yevstyehnyeyeva, A.A. Bakerov devoted their science research to guarding and protecting authorship of underage and juvenile persons. However, the theme, which is connected with the exercise of copyright on literary compositions by underage and juvenile authors, was not paid enough attention. In particular, in the need of scientific research are questions of accordance to the conditions of protect ability of the literary composition that was created by a person under the

age of 18, as well methods to perform the rights on the literary compositions by underage and juvenile persons.

The purpose of the article Research of issues related to realization of copyright on literary compositions created by underage and juvenile persons; analysis of the current legislation of Ukraine regulating intellectual property rights on literary compositions created by persons under 18 years of age; formation of proposals related to improving civil legal copyright regulation of persons of the aforementioned age group.

Ukrainian government has undertaken obligation to focus on socially vulnerable citizens, many of whom are underage and juvenile persons. Convention "On the Rights of the Child" (hereinafter - the Convention), which was approved by the General Assembly of the United Nations, and several other international legal acts ratified by Ukraine, has committed Ukraine to improve public institutions to ensure the implementation and protection of human rights, including intellectual property rights of children.

Under the provisions of the present Convention, a child is every human being below the age of 18 years unless under the law applicable to the person, adulthood is attained earlier. Unlike the Convention, the legislation of Ukraine defines two categories of individuals under the age of 18 years: an individual who is under fourteen years –an underage person, and an individual between the ages of fourteen and eighteen – a juvenile person. The abovementioned division of age categories concerns civil capacity of individuals, which also plays an important role for their exercise of copyright.

As stipulated in Art. 13 of the Convention, a child has the right to freedom of expression; this means freedom to seek, receive and transfer information and ideas of all kinds, regardless of borders, either orally, in writing or in print form, in the form of art, or through any other means of the child's choice [2]. From the norms of the Convention follows, that every child who creates a composition, including literary composition, is entitled to exercise its rights by the transfer of these rights, or through other means specified by law. It should be mentioned that for the composition to become protected intellectual property object, it must meet certain legislated requirements. To acquire a legal copyright protection, a work must be composed by creative work of author and have an objective form of expression. The question of determining the creativeness of the composition in general is quite difficult, especially regarding the definition of the creativeness of literary composition composed by a child, as by Ukrainian legislation the characteristics of creativeness are not disclosed. Legal literature provides many definitions of characteristic of creativeness. E.P. Gavrilov defines creativities as a human activity that gives rise to something qualitatively new and is distinguished by soleness, originality and uniqueness [8, P. 83]. In the scientific literature on copyright to the features inherent by the objects of copyright, besides creativeness and objective expression of the composition, also included is the original nature of the composition [9, P. 146]. But according to the current legislation of Ukraine direct denouement on originality of the composition, as one of the essential criteria for its protectability, is not made. The question of originality of the work is a question of fact. Originality can not be assessed equally to all types of compositions. It differs depending on whether it comes to scientific compositions, literature or literary compositions, popular and symphonic music, the original or based composition. In copyright, the term "result of creativity" is interpreted not in the sense of creating from scratch (ex nihilo), and the originality of the work is not necessarily exclusive. Ideas used by the author may be old, but it won't prevent the composition from being original, as copyright considers acceptable intellectual creation based on existing elements. The main criteria for the composition are to differ from its predecessors, for it not to be a copy or imitation of another composition [7, P. 154]. For example, parents bought their small child paints and a canvas, allowed the child to immerse hands and feet in paint and put prints on canvas. Then parents put this canvas in a frame and hang it on the wall, and then showed this creation to friends and people they know. Even if someone buys such painting later, it is hardly possible to consider the picture to be an original composition.

It is also important to note that the child is limited to his or her knowledge and experience of life, which is why created compositions may include borrowing from the works of others. We

believe that such borrowing does not contain any intention of unlawful acts by an underage or juvenile author. These actions can be regarded as lawful because of lack of awareness of the young author on the principles of copyright law protection, confidence in the legality of their actions, the inability to distinguish protected objects from no protected sources.

According to Art. 1 of the Law of Ukraine "On Copyright and Related Rights" author of the work is the individual that through his or her originative labor created a composition [5]. Part 2. Art. 11 of aforementioned law stipulates that copyright arises in consequence to the fact of creation and implementation of copyright does not require its special formalization, registration or any other formality. On recognition of the author of the composition does not affect the person's age and his or her capacity. In addition, regardless of the age the person who created the composition is endowed with intellectual property rights, which consist of the author's moral rights and property rights. In practice, the young author can face the fact that the exercise of his property rights can be complicated, and certain rights may even be violated. For example in her time, already mentioned young writer Vicka Turbina was with dignity defending the right to the inviolability of her composition. The author insisted that the emphasis on the word "kropiva (translation: nettle)" in her poem is precisely on the last syllable, and not as is the case under the emphasis rules of the Russian language. In this case, the author carried out her moral copyright to protect the inviolability of the composition [10, P. 29].

Next is the question of realization of property copyright. The nature and orientation of the possible behavior of the subject of intellectual property rights, and hence the directions of realization of this right in general are determined by Art. 41 of the Constitution of Ukraine: "Everyone has the right to own, use and dispose of the results of his or her intellectual and creative activity" [1].

Disposition of intellectual property rights are often carried out by transferring them to another person under a contract. This raises an important question, whether an underage or juvenile person can exercise their copyrights, for example on the collection of poems or the literary composition, by concluding author's agreement. Under this, it is necessary to define the subject constitution of agreement on the use of literary compositions. Subjects that can act as parties of such a contract are defined by the current legislation of Ukraine. On one side there is the author of the composition, or the person who holds the copyright, on the other side - a person who uses this literary composition. Let us note that the ability of the author to conclude copyright contracts is affected by the general rule that is defined by the legislation of Ukraine on civil capacity of an individual. The extent of civil capacity is associated by law with the age of the subject of law and the ability of individual to realize the significance of his or her actions and control them. By age factor all subjects of civil law are divided into persons with partial (underage), incomplete (juvenile) and full (adult) capacity.

However, the law does not impose a minimum age threshold for person to acquire civil capacity in the field of moral copyright. According to Section 2) Part 1 of Art. 31 of the Civil Code of Ukraine, physical underage person has the right to personal (moral) rights to results of intellectual and creative activity that is protected by law [3]. We believe that this approach is justified, since a certain amount of compositions are created exactly by underage and juvenile persons. As an example, in publications for children age group it is traditional to place children's drawings, poems, stories. Each year, many children creative competitions are held, participation in which assumes acquiring by the organizers of copies of compositions of young artists. Thus, the question of how to regulate the rights to compositions created by children, as permission for further use of a composition, as a rule, is not asked from the young author.

Due to the fact that minor person does not have the required amount of civil capacity, he or she cannot independently dispose of property copyright on the composition, and therefore is unable to independently conclude copyright agreements. Instead of minors, their copyright is exercised by their parents, adoptive parents or other legal representatives. They conclude agreements on behalf of the young authors, advocate their violated rights and so on. However, these individuals do not assume any obligations under these agreements and are not responsible for their implementation. [6.

P. 727]. The same rules are applied to persons who are declared incapable by court. The person who has lost the ability to realize the meaning of his actions or control them due to chronic, stable mental disorder does not lose his personal copyright. However, as stated in Art. 41 of the Civil Code of Ukraine, he or she can not perform any legal action, and therefore can not take part in contractual relationship. Legal actions, including conclusion of copyright agreements on behalf of an incapable individuals and in their interests, are conducted by their parents or their legal representatives.

At the same time we believe that minor should independently give consent to the use of his or her compositions and to conclusion of agreements on his or her behalf [14]. Appropriate changes and additions should be made to the legislation of Ukraine.

In this context, consider the example of French legislation. Art. L 132-7 of the Code of Intellectual Property of France contains a norm that the written consent of the author to use of his composition is obligatory. Despite the provisions, governing contracts concluded by minor persons and adult persons under guardianship, consent of the author is obligatory, even if the author is incapable. An exception is an author who is physically unable to provide such consent [11].

Regarding juvenile persons, legislator of Ukraine has expanded the scope of their capacity compared to underage persons. According to paragraph 2) Art. 32 CC of Ukraine, a person from the age of 14 years has the right to exercise rights to results of intellectual creative activity protected by law. Therefore, a juvenile person can independently be a part of agreement on the use of literary composition. However, given that juvenile authors because of lack of experience and simple knowledge can not evaluate objectively enough all aspects of contracting, their parents or legal representatives should accompany such legal actions.

Protecting the rights and interests underage and juvenile persons is not right but duty of parents or persons who by law to replace them, along with concern for their maintenance, ensuring proper care, education and treatment [4]. However, the implementation of copyright protection is quite complex and requires special knowledge in intellectual property sphere, as well as legal assistance and considerable financial costs. That is why we consider it necessary to conduct special measures for guarding and protection of intellectual property rights among underage and juvenile persons. Such measures can be conducted on the basis of educational institutions and be focused on spreading of knowledge, development of public awareness on compliance of intellectual property rights. The mentioned special measures could include master classes, seminars for managers of clubs, children, teachers and educators. To carrying out these measures, experts in the field intellectual property, with appropriate special education, practical experience in the field of teaching and pedagogical skills should be involved.

Conclusions and recommendations:

Literary composition authored by a underage or juvenile person must be composed by the creative work of the author, be original and have an objective form of expression. The child, as author, is limited in knowledge and experience. Because of his or her composition may include borrowings from compositions of others. We believe that such borrowings do not contain any intention of unlawful acts by underage or juvenile author. These actions can be regarded as lawful because of lack of awareness of the young author on the principles of copyright law protection, confidence in the legality of their actions, the inability to distinguish protected objects from no protected sources.

Copyright of minors must be implemented by their parents or their other legal representative, provided that the minor author will consent to the use of his composition. Consent by a minor author to use his work must be expressed in written form. If, due to age illiteracy or physical inability it is not possible to provide written consent, then it must be provided orally. Given that a minor author because of lack of experience and simple knowledge can not evaluate objectively enough all aspects of contracting on the use of composition, their legal representatives must accompany such legal actions. At present, the implementation of the existing legal regulation of copyright on literary compositions by underage and juvenile persons, according to the legislation of Ukraine, is insufficient and needs to be improved.

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Keywords: copyright, child, author of a composition, characteristic of creativeness, property right, moral right, juvenile persons, their parents, legal representatives, intellectual property/

Ключові слова: авторське право, малолітня, неповнолітня особа, дитина, охорона, захист, здійснення, літературний твір, вірші, немайновий, законні представники.

Ключевые слова: авторское право, малолетний, несовершеннолетний, ребенок, охрана, защита, литературное произведение, стих, неимущественные, законные представители.

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THEORETICAL ASPECTS OF INTELLECTUAL PROPERTY MANAGEMENT ARE ON AN ENTERPRISE.**Shykova L.**, PhD (Economics), senior lecturer «Priazovski state technical university», Mariupol.**Shykova L. Theoretical of aspects of intellectual property management are on an enterprise.**

In the article different determinations are examined by the scientists of essence of concept «intellectual property management». Basic component intellectual property managements are exposed, namely: development of intellectual property, that includes planning and realization, favorable environment and motivation of workers; market analysis, that consists of possibilities, competitors and violators (for example patent rights); protection of intellectual ownership rights, embracing legal defense, commercial secrets and disciplinary penalties; exchange intellectual property, that includes a purchase, sale, transfer of technologies and joint scientifically research and research-designer works. The basic tasks of intellectual property management are exposed. The basic factors of control system by intellectual property are enumerated. The features of functions of intellectual property management are certain. Principles that must be taken into account at an intellectual property management are in-process presented. The simplified chart over of realization of management of intellectual property on an enterprise, that is expressed in, is brought: development of intellectual property, market of intellectual property analysis, protection of intellectual ownership rights, exchange intellectual property; and also the system of corporate industrial property management is analyses taking into account the use of intellectual property. The value of analysis of management is certain in the choice of strategy of management of intellectual property an object on an enterprise.

Шикова Л. В. Теоретичні аспекти управління інтелектуальною власністю на підприємстві.

В статті розглядаються різні визначення науковцями сутності поняття «управління інтелектуальною власністю». Розкрито основні складові управління інтелектуальною власністю, а саме: розвиток інтелектуальної власності, що включає планування та реалізацію, сприятливе середовище та мотивацію працівників; аналіз ринку, який складається з можливостей, конкурентів та порушників (наприклад патентних прав); захист прав інтелектуальної власності, охоплюючи правовий захист, комерційні таємниці та дисциплінарні стягнення; обмін інтелектуальною власністю, що включає купівлю, продаж, трансфер технологій та спільні науково дослідницькі та дослідницько-конструкторські роботи. Розкрито основні завдання управління інтелектуальною власністю. Перераховано основні фактори системи управління інтелектуальною власністю. Визначено особливості функцій управління інтелектуальною власністю. В роботі представлено принципи, які необхідно враховувати при управлінні інтелектуальною власністю. Наведено спрощену схему здійснення менеджменту інтелектуальної власності на підприємстві, яка виражається у: розвитку інтелектуальної власності, аналізі ринку інтелектуальної власності, захисті прав інтелектуальної власності, обміні інтелектуальною власністю; а також проаналізовано систему корпоративного управління промисловою власністю з урахуванням використання інтелектуальної власності. Визначено значення аналізування управління у виборі стратегії управління об'єктом інтелектуальної власності на підприємстві.

Шикова Л. В. Теоретические аспекты управления интеллектуальной собственностью на предприятии.

В статье рассматриваются разные определения учеными сущности понятия «управление интеллектуальной собственностью». Раскрыты основные составные управления интеллектуальной собственностью, а именно: развитие интеллектуальной собственности, которая включает планирование и реализацию, благоприятную среду и мотивацию работников; анализ рынка, который состоит из возможностей, конкурентов и нарушителей (например, патентных прав); защита прав интеллектуальной собственности, охватывая правовую защиту, коммерческие тайны и дисциплинарные взыскания; обмен интеллектуальной собственностью, которая включает покупку, продажу, трансферт технологий и совместные научно исследовательские и конструкторские работы. Раскрыты основные задания управления интеллектуальной собственностью. Перечислены основные факторы системы управления интеллектуальной собственностью. Определены особенности функций управления интеллектуальной собственностью. В работе представлены принципы, которые необходимо учитывать при управлении интеллектуальной собственностью. Приведена упрощенная схема осуществления менеджмента интеллектуальной собственности на предприятии, которая выражается в: развитии интеллектуальной собственности, анализе рынка интеллектуальной собственности, защите прав интеллектуальной собственности, обмене интеллектуальной собственностью; а также проанализирована система корпоративного управления промышленной собственностью с учетом использования интеллектуальной собственности. Определено значение анализа управления в выборе стратегии управления объектом интеллектуальной собственности на предприятии.

Problem statement. Term "intellectual property" rather new to Ukraine is included surely in language of the increasing number of entrepreneurs, businessmen, managers. Now owners of intellectual property determine forming of a new peace arrangement because the knowledge or intellectual property and its operation by business for the purpose of getting of profit is a key factor of providing competitiveness and economic growth.

The intellectual property belongs to intangible assets which shall be controlled like any other assets to maximize the return on capital, provided by such asset. [1]]. Therefore forming of an effective management system by intellectual property is the most important factor of successful performance of the enterprise.

Analysis of researches and publications. The considerable theoretical fee in studying of questions of management by intellectual property at the enterprise was made by works of such scientists as: S.Yu. Polyakov, And.I . Kurtov, O. B. Nik_tyuk, G.A.Zm i i vskiya [1]; T.V.Pavlenko [2]; L. B. Pizhova, O. I. Savchenko, K.R. Chuks_na [3]; V. V. V_rchenko [4]; O. V. Kam'yanska, O. V. Krupk [5]; V. V. Yarmash [6]; To.I . Dmitris [7]

The purpose of the article is features studying of theoretical aspects of intellectual property management at the enterprise.

Statement of the main material. Due to rather new use of the concept "intellectual property" (IS) the system of its management is insufficiently studied. So in domestic literature it is possible to meet not many determinations of concept "management of intellectual property or equity". In turn, Tsiubulyov P. M. determines that the management of intellectual property (MIP) is the activities directed on receipt of resulting effect - profit or other advantage in a consequence of creation and use of object (objects) of intellectual property right in all industries of economy. [2] M. V. Vachevsky considers management of intellectual property as set of social, psychological and ideological actions, purposeful action on creative activities of innovators of production and on identification of allowances of achievement of high resulting effects [3]. Morozov notes that management of intellectual property is a management system the intellectual equity, that is set of methods strategically approved and connected among themselves and controls the intellectual equity (IE), directed on a value addition and productivity of IP and business as a whole [3].

Generalizing all these concepts, it is possible to tell that UIS is a system of strategic actions of IS connected with objects and purposeful on effective innovative development of the enterprise. In other words it is process which includes such 4 main of a component:

1. Development of IS which includes planning and the implementation, the favorable environment and motivation of workers;
2. Market research which consists of opportunities, competitors and violators (for example patent laws);
3. Protection of the rights of IS, covering legal protection, trade secrets and authority punishments;
4. Exchange of IS which includes purchase, sale, a transfer of technologies and general NDDKR. [3]]

The purpose of management of objects of intellectual property - increase in their market value, and also increase of profitability of their use in economic activity and transformations into the main competitive advantage of the enterprise. [4]

Thus by the main tasks of management IP must be:

- ✓ systematization and analysis of the use of objects IP (OIP);
- ✓ exposure of surplus and necessary OIP;
- ✓ determination of dominant OIP;
- ✓ realization of legal safeguard IP and her commercialization;
- ✓ stopping of violations of absolute titles of determination of forms and methods of legal safeguard of OIP. [3]

Also it follows to take into account such main factors of the system MIP :

- ✓ marketing strategy;
- ✓ production volumes;
- ✓ capacity of markets of sale existing and potential;
- ✓ presence or absence of competitors
- ✓ industry of activity. [3]

An accent on the selection of separate functions to the management during realization of management intellectual work on an enterprise carried out M. V. Vachevsky [5]. In works of other Ukrainian and Russian scientists of such approach did not meet. Short maintenance of every function is stated below.

1.Planning function. It is a basic function of IP management, essence of that consists in adjusting of the difficult and ramified system of relations that embraces the factors of development of intellectual work and introduction of new developments, legal safeguard, control and account of end-point.

2. Function of IP organization.. It consists in determination of sequence and co-ordination of actions, necessary for development industries of production forecasting on the basis of creation inventions and industrial prototypes. The more difficult system, the more it requires correspondence of organization, that would satisfy the requirements of specialization, concentration, modern technique and technology of production, proportional development of different parties of object (technical, productive, economic, financial) at optimal labor, money and material charges.

3.An adjusting function is taken to provide IP development according to the worked out programs, and also to remove rejections, that arise up in the process of creation, development, introduction and use in production of scientific and technical achievements.

4.A function of introduction is a process of planed translation of object (techniques, technologies, control system, separate process or its element) from the existent state in new one, that can be foreseen according to the project.

5.Function of legal safeguard. Accordingly this function envisages realization of different types of legal relationships for providing of protection of rights on OIP in obedience to a current legislation.

6.A control function consists in watching the process of the IP development system, exposing of rejections and search of possibility of their removal.

7.The accounting function is called to provide collection and systematization of information about a dynamics, state and progress of intellectual property trends in industries of national economy, there is participating activity of enterprise to that.

In Ukrainian literature there are 10 principles that must be taken into account at an intellectual property management : [5]

1) To realize the role of IP.. Thus a leader must distinguish useful for the business intellectual property from unnecessary.

2) To do by part strategic business-planning of IP management. It is necessary at the beginning of activity to be determined with the necessary objects of IP laws, that will help to provide the competitiveness of commodities or services.

3) To find out own OIP. Guidance of organization must have a correct and all embracing idea about IP in the business, legal rights and their uses related to it.

4) To collect information about competition in IP sphere. It is necessary to carry out the estimation of potential possibilities of intellectual capital and strategies of present competitors activity related to it on regular basis.

5) To identify necessary IP.. It is necessary to determine on the stage of creation of commodity, what OIP will provide its competitiveness.

6) To create or buy rights on necessary OIP. It is necessary to decide an enterprise, where to take the necessary objects of right IP: to create them own forces (by order) or to purchase, for example, by licensed agreement.

7) To estimate economic efficiency of present IP.. Such estimation will allow to attain many aims: to know about charges on creation, acquisition of legal safeguard and maintenance of action of rights on OIP; to estimate the size of money streams, what OIP is able to generate at their use in a production; to define a price after that it is possible to get legal rights on OIP et cetera

8) To take into account a tax on IP. Procedure of management an intellectual capital it follows to carry out with the proper advising in relation to a record-keeping and taxation.

9) To be ready to secure rights for the IP. A management IP must envisage rules of behavior in relation to interaction with the violators of laws and plan of charges on the decision of spores in relation to OIP.

10) To measure management efficiency of IP.

To our opinion, an observance of these principles is obligatory for the sake of achievement of success in the intellectual property management of the enterprise.

Studies of intellectual property management of the enterprise by foreign scientists are deep, that is why as on the problems of intellectual property management they paid attention before. In pic. 1 the simplified chart of intellectual property management realization on an enterprise is presented.

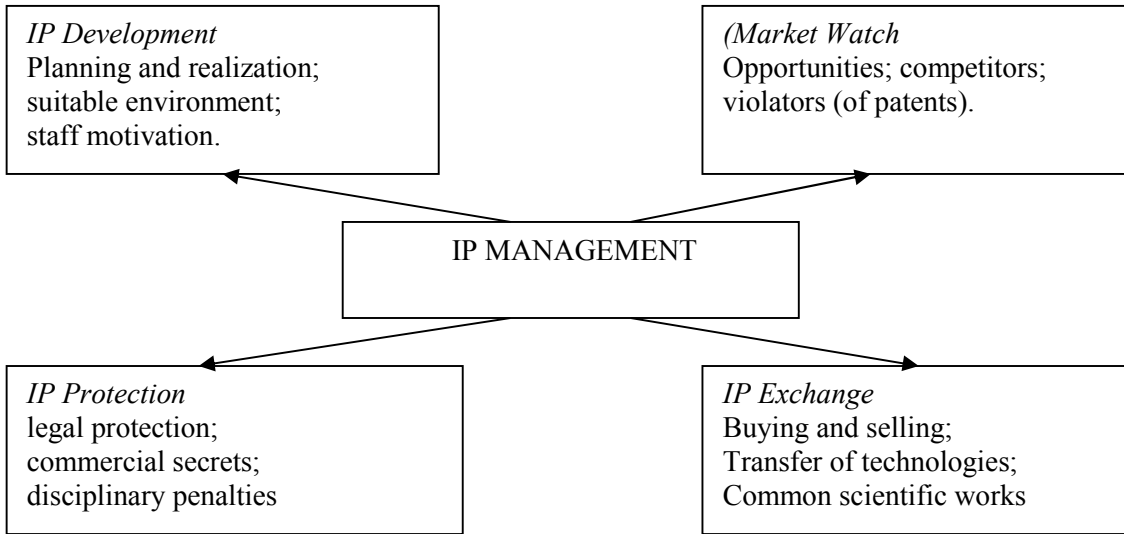
Management system of intellectual property of the enterprise is set of interconnected elements which are directed on the enterprise goal achievement (profit maximization, gaining and expansions of a certain segment of the market, increase of market value of the company) due to creation and effective use of the scientific results and technical creativity, complete realization of employees the enterprise intellectual potential. [2]. For comparison we will consider management of industrial property offered to corporate management system industrial property by O. D. Svyatotsky's [6].

The author of this system asserts that without the certain and fixed in normatively-methodical documentation patent-licensed policy of company it can not be created corporate control system by industrial property. Thus exactly development of documentation presents most difficulties at creation of this system. It is related to that mostly in companies to this day it is not adjusted corresponding relations in relation to the results of intellectual activity; as a rule, the patent-informative providing of agreements of scientific researches are absent; a wretched amount of the given requests is on OIP. Development of the corporate patent-licensed policy really can be begun only after creation of foundations of the system of corporate industrial property management, namely:

forming of base of these results of intellectual activity, that belong and used by the enterprises of company;

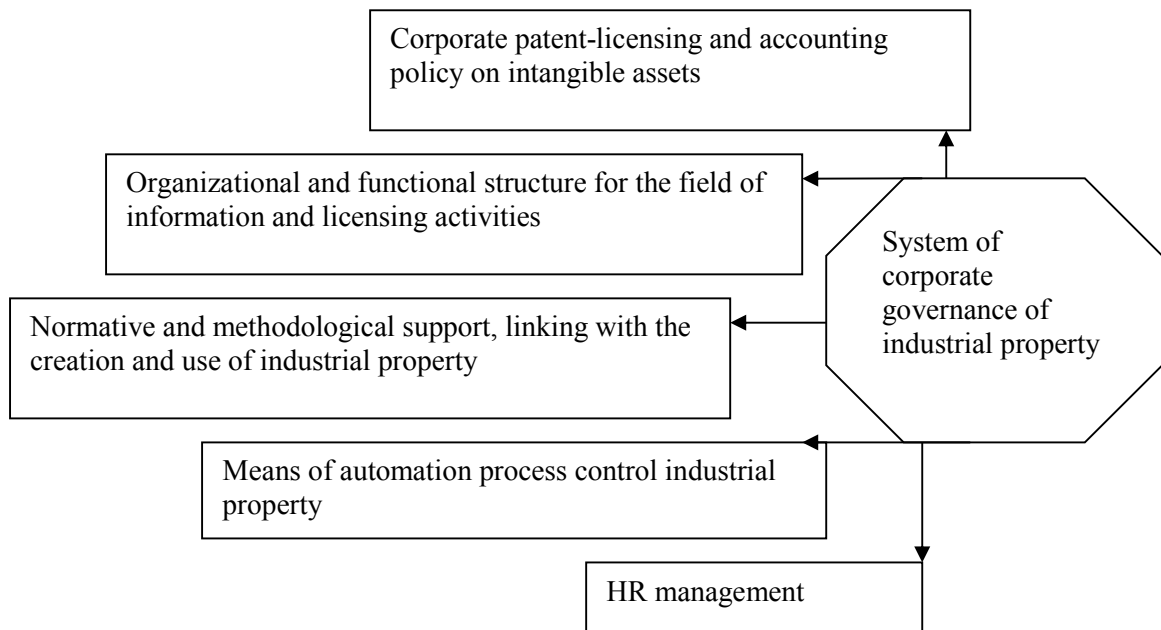
developments and claims of basic normatively-methodical documents;

creation and introductions of technical equipments, that provide activity from an industrial property management;
 developments of registration policy are in relation to non-material assets.



Picture 1. Intellectual property management on an enterprise [4]

An Organizationally-functional structure of industrial property management must be the company maximally adapted to the present structure of management [6].

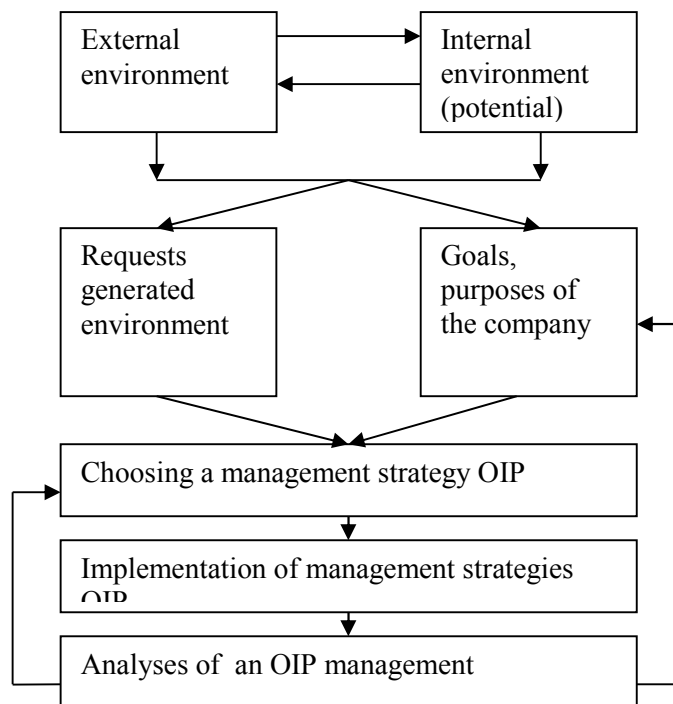


Picture. 2 Systems of corporate industrial property management [4]

The choice of that or other method of management of OIP depends on many factors, but direct influence on this process two factors have a : environment of functioning of enterprise (environment) and her potential (internal environment). Potential of enterprise shows by itself totality of necessary for his functioning or development of different types of resources; system of material and labor factors (terms, constituents) that provide gaining end and aims of production [7]. It is summarized as a rule with a production and efficiency of work of the productive systems. Among all present resources that determine potential of enterprise, at the analysis of strategy of management of intellectual property objects expediently to spare most attention exactly intellectual. [7].

3

Scheme of the value analysis during an intellectual property management is presented in pic.



Picture. 3 Values of analysis of management are in the choice of strategy of management of intellectual property an object on an enterprise.

Thus, external and internal environments constantly interact among themselves by receipt of information from the outside about need of this or that product, service, the agreement necessary in the market. The entity, in turn, reacts that, using own potential, tries to satisfy demands of environment.

Conclusions: In Ukraine a term «intellectual property» is used recently, that is why many questions in relation to an intellectual property of management are left unsolved. However many scientists already did considerable contribute in the study of control system by intellectual property.

Forming of effective control system of intellectual property depends on plenty of factors that can be divided into external and internal and taking into account, importance of that, or other factor, for an enterprise and strategy of intellectual property management is produced by guidance.

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Keywords: management by intellectual property, objects of intellectual property, management of intellectual property, corporate management, management strategy.

Ключові слова: управління інтелектуальною власністю, об'єкти інтелектуальної власності, менеджмент інтелектуальної власності, корпоративне управління, стратегія управління.

Ключевые слова: управление интеллектуальной собственностью, объекты интеллектуальной собственности, менеджмент интеллектуальной собственности, корпоративное управление, стратегия управления.

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PROBLEMATIC ISSUES IN TRAINING OF INTELLECTUAL PROPERTY MANAGEMENT SPECIALISTS AT THE PRESENT-DAY STAGE OF INNOVATIVE DEVELOPMENT OF UKRAINE'S ECONOMY

Pogorelaya M., post-graduate student at the Intellectual Property Department, The National Metallurgical Academy of Ukraine, Dnipropetrovsk.

Pogorelaya M. Problematic issues in training of intellectual property management specialists at the present-day stage of innovative development of Ukraine's economy.

This article brings out peculiarities of specialists training in the field of intellectual property. It is noted that at the present-day stage of innovative development of Ukraine's economy the country is in need of specialists, who can professionally carrying out all the emerging tasks related to creating and application of innovative products based on intellectual property objects. This article also states that a comprehensive program of specialists training is being implemented in the country, which helps building up human resource for professional activity in the field of intellectual property: corresponding Concept has been introduced and the Program of Development of the State System of Intellectual Property Protection is accepted. Also, discipline "Intellectual property" has been introduced in more than 15 colleges and universities with graduate and master's learning programs. State standards of higher education related to the qualification "Professional of intellectual property" are introduced as well.

Using the method of competent approach, the author analyzed the training system of intellectual property students and pointed out certain problematic issues connected directly to the learning process. Foremost problems, according to the author, are related to the list and content of standard learning disciplines. Author also reveals a few causes, which lead to corresponding issues at the present-day stage of intellectual property specialists training. Specifically, one of such causes is seen in ongoing harmonization of Ukraine's legislation with that of European Union, as Ukrainian specialists require extra knowledge in the field of international and European laws.

The article suggests ways to solve some problematic issues. In particular, it is suggested that problematic issues related to the list and actual content of standard learning disciplines can be solved by means of introducing additional disciplines into the optional segment of learning programs. An opinion is stated that currently active state standards of higher education related to the qualification "Professional of intellectual property" need to be revised and enhanced.

Погорелая М. А. Проблемные вопросы подготовки специалистов по управлению интеллектуальной собственностью на современном этапе инновационного развития экономики Украины.

В статье рассмотрены особенности подготовки специалистов в сфере интеллектуальной собственности. Отмечено, что на современном этапе инновационного развития экономики Украины государству нужны специалисты, способные на высоком профессиональном уровне решать возникающие задачи в сфере создания и использования инновационных продуктов на уровне объектов интеллектуальной собственности. Обосновано, что в стране ведется целенаправленная работа по развитию государственной системы подготовки кадров для профессиональной деятельности в сфере интеллектуальной собственности: разработана Концепция и принята Программа развития государственной системы правовой охраны интеллектуальной собственности, открыта учебная специальность «Интеллектуальная собственность», по которой более полутора десятка высших учебных заведений осуществляют обучение магистров и специалистов, разработаны государственные отраслевые стандарты высшего образования по подготовке кадров квалификации «Профессионал интеллектуальной собственности». Используя методологию компетентностного подхода, автор проанализировал систему подготовки будущих профессионалов интеллектуальной собственности и выявил проблемные вопросы, связанные непосредственно с обучением. Наиболее значимые проблемные вопросы, по мнению автора, касаются перечня и содержания нормативных учебных дисциплин. Автором выявлены также некоторые причины, которые приводят к возникновению проблемных вопросов на современном этапе подготовки специалистов интеллектуальной собственности. В частности, одной из таких причин названа гармонизация законодательства Украины с законодательством Европейского Союза, которая требует от отечественных специалистов дополнительных знаний в области международного и европейского права. Предложены пути решения некоторых из проблемных вопросов. В частности, проблемные вопросы, касающиеся перечня и фактического объема нормативных дисциплин, предложено разрешить путем введения дополнительных дисциплин в вариативную часть образовательных программ. В статье высказано также мнение о необходимости совершенствования действующих государственных отраслевых стандартов высшего образования по специальности «Интеллектуальная собственность».

Погоріла М. О. Проблемні питання підготовки фахівців з управління інтелектуальною власністю на сучасному етапі інноваційного розвитку економіки України.

У статті розглянуті особливості підготовки фахівців у сфері інтелектуальної власності. Відмічено, що на сучасному етапі інноваційного розвитку економіки України державі потрібні фахівці, здатні на високому професійному рівні вирішувати виникаючі завдання у сфері створення і використання інноваційних продуктів на рівні об'єктів інтелектуальної власності. Обґрунтовано, що в країні ведеться цілеспрямована робота по розвитку державної системи підготовки кадрів для професійної діяльності у сфері інтелектуальної власності: розроблена Концепція і прийнята Програма розвитку державної системи правової охорони інтелектуальної власності, відкрита навчальна спеціальність «Інтелектуальна власність», по якій більше півтора десятка вищих навчальних закладів здійснює навчання магістрів і спеціалістів, розроблені державні галузеві стандарти вищої освіти з підготовки кадрів кваліфікації «Професіонал інтелектуальної власності». Використовуючи методологію компетентнісного підходу, автор проаналізував систему підготовки майбутніх професіоналів інтелектуальної власності і виявив проблемні питання, пов'язані безпосередньо з навчанням. Найбільш значимі проблемні питання, на думку автора, стосуються переліку і змісту нормативних навчальних дисциплін. Автором виявлені також деякі причини, які призводять до виникнення проблемних питань на сучасному етапі підготовки фахівців інтелектуальної власності. Зокрема, однією з таких причин названа гармонізація законодавства України з законодавством Європейського Союзу, яка вимагає від вітчизняних фахівців додаткових знань в області міжнародного і європейського права. Запропоновані шляхи вирішення деяких з проблемних питань. Зокрема, проблемні питання, що стосуються переліку і фактичного об'єму нормативних дисциплін, запропоновано вирішувати шляхом введення додаткових дисциплін у варіативну частину освітніх програм. У статті висловлена також думка про необхідність вдосконалення діючих державних галузевих стандартів вищої освіти за фахом «Інтелектуальна власність».

Problem statement. Various questions constantly arise at the present-day stage of innovative development of the economy. These questions include issues related to training of qualified specialists in the field of intellectual property. The most relevant problems of intellectual property are periodically examined and discussed at method-oriented and practice-oriented scientific conferences in Ukraine. Note that the titles of those conferences themselves point at the presence of issues in the training system of intellectual property specialists. [1, 2, 3]. That's why it is of current importance to further examine the features of present-day intellectual property management specialists training.

Analysis of the latest research papers and publications. Problems of professional training of intellectual property specialists were researched and outlined in the works of V. A. Zharov, G. K. Dorozhko, S. V. Chikin, M. V. Vachevskiy, G. A. Androchuk, L. M. Kostina, S. V. Kornovenko, P. P. Krainev, Yu. N. Kuznetsov, V. D. Parkhomenko, P. V. Soloshenko, P. N. Tsibulev and other Ukrainian scientists.

Analysis of the latest publications shows that researches have different opinions and views related to professional training of specialists capable of creating, protecting, and using the objects of intellectual property. Sometimes opinions of different scientists on a certain matter differ drastically. At the same time almost every scientist agrees that the country's transition to the market economy environment requires dramatic changes not only in economic, but also in educational system, and particularly in the system of training of intellectual property management specialists.

Accentuation of the unsolved problem. Despite the fact that numerous scientists keep researching and discussing various aspects of intellectual property specialists training, some features of said training still have not been studied to an adequate level at present day. Also, the causes of problematic issues arising in the field of qualified intellectual property specialists training are not revealed.

Objective of this article. Conduct the research of current system of intellectual property specialists training; examine the features of present-day specialists training; reveal the causes of problematic issues and suggest ways to solve those issues.

Research results. By the example of many countries in the world, Ukraine is currently attempting transition to the innovative economy. In order to perform the transition to a more robust and competitive innovative model of economy development, the country first needs to establish an efficient domestic innovative production in priority fields, provide implementation of progressive technology innovations, arrange trading with science intensive products at domestic and foreign markets, and learn to properly manage intellectual property. Being the core of innovations in science and technic fields, intellectual property is exactly what allows using enterprise potential more efficiently.

Apparently, highly qualified specialists who have received special education and acquired competence in the field of intellectual property are needed to maintain scientific, technical, and innovative activity in the country.

In Ukraine training of graduate professionals in the field of intellectual property recommenced in 1997 as soon as the training discipline 7(8).000002 “Intellectual property” was introduced. Currently more than ten universities are entitled to train specialists with master’s degree and (or) specialists in “special categories” of the specialty 7(8) 00002 “Intellectual property”. Coordination of specialists training is performed by Institute of Intellectual Property at National University Odesa Law Academy in Kyiv [4, p. 40].

There is a Concept [5] developed and accepted in Ukraine, and the Program of Development of the State System of Intellectual Property Protection for the 2010–2014 period [6] is introduced to fix practical implementation of said concept. State standards of higher education related to the specialty “Intellectual property” are currently effective in Ukraine. These standards consolidate the requirements for the content of education set by the state, world community, and employers.

Consequently, there are reasons to suggest that the works devoted to development of the state system of intellectual property specialists training are in progress in Ukraine. During such works it is natural for issues related to various aspects to occur, including issues related to the training itself. In our opinion, the foremost significant issues are related to the list and content of standard learning disciplines.

Effective educational standards define ten required disciplines, which are obligatory for every university providing training programs for intellectual property specialists. On this list, aside from introduction and industrial safety, are: intellectual property laws, protection and management of intellectual property rights, economics of intellectual property, heuristics essentials, management of intellectual property, and intellectual property in the field of innovative activities. We can see that this list combines several branches: law, economics, marketing, heuristics, and management. Each component’s contribution to the training process is determined by the quantity of academic hours allocated to studying corresponding discipline.

Making analysis of the current allocation of academic hours for each discipline we should note that given allocation of hours shows significant imbalance in favor of law disciplines at the expense of management and heuristics. For example, a total of 108 academic hours are allocated to studying heuristics essentials, which comprises a little over 7% of all standard disciplines volume. The similar situation is seen with intellectual property management. At the same time, if we examine the process of intellectual property specialists training in the context of competency approach, we should note the following. When defining the requirements to the content, volume, and level of professional training, state standards of higher education are based on the idea that graduate specialists with corresponding attested qualification should be able to work at certain

primary positions and carry out functions related to those positions. As we analyzed the range of tasks given to an intellectual property professional working at respective position, we noted that out of four production functions (projecting, organizing, implementing, and managing) the first one relies completely on the use of knowledge and skills exactly in the field of creating intellectual property objects. Even the title of projecting function is refined by the standard as “projecting and design”, which implies that this function is related to the initial stage of intellectual property objects lifecycle – the stage of creation. As for managing function, we should accentuate the following. Professional activities of graduate masters and specialists are oriented to carry out management functions related not only to using results of creation, but also to the process of intellectual property objects creation itself.

Conducted analysis shows that the practical professional activities of intellectual property management specialists after graduation are connected not only with the problems arising on the stages of using (commercialization) and protection of rights, but also with tasks at the initial stage of an intellectual property object lifecycle (creation). Consequently, it is necessary to eliminate the imbalance in academic hours allocation between different training branches.

At the present-day stage of innovative development of Ukraine’s economy there are also new problems connected with the country’s intention to integrate with European Union [7, p. 159]. In particular, revision of Ukrainian legislation according to the norms of European community pointed out that domestic specialists lack knowledge in the field of international and European laws. We think that this flaw can be easily fixed by introducing an additional discipline to the optional part of training program, or a special course of lectures within the scope of studied disciplines.

Conclusion and prospects of further research. Innovative development of Ukraine’s economy requires highly qualified specialists, who can carry out their tasks efficiently in current environment. Analysis of the present system of intellectual property specialists training has shown that there are certain flaws that should be fixed. Research on features of training provided by universities for masters and specialists in discipline “Intellectual property” allowed us to reveal several problematic issues. Some of them, specifically issues related to a significant imbalance of academic hours in favor of law disciplines at the expense of management and heuristics, may be solved by rebalancing and introducing additional disciplines to the optional part of training programs. Other significant issues, in particular those related to the list of standard disciplines defined by the state standards for higher education in specialty “Intellectual property”, may be solved by amending effective standards.

It is reasonable to conduct further research on revealing the causes of problematic issues arising on the way to perfect the training system of intellectual property specialists.

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Keywords: training, educational standards, learning discipline, professional activity, education qualificational level, specialty, manufacturing functions.

Ключові слова: підготовка кадрів, освітні стандарти, навчальна дисципліна, професійна діяльність, освітньо-кваліфікаційний рівень, навчальна спеціальність, виробничі функції.

Ключевые слова: подготовка кадров, образовательные стандарты, учебная дисциплина, профессиональная деятельность, образовательно-квалификационный уровень, учебная специальность, производственные функции.

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MANAGEMENT INNOVATION DEVELOPMENT OF INDUSTRIAL ENTERPRISES IN THE CONDITIONS OF ENERGY-SAVINGS

Bessonova S. an associate professor is a cand.of econ.sciences, associate professor of department «Account and audit» of GVUZ the «Priazovskiy state technical university, Mariupol

Dorozhko G. an associate professor is a cand.of tehn.sciences, manager of department of «Intellectual property and right»

Bessonova Svetlana, Dorozhko Grigory. Management innovative development of industrial enterprises in terms energy of economy

The analysis of innovative activity of industrial enterprises is conducted IN the article . Introduction of innovations is investigational the industrial enterprises of Ukraine. Research of inventions of the Ukrainian patent developers is conducted. The dynamics of quantity of research workers and change of amount of organizations is in-process presented participating in developments, the fact of decline of amount of enterprises of the innovations engaged in introduction is here fixed. Composition of sourcing innovative activity is analyzes. Researches retained the system of financing of enterprises due to the personal funds. For and management an intellectual capital, directed on an energy-savings and mechanism is developed consisting of the stages of management of innovative intellectual assets. The separate aspects of management the objects of intellectual property are considered in the conditions of energy-savings the algorithm of the use is developed, purchased and created innovative intellectual assets on an industrial enterprise in the conditions of energy-savings.

Бессонова С. И., Дорожко Г. К. Управление инновационным развитием промышленных предприятий в условиях энергосбережения

В статье проведен анализ инновационной деятельности промышленных предприятий. Исследовано внедрение инноваций промышленными предприятиями Украины. Проведено исследование изобретений украинских патентных разработчиков. В работе представлена динамика численности научных работников и изменение количества организаций участвующих в разработках, при этом зафиксирован факт снижения количества предприятий занимающихся внедрением инноваций. Проанализирован состав источников финансирования инновационной деятельности. Исследования показали системность финансирования предприятий за счет собственных средств. Для управления интеллектуальным капиталом, направленным на энергосбережение разработан механизм состоящий из этапов управления инновационными интеллектуальными активами. Рассмотрены отдельные аспекты управления объектами интеллектуальной собственности в условиях энергосбережения разработан алгоритм использования, приобретенных и созданных инновационных интеллектуальных активов на промышленном предприятии в условиях энергосбережения.

Бессонова С. І., Дорожко Г. К. Управління інноваційним розвитком промислових підприємств в умовах енергозбереження

У статті проведено аналіз інноваційної діяльності промислових підприємств. Досліджено впровадження інновацій промисловими підприємствами України. Проведено дослідження винаходів українських патентних розробників. У роботі представлена динаміка чисельності науковців і зміна кількості організацій, що беруть участь в розробках, при цьому зафіксований факт зниження кількості підприємств, що займаються впровадженням інновацій. Проаналізовано склад джерел фінансування інноваційної діяльності. Дослідження показали системність фінансування підприємств за рахунок власних засобів. Для управління інтелектуальним капіталом, направленим на енергозбереження запропоновано механізм, що

складається з етапів управління інноваційними інтелектуальними активами. Розглянуто окремі аспекти управління об'єктами інтелектуальної власності в умовах енергозбереження та розроблено алгоритм використання, придбаних і створених інноваційних інтелектуальних активів на промисловому підприємстві в умовах енергозбереження.

Raising of problem. Presently, in the conditions of hard competition, the enterprises of metallurgical complex require innovative transformations. Metallurgical enterprises need not only modernization of equipment but also in the quickest introduction of the newest technologies, more wide use in the activity of objects of intellectual right.

Measures on realization of public policy for period of 2010-2013rr. were directed on strengthening of innovative processes in activity of enterprises of industrial sector. However, all of these transformations are not possible without sufficient financial and investment resources, without bringing in of scientific potential.

Analysis of the last researches and publications. It was devoted the problems of management innovative development of industrial enterprises as foreign scientists: D.Brayt, L.N. Borisoglebskaya, V.A.Vorob'ev, G.Ya.Zhitkevich, O.A.Kolodyazhnaya, Y.Shumpeter, so domestic O.I.Kovtun, A.E. Kuz'min, T.G.Logutova, A.P.Orlyuk, L.I.Fedulova and other To the questions of energy-savings on domestic industrial enterprises attention of the followings scientists was spared: N.G.Belopol'skiy, A.A.Kataev, D.K.Turchenko, S.L.Yaroshevskiy and other

Conducting **the selection of unsolved problem** research of works on and management innovative development of industrial enterprises, separate aspects of management the objects of intellectual property are inelaborate in the conditions of energy-savings.

Purpose of the article to Conduct the analysis of innovative activity of industrial enterprises and develop the mechanism of management of objects, influencing on the innovative constituent of industrial enterprises in the conditions of energy-savings.

Research results. Further technological modernization of enterprises of industrial sector is not possible without activation of innovative activity. For development of mechanism of management of intellectual assets it is expedient to conduct the analysis of innovative transformations of industrial enterprises. The analysis of statistical data for послекризисный period of табл.1 reflects instability of introduction of innovations industrial enterprises.

Table 1. is Analysis of introduction of innovations the industrial enterprises of Ukraine for period 2009-2013 yy.

	2009	2010	growth rate to the last year %	2011	growth rate to the last year %	2012	growth rate to the last year %	2013	growth rate to the last year %	growth rate to 2010 year %
It is inculcated innovative types of products, names	2685	2408	89,7	3238	134,5	3403	105,1	3138	92,2	130,3
From them										
Machines, equipment, devices etc.	641	663	103,4	897	135,3	942	105,0	809	85,9	122,0
New technological processes	1893	2043	107,9	2510	122,9	2188	87,2	1576	72,0	77,0
From them										
Little offcuts and energy of saving	753	479	63,6	517	107,9	554	107,2	502	90,6	104,8

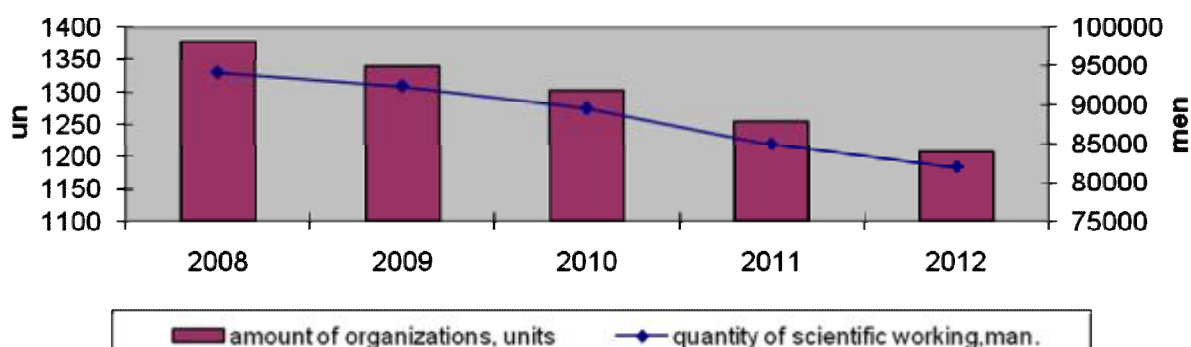
Amount and stake of innovative active enterprises, un.	1180	1217	103,1	1327	109,0	1758	132,5	1715	97,6	140,9
	12,8	13,8		16,2		17,4		16,8		
Volume of realized innovative products, mill. of hryv.	31,4	33,7	107,3	42,4	125,8	36,2	85,3	35,9	99,2	106,5

For analysable period rotined researches of introduction of innovations the industrial enterprises of Ukraine, that and basic slump on introduction of innovative types of products was on 2010 and 2013 years. The most high rates of growth are fixed in 2011 A negative moment is and decline of amount of enterprises of the innovations engaged in introduction. For 2013. only 77% from the general amount of инновационно- of active enterprises engaged in introduction of innovations, from them only inculcated 502 enterprises new малоотходные and ресурсосберегающие technological processes.

In 2013 it is realized innovative products to the amount of 35,9 mill. of hryv. by and 1031 enterprise. from them 55,3% on an export, at it must be marked, that these were the new types of products for these enterprises.

For the last 10 years in Ukraine by domestic developers 203294 patents were registered, thus, there are more than 2000 inventions on 1 million habitants. In obedience to statistics of the «Global rating of innovations – 2012» domestic developers took the deserving place along with the Chinese and Indian inventors. Above all things it happened due to the presence of skilled specialists.

The analysis of brain-powers rotined for the last five years, that amount of persons, engaged in developments goes down from year to year. On picture 1 the dynamics of quantity of research workers and change of amount of organizations is presented participating in developments.



Pict.1. Analysis of brain-powers and organizations, participating in developments for period 2008-2012 yy.

From the conducted analysis also it should be noted that mainly inventions are registered by physical persons, that directly developers, or unprofitable organizations to which belong research institutes. Mainly this contingent does not have financial resources in and sufficient degree. Commercial organizations which participate in and receipt and patent on inventions make insignificant part 3-4%. Certainly and financial constituent influences on the amount of inventions, them would be considerably anymore, if for their creation and registration investment facilities were used. However, and basic sourcing innovative activity still are the personal funds of enterprises and their stake in the general financing of innovations increased constantly. The analysis of sourcings innovative activity is presented in tabl.2.

Table 2. - Analysis of sourcings innovative activity for period 2009-2013 yy.

Year	General sum mill. of hryv.	In that due to facilities							
		Own facilities		Gos.byudzheta		Foreign sources		Other sources	
		Absolute indexes mill. of hryv.	Relative indexes, %	Absolute indexes mill. of hryv	Relative indexes, %	Absolute indexes mill. of hryv	Relative indexes, %	Absolute indexes mill. of hryv	Relative indexes, %
2009	7,949	5,17	65,1	0,127	1,6	1,5	18,9	1,12	14,4
2010	8,045	4,77	59,3	0,008	0,1	2,41	30,0	0,77	10,6
2011	14,333	7,58	53,1	0,149	1,1	0,05	0,4	6,54	45,7
2012	11,480	7,33	63,6	0,224	2,0	0,99	8,7	2,9	25,3
2013	9,657	7,0	72,5	0,118	1,3	1,25	13,0	1,289	13,4

As be obvious from tablas. 2 and basic sourcing innovative activity of industrial enterprises in the flow of great while are the personal funds. In Ukraine an anxious index is reduction of investment activity. Statistical information for 2013 show that the clean influx of direct foreign investments (PII) was abbreviated in 1,5 time and made \$2,9 milliards as compared to and \$4,1 milliard in 2012

Management an intellectual capital, directed on an energy-savings, foresees the row of measures: search of idea, their development, defence, realization and introduction in the production processes of industrial enterprise. Innovative intellectual assets, including developments and innovative products, and also skilled personnel and investments, come forward management objects.

The concerted administrative decisions, constituents of mechanism of management of intellectual property, plug in itself the next functional stages. The stages of management of innovative intellectual assets are presented in and next order.

The first stage is research of new ideas, technological processes or developments which would be applicable or useful to the production cycle on an enterprise.

The second stage is an analysis of possibility of enterprise on acquisition or possibility of creation of this innovation, innovative intellectual asset. On this stage the resources of enterprise are analysed, namely: economic and financial feasibilities, labour and financial resources, organizational structure of enterprise. At acceptance of positive administrative decision on this stage, an enterprise can proceed to realization of the following.

The third stage in the mechanism of management of intellectual property is the stage of defence of intellectual property, and also raising of this object on an account.

The fourth stage is the use of innovative intellectual asset in and production process and analysis of results from the use of this asset. Modification and improvement of innovative intellectual asset is possible.

The fifth stage is an estimation of potential of commercialization of innovative intellectual assets. At this process it is necessary to conduct the analysis of expedience of the use of object of intellectual property monopolistic, or to consider possibility of partial transfer of using this asset right. Conducting researches, at an advantageous condition, it is possible to pass to the last of peat-time, namely commercializations of innovative intellectual asset.

Presently in intent attention is the world spared intellectual assets, as these assets allow to reduce energy - and resources capacity, to improve the financial state of enterprise by the increase of profitability of production. However, presently not to and full degree important questions, related to forming of effective policy of management the objects of intellectual property of industrial enterprises, are lighted up on principle. Problem aspects consist of the following. Problem of the not

use, directly by an enterprise, far of intellectual assets, being in balance. Explanation it can find following:

- not all of developments on an enterprise are innovative;
- the aims of the use of intellectual assets are not expressly formulated;
- the degree of influence is not certain on end-point in the conditions of energy-savings;
- absence of effective determination of commercialization of results of intellectual activity;
- decline of professionalism of skilled resources.

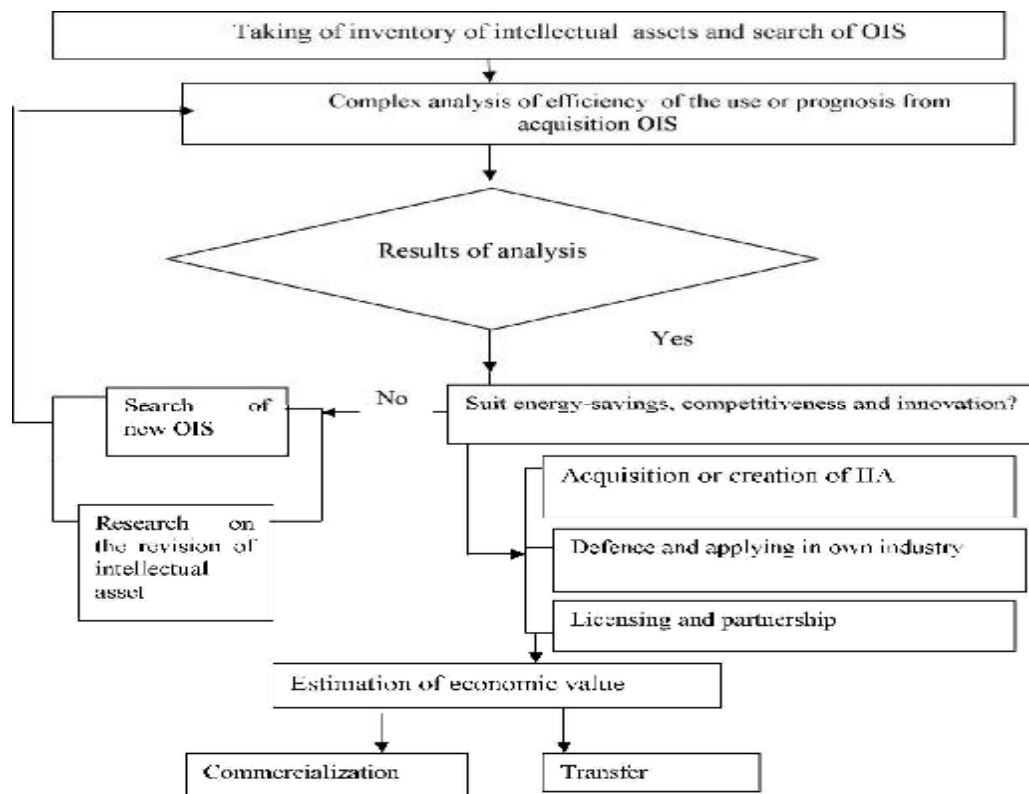
In this connection, there is and requirement in developments on perfection of mechanism of management of innovative intellectual assets of industrial enterprise.

For realization of effective management innovative intellectual assets it is necessary to consider the management stages in the following sequence:

1. To conduct taking of inventory of intellectual assets, being in the account of enterprise. As and result of taking of inventory it is necessary to specify the receipt of these objects on an enterprise. Receipt on the enterprise of objects of intellectual property more frequent than all possibly because of payments of founders in the chartered capital of enterprise, acquisition, creation, use subject to the conditions of licenses (outage, exceptional and complete). More detailed account of innovative intellectual assets will allow correctly начислять depreciation of these objects, determine charges on creation and use of intellectual assets, to form and prime price, that in future can have influence and his transfer on commercialization object of intellectual property.

2. Complex analysis of efficiency of the use and prognosis from acquisition of innovative intellectual assets consists in the analysis of economic values from application of these objects on an enterprise. In the conditions of market relations the complex estimation of innovative performance of enterprise indicators, comparison of results of production activity, requires the detailed analysis, technological processes and analysis of influence on production indexes from introduction of objects of intellectual property in and production process, analysis of indexes of pecypco- and energy-savings, analysis of skilled and labour resources, analysis of solvency, financial stability and profitability. A prognosis analysis will allow спрогнозировать possible economic values and probe an acquisition of innovative intellectual asset option.

3. The results of the conducted analysis will allow to accept administrative decisions in relation to taken into account in and balance of innovative intellectual assets sheet: or to pass them on commercial basis to both external and internal users, to perfect them or use independently for suiting energy-savings, competitiveness and инновационности, and also the increases of indexes arrived.



Pict.1. Algorithm of the use, purchased and created IIA on an industrial enterprise in the conditions of energy-savings

On pict.1. the algorithm of acceptance of administrative decision is presented in relation to the use, acquisition and development of innovative investment assets an industrial enterprise in the conditions of energy-savings.

Conclusions. The rational management of innovative intellectual assets will allow an enterprise to accept a correct decision in relation to creation and development of asset, purposeful search of licenses to the before created asset out of enterprise. In future, acceptance of this administrative decision will influence on a decision-making in relation to realization being in a balance sheet objects of intellectual property.

Increase of innovative activity of enterprises possible at state stimulation of innovative activity of organizations in parts of taxation of income of enterprise, declines of rate or release from payment of VAT on the products of developments, to related to the objects of intellectual property, conditioning for the association of subdivisions of public scientific institutions with the subjects of production for creation of scientific production complex.

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Key words: innovative development, industrial enterprise, energy, management of intellectual property

Ключові слова: інноваційний розвиток, промислове підприємство, енергозбереження, управління об'єктами інтелектуальної власності

Ключевые слова: инновационное развитие, промышленное предприятие, энергосбережение, управления объектами интеллектуальной собственности

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COURT EXPERT ON THE FIELD OF INTELLECTUAL PROPERTY

Dorozhko G., candidate of technical sciences, docent Pryazovskyi State Technical University, Mariupol

Marchenko N., master of Intellectual Property and Law of Pryazovskyi State Technical University, employee of Intellectual Property Department of Scientific Technical Complex in PJSC "Azovmash"

Dorozhko G., Marchenko N. Court expert on the field of intellectual property.

In article we consider the role of a court expert on the intellectual property matters, problematic issues concerning the legal regulation of the court expert participation in the judicial practice and absence of the unitary method for the court experts in the field of the intellectual property. Forensic - expert research in the field of intellectual property is very specific it arise between business entities. That is why experts who are attracted to deal with such cases must not only have special juridical legal knowledge but also technical. That such knowledge must have a forensic expert. Today for Ukraine forensic expert research in the field of intellectual property is quite new kind of expert activity, introduced by the Ministry of Justice of Ukraine in 2002. But in a short period of time meaning the court expert in the field of intellectual property has been widely used and most of the cases are conducted with an expert on intellectual property. Because it depends of expert reliability and completeness research and the correct resolution of intellectual property disputes. Also in the legal and scientific literature, this question remains underexposed scientists. Attention given to the issue of the status of a court expert in the field of intellectual property is inadequate and it is not correct, as a forensic expert of liability depends. If we turn to the legal and scientific literature that this question has not been lit Ukrainian scientists. Today in Ukraine also there is no single method of forensic experts in the field of intellectual property.

Дорожко Г. К., Марченко Н. В. Судовий експерт у сфері інтелектуальної власності.

В статті розглядається роль судового експерта з питань інтелектуальної власності, проблемні питання правового регулювання участі судового експерта в судовій практиці. Судово-експертні дослідження у сфері з інтелектуальної власності є досить специфічними вони виникають між суб'єктами господарювання. І тому спеціалістів котрих залучають для розгляду таких справ повинні володіти не тільки спеціальними юридично-правовими знаннями але й технічними. Саме такими знаннями повинен володіти судовий експерт. На сьогоднішній день для України судово-експертні дослідження у сфері з інтелектуальної власності є досить новим видом експертної діяльності, який було введено Міністерством юстиції України в 2002 році. Але за короткий відрізок часу значення судового експерта у сфері з інтелектуальної власності набуло широкого застосування і більшість справ проводяться з експертом по інтелектуальній власності. Тому, що саме від експерта залежить достовірність та повнота дослідження і правильне вирішення спорів з інтелектуальної власності. Також у юридичній та науковій літературі це питання залишається не досить висвітленим науковцями. Увага, яка приділяється питанню статусу судового експерта у сфері з інтелектуальної власності є недостатньою і це не правильно, так як від судового експерта залежить відповідальність. Якщо звернутись до юридичної та наукової літератури то це питання залишаєть не досить висвітленим українськими науковцями. Також в Україні на даний час відсутність єдина методика судових експертів в сфері інтелектуальної власності.

Дорожко Г.К., Марченко Н.В. Судебный эксперт в области интеллектуальной собственности. В статье рассматривается роль судебного эксперта по вопросам

интеллектуальной собственности, проблемные вопросы правового регулирования участия судебного эксперта в судебной практике. Судебно - экспертные исследования в области интеллектуальной собственности является весьма специфическими они возникают между субъектами хозяйствования. И поэтому специалистов которых привлекают для рассмотрения таких дел должны обладать не только специальными юридически правовыми знаниями но и техническими. Именно такими знаниями должен обладать судебный эксперт.

На сегодняшний день для Украины судебно - экспертные исследования в области интеллектуальной собственности является достаточно новым видом экспертной деятельности, введенный Министерством юстиции Украины в 2002 году. Но за короткий отрезок времени значение судебного эксперта в сфере интеллектуальной собственности получило широкое применение и большинство дел проводятся с экспертом по интеллектуальной собственности. Потому что именно от эксперта зависит достоверность и полнота исследования и правильное разрешение споров по интеллектуальной собственности. Также в юридической и научной литературе этот вопрос остается недостаточно освещенным учеными. Внимание, которое уделяется вопросу статусу судебного эксперта в сфере интеллектуальной собственности является недостаточной и это не правильно, так как от судебного эксперта зависит ответственность. Если обратиться к юридической и научной литературе то этот вопрос недостаточно освещенным украинскими учеными. Также в Украине в настоящее время отсутствует единая методика судебных экспертов в области интеллектуальной собственности.

The formulation of the problem. The legal actions from protections of incorporeal rights are considered quite specific. It is not enough juridical knowledge to make the correct verdict. We need more technical knowledge, that's why it's important to involve judicial experts of intellectual property. In Ukraine during the independence years gathered certain sufficient experience for the forensic examination in the sphere of intellectual property, in our time most of cases are solved by licensed forensic experts in mentioned sphere. But the only methodological developments in holding forensic examination from the sphere of intellectual property are absent now.

The analysis of last researches and publications. The disputes in sphere of intellectual property matters are mainly considered in the economic courts and the legal is limited in this sphere. This issue receives insufficient attention, but the correct solution of a court expert depends, completeness and correctness, of the study's decision. During the short existence period of legal experts in the field of intellectual property the question of research problems of forensic experts in the sphere of intellectual property regarded details such as jurists , like Zukov V. I., Kirichenko I. A., Goncharova D.V., Goncharenko V. G., Paliashvili A. Y., Reshetnikova I. V., Rosinskaya E. P., Sahanova T. V., Sheryakovskiy M. G., and others.

The purpose of the article: is analysis of the status of the court expert in intellectual property.

The statement of main provisions. There is quite developed legal system in Ukraine, that allows you to protect incorporeal rights, and despite the shortcomings of the judicial system in Ukraine, mainly we can say that the system meets international standards that can provides proper protection of intellectual property objects. But it does not apply to incorporeal rights. In our time in Ukraine considerably grew violation of incorporeal rights and the use of economic sanctions for Ukraine. In the sphere of incorporeal rights may be used two forms of protection of the rights: legal and illegal, but preference is given to the legal form of protection, which is implemented through the lawsuits. Cases for the Review lawsuits of intellectual property are specific and emerge between subjects of management. It should be mentioned that the judicial system protection for incorporeal rights started to form in the 90s. In connection with the development of market relations, especially with foreign construction, this led to an increase of patents in state that resulted in increase of disputes in intellectual property. Specific character of such proceedings make conditional upon attracting experts, endowed with special technique and legal knowledge-judicial experts. Obtain such knowledge experts of the Research Institute of Intellectual Property Academy of Law of

Ukraine, and scientific research installations forensic examination Justice of Ukraine and others installations.

Since 2005 in Ukraine was introduced administrative judicial and established an extensive system of administration courts. So the cases of intellectual property began to consider the local courts and also were created courts of Appeal areas Supreme Administrative Court of Ukraine as a court of cassation instance. Experts of state facilities are guided by notion forensic definition of Article 1 of the Law of Ukraine "On judicial examination". The forensic examination is a research expert on the basis of special knowledge of material objects, phenomena and processes, that contain information about the circumstances of cases which are led to the bodies of pre-trial or judicial investigation [1 p. 51].

It should be mentioned that the forensic examination of intellectual property issues, aren't existed so long ago. The beginning of activity of judicial experts of incorporeal rights can be considered 2002, when the proposal for the Research Institute of Intellectual Property

Academy of Legal Sciences of Ukraine Ministry of Justice of Ukraine supplemented lists of the main types of forensic examination and expert specialties a new kind of judicial expertise " The expertise, is tied the protection of incorporeal rights "[2]. The courts attracted to conducting of appraisals for protection of intellectual property professionals, which does not have the status of a court expert on intellectual property and who could not give a qualified research comply with the requirements established by law of Ukraine "On judicial examination till 2002" [3, p.3].

The forensic examination is designed to address issues especially to the area of intellectual property conducting such a study could be argued that it should be expedient as for research requires specific knowledge of the sphere of science and technology. It shown in the CoCP of Ukraine article 145 part 1, that there is a duty to appoint an expert in the case of statement apply for the appointment experts from both sides [4].

The forensic expert helps judge in consideration of technical issues in order to identify those or other evidence of invasion to make an appropriate conclusions based on the facts of experience of the expert.

It shouldn't treat the protection of these issues by a judicial expert, it should be resolved by the courts, and put before the court expert mission research questions in the sphere of intellectual property.

Consider the main principles on which are based forensic-expert activities:

- the legality of expert procedures;
- the independence of forensic expert;
- the competence of a court expert;
- the scientific substation, objectivity and completeness of expert research;
- the ability to validate the research results, process-re-examination;
- the interaction of subjects of the expert research;
- the compliance of safety and individual rights of the expert in conduct of the research [5,

p.395]

These principles were worked over the years by forensic experts and nowadays they found their reflection in the current legislation.

In process of expertise is divided into four stages: preparatory, analytical, comparative.

First, an expert study is a specialized character that is solution of the problem to the expert. Unlike other judicial examinations, examination of intellectual property objects can hardly be attributed to the character of the practical examination, with selection of using technical ways.

Secondly, the problem in conducting expert research of intellectual property objects is the absence of any approved methods which are designed in such cases, the Ministry of Justice. The first examinations were held in 1998 (in Kiev Research Institute of judicial examinations (KRIOJE) Ministry of Justice of Ukraine) and only began to acquire 2001-2002 began to acquire Distribution comparison of others forensics.

Judicial experts who engaged in judicial disputes are actively involved to development of methodological approaches and recommendations that allow them after researches that they hold.

In third feature of these researches is characterized only by scientific researches and because such researches cannot be based only on scientific but also on specific procedural principles which are clearly defined by law.

Fourthly, the research depends on the object of examination and may be differ. At the same time the research is primarily used in the review of intellectual property, characteristic of an object that compares and it turns the necessary properties [5].

The orders which were at the end of the examination for the complete legislation are absent. But referring to CLC in Ukraine the examiner should give the following conclusions: 1) the conducting of research facility; 2) a detailed description of the research; 3) based answers on the installed state court issue [6, article 42]. CLC Ukraine complement of the conclusions court expert is Instruction №53/5 from 08.10.98. par. 4 “About the identification and implementation of the forensic examinations». The legal submit conclusions sui juris and carries responsibility for this study. For provide false conclusions, divulging the date of the investigation, the legal expert consequences carries criminal responsibility by articles CC of Ukraine.

The legal expert has the right become acquainted with all cases of the materials, take part in the examination of evidence and, if these materials are not enough for the legal expert, he has the right to refuse to make a conclusion. Also during the court sessions legal expert may provide explanations not only supplied to him questions but also to explain that object of research. So disputes of patentability of industrial design pass only the formal signs of judicial expert on intellectual property can conduct researches.

Expert prohibits:

- to conduct examination without the written instructions of the head (deputy head) examination installation the head of the expert structure subsection;
- to recharge examination to another person;
- independently collect materials of the research, also to select the final facts for the examination, if they are displayed in indefinitely data material;
- to solve questions that extend beyond specific knowledge of the expert and finding out questions of law;
- to project in unpredictable situations, order carrying out of examination contacts with persons if who straight interested if indirect result of the examination;
- to store the material of the cases and objects of expert studies out of the office [7, item 2.3.].

In the resumes of a legal expert must be specified all the signs obtained in the research process, if there is no output at least one description of the study is a description may be rejected by the court. For example, the case № 21/206 from 25.01.11 year. Economic Court in Kiev of invalidation certificate of Ukraine to sign for the goods and services in the absence of resume of court expert from 06.10.2008 year. №5334 and from 22.10.2009 year №533 description of research the disputes acquisition were not specify materials on the basis of which it was concluded. Therefore a lawsuit in connection with the one-sided and incomplete conclusion forensic expert was deflected by a court [8].

A judicial practice shows that the experts need to address to the court for additional materials to investigate the subject of intellectual property, and this in its turn results in delaying judicial process.

Also judicial experts are faced with such a problem as the lack of common research methods. In such case, the expert has to use those approaches research that he consider to be necessary, it can also be re-examinations, which leads prolong of the process. And to prove the incorrectness of the conclusion of the expert or the court in the absence of the only methods becomes impossible.

The conclusion. So it can be argued that the protection of incorporeal rights requires special knowledge, which has a court expert on intellectual property issues. Forensic examination is conducted according to the requirements of Criminal Procedural Code, the Code of Administrative legal procedure, Civil Procedure, the Economic Procedure Code. The main methodological basis of

the object research which is based on intellectual property is acts of law, as well as international practice in sphere of these issues. It is also needed to enter a common technique of carrying out forensic examination to protect incorporeal rights, the involvement and improvement of additional materials for forensic examination.

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Keywords: judicial expert on questions in the sphere of intellectual property, jurisdictional dispute, judicial examination.

Ключові слова: судовий експерт з питань у сфері інтелектуальної власності, судові спори, судова експертиза.

Ключевые слова: судебный эксперт по вопросам интеллектуальной собственности, судебные споры, судебная экспертиза.

UDC 338

SECURITY SERVICE OF AN ENTERPRISE AS A FACTOR OF ITS ECONOMIC SECURITY

Syvolap L., PhD (Economics), Associate Professor of the Department of Economics, Financial and Economic Security, Mariupol State University

Syvolap L. Security Service of an Enterprise as a Factor of its Economic Security.

The article examines the system of enterprise economic security and its key features, provides a definition of the concept of enterprise security service and enumerates the functions executed by security service. It is indicated that the list of functions may vary depending on the aims of the enterprise. The research enumerates the basic objects to be protected by security service and presents a set of measures recommended to be taken while creating this service. The measures include the following stages: decision-making as for the necessity of establishing economic security; determining the overall tasks of economic security service; drawing up a provision on economic security, determining its structure and appointing the personnel. The author presents the organizational structure of enterprise economic security that evidently proves a considerable role of enterprise security service in this structure. Basic subdivisions of security service include marketing service, economic intelligence service, analytical services, technical departments, security service. The article presents the basic criteria for determining efficiency and reliability of security service and reveals the basic factors of influence on security service including economic activity, legality, competence, efficiency, duplication of functions.

Сиволап Л.А. Служба безпеки підприємства як чинник його економічної безпеки.

В статті визначено сутність системи економічної безпеки підприємства, а також його основні характеристики. Надано тлумачення поняття «служба безпеки підприємства» та перераховано функцій, які виконує служба безпеки. Вказано на те що перелік функцій може змінюватись на кожному підприємстві в залежності від його цілей. В роботі перераховано основні об'єкти, які охороняє служба безпеки. Представлено ряд етапів, рекомендованих підприємцям при створенні служби економічної безпеки що складаються з: прийняття рішення про необхідність створення економічної безпеки; визначення загальних завдань служби економічної безпеки; розробка положення про службу економічної безпеки, визначення структури та затвердження штатів; набір кадрів. Розробка положення про службу економічної безпеки, визначення структури та затвердження штатів Наведено організаційну структуру економічної безпеки підприємства, яка наглядно доводить значну роль в цій структурі служби безпеки підприємства. В представленій структурі вказано основні підрозділи служби безпеки, такі як: маркетингова служба, служба економічної розвідки, аналітичні служби, технічні відділи, служба охорони. Визначено основні критерії оцінки ефективності та надійності служби безпеки. Розкрито основні чинники впливу на функціонування служби безпеки, такі як: економічна діяльність, законність, компетентність, ефективність, дублювання функцій.

Сиволап Л.А. Служба безопасности предприятия как фактор его экономической безопасности.

В статье определена сущность системы экономической безопасности предприятие, а также его основные характеристики. Предоставлено толкование понятия «служба безопасности предприятия» и перечислено функций, которые выполняет служба безопасности. Указано на то что перечень функций может изменяться на каждом предприятии в зависимости от его целей. В работе перечислены основные объекты, которые

охраняет служба безопасности. Представлен ряд этапов, рекомендованных предпринимателям при создании службы экономической безопасности что состоят из, принятие решения о необходимости создания экономической безопасности; определение общих заданий службы экономической безопасности; разработка положения о службе экономической безопасности, определения структуры и утверждения штатов; набор кадров. Разработана организация службы экономической безопасности, определения структуры и утверждения штатов Приведена организационная структура экономической безопасности предприятия, которая наглядно доводит значительную роль в этой структуре службы безопасности предприятия. В представленной структуре указаны основные подразделения службы безопасности, такие как: маркетинговая служба, служба экономической разведки, аналитические службы, технические отделы, служба охраны. Определены основные критерии оценки эффективности и надежности службы безопасности. Раскрыты основные факторы влияния на функционирование службы безопасности, такие как: экономическая деятельность, законность, компетентность, эффективность, дублирование функций.

Problem statement. Modern enterprises function in conditions characterized by the following features: severe competition, rapid development of new types and forms of business, organization and legal difficulties, etc. This makes enterprises pay more attention to their economic security and, in particular, realize that establishment of their own security service becomes a necessity.

Analysis of recent research. The issue of enterprise economic security was examined by numerous researchers, namely O. Arefieva, O. Bandurka, Z. Varnaliy, B. Hunsykyi, O. Dzhuzha, S. Dovbnia, R. Kaliuzhnyi, M. Kamlyk, S. Kivalov, H. Kozachenko, O. Korystin, S. Mishchenko, N. Novikova, O. Sumets, L. Sharyi, M. Shelukhin.

The article is aimed at examining the peculiarities of functioning of security service that enables the enterprise to ensure its economic security in the modern conditions of economic development.

Article body. Expansion of the private sector of economy at the present stage of Ukraine's development raises the problem of new organizational and legal approaches in the field of economic security, for instance with respect to formation of enterprise security service. Establishment of this service meets both the interests of entrepreneurs, who represent one of the most important social layers constituting a civil society, and national interests of Ukraine on the whole. [1] In turn, economic security system can be defined as a coherent set of special structures, instruments, methods and measures developed to ensure safety from internal and external threats. In this context, the system can be characterized by a set of administrative, insurance, legal, economic, security, operational, juridical and other measures taken to protect businesses from unlawful attacks, and to minimize or avoid material and other losses.

In most cases enterprise security service is responsible for the entire set of measures for ensuring economic security. This service constitutes a special unit included into the organizational structure and aimed at forming an adequate level of economic security and neutralizing major threats that the enterprise may face while carrying out its industrial and economic activities. [2]

Enterprise security service is created depending on the size of an enterprise. Typically the services of this kind are formed at the premises of large enterprises. Economic security of small and medium enterprises is ensured by the local police or competent authorities of the State Security Service.

The basic functions carried out by the security service are as follows: [3]

- protecting industrial and economic activities, as well as data containing commercial secrets of the enterprise;
- taking measures for legal and technical protection of commercial secrets of the enterprise;
- preventing unjustified admission and access to data containing commercial secrets;
- introducing special clerical and paperwork activities that make it impossible for others to obtain information referred to commercial secrets;

- detecting and localizing possible leakage of classified information in the course of everyday activities as well as in case of emergency;
- creating and maintaining security mode for all types of activities that would exclude meetings and negotiations within business cooperation with other partners;
- ensuring protection of premises, equipment, offices, goods and technical facilities required for production or other activities;
- ensuring personal safety of the chief executives, top managers and experts of the enterprise;
- evaluating marketing situations and illegal actions of competitors and intruders.

Specific tasks and functions are determined by the type of the enterprise, its structure, and kind of activities. The list may include additional functions and tasks which are determined individually for each object of protection.

The regulations defining the activities of the enterprise security service single out specific objects to be protected from potential threats and illegal encroachments. The basic objects include the following [4]:

- personnel – chief executives, top management and those having access to data constituting commercial secrets;
- tangible and financial assets (buildings, equipment, vehicles, currency, valuables, financial records);
- information resources with limited access;
- tools and systems for computerization of the enterprise (organization);
- technical security facilities and systems for protection of tangible and information resources.

Creating an economic security service represents a great difficulty in practice as each business entity is purely individual due to its specific activities. However, we can single out a number of steps recommended to entrepreneurs for creating economic security service:

1. Deciding on the necessity to establish economic security service. The issue of establishing security service must be raised at the stage when it is decided to establish an enterprise. Entrepreneurs should consider the type of activities, the expected production volume, the annual turnover and profit, the application of the secrets of production, the number of employees, etc. The founders should determine the need to establish security service in advance. After registering with state authorities the final decision on the establishment of economic security service should be made. In case of positive decision chief executives appoint a person directly responsible for organizing economic security service.

2. Determining the overall tasks of economic security service.

3. Drawing up a provision on economic security, determining its structure and appointing personnel. Availability of relevant legislation makes it possible to create a legal security service.

4. Personnel recruitment. Employees can include people working in a particular field on the permanent basis as well as involved experts. Permanent employees are selected predominantly according to their professional compliance. [5]

The aforementioned factors prove a significant role of enterprise security which is an integral part for maintaining economic security of the entire enterprise. Fig.1 presents the organizational structure of enterprise economic security which emphasizes the great importance of security service and spells out its key components.

The main criteria for determining efficiency and reliability of the security service are as follows: [2]

- stable development, maintaining and increasing the amount of tangible assets of the enterprise, high competitiveness of the goods;
- use of innovative technologies in the process of production;
- commercial data privacy and inviolability of resources;
- timely prevention of crisis situations and neutralization of negative factors that influence the enterprise activities.

While establishing and maintaining security service it is necessary to consider factors that influence its efficiency significantly (Chart 1).

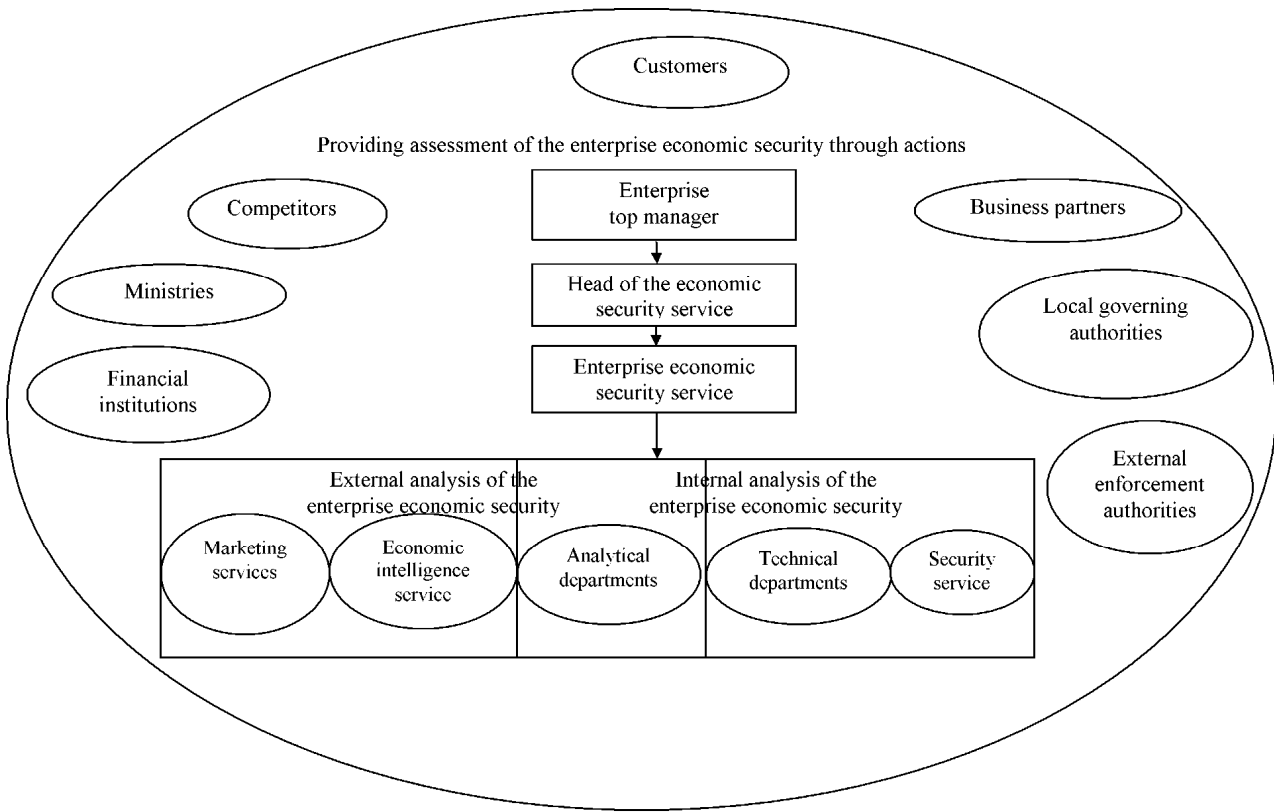


Fig.1 Organizational structure of ensuring enterprise economic security [4]

Chart 1

Factors influencing the efficiency of security service [6]

Factor	Influence of the enterprise top manager	Risks
Economic expediency	Financial Financial expenses for security service should not exceed the optimal level, since it can undermine the economic effect of its functioning.	Establishment of a service that will demand to much budget expenses.
Legitimacy	Legal Security service activities can include cases of providing false information about the actions of particular individuals.	Loss of qualified employees (their transfer to competitors). Settlement of disputes in court.
Competence	Personnel Security service employees must perform their tasks in a professional manner, and if necessary, to specialize in key areas of enterprise activities.	Recruitment of low-qualified inexperienced employees or those dismissed from previous employment for violation of applicable laws.
Efficiency	Personnel Creating conditions that would prevent dismissed security service employees from using information for the purpose of	Competitors can obtain classified information containing commercial secrets of the enterprise. Inefficiency of security service can

	causing damage to the enterprise. Security service activities are aimed at minimizing risks.	cause loss of resources as well as changes in personnel structure.
Duplication of functions	Organizational Functions of the security service can duplicate those of the internal audit service.	Conflict between the aforementioned departments, inefficient use of the budget for these structures.

Conclusions. Analyzing enterprise security service and determining its functions and objects of protection in particular proves its significant influence on ensuring economic security of the whole enterprise. Including security service into organizational structure of the enterprise economic security system enables the enterprise to prevent negative consequences resulting from both internal and external threats.

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Keywords: economic security, security service, organizational structure, factors of influence, function of security service, stages of security service establishment.

Ключові слова: економічна безпека, служба безпеки, організаційна структура, чинники впливу, функції служби безпеки, етапи створення служби безпеки.

Ключевые слова: экономическая безопасность, служба безопасности, организационная структура, факторы влияния, функции службы безопасности, этапы создания службы безопасности.

UDC 347.749

TO THE QUESTION OF CONTROL OVER THE MOVEMENT ACROSS THE CUSTOMS BORDER OF UKRAINE AND THE UNITED STATES OF GOODS THAT CONTAIN OBJECTS OF INTELLECTUAL PROPERTY

Shvets G. candidate of philological sciences, associate professor «Priazovskyi state technical University», Mariupol.

Shvets G. To the question of the control of movement across the customs border of Ukraine and the United States of goods that contain objects of intellectual property.

The relevance of the study is that the existing legislation, including the Customs code of Ukraine does not correspond to the modern state customs policy and customs, has many gaps that constrain the development of foreign economic activity of enterprises and consequently economic relations of our country with other countries of the world. At present, the mechanism of implementation of customs control of goods containing objects of intellectual property in Ukraine is at the initial stage of development. The analysis of the control over the movement across the customs border of Ukraine and the United States of goods that contain objects of intellectual property. The attention is focused on customs as effective tools to identify and prevent violations of intellectual property rights when moving goods across the customs border of Ukraine and the USA. The conclusion is made that in the case of Ukraine, the issue of the protection of intellectual property rights, while moving across the customs border of counterfeit and pirated goods should be given special attention. It concerns first of all the system of violations, illegal goods that move, and the system of punishment for actions which violate the rights of owners of intellectual property rights. If to compare Ukraine and the USA, the latter have a better system of detection of counterfeit goods when moving them across the customs border, and also a system of punishment for illegal actions.

Швець Г. О. К питанню щодо контролю за переміщенням через митний кордон України та США товарів, які містять об'єкти інтелектуальної власності.

Актуальність дослідження полягає у тому, що чинне законодавство, у тому числі й Митний кодекс України, не відповідають сучасному стану митної політики і митної справи, мають багато прогалин, що стримує розвиток зовнішньоекономічної діяльності підприємств і як наслідок – економічних відносин нашої держави з іншими країнами світу. В даний час механізм здійснення митного контролю товарів, що містять об'єкти інтелектуальної власності на території України знаходиться в початковій стадії розробки. Проведено аналіз контролю за переміщенням через митний кордон України та США товарів, які містять об'єкти інтелектуальної власності. Акцентовано увагу щодо митного контролю як ефективного засобу виявлення та попередження порушення прав інтелектуальної власності при переміщенні товарів через митний кордон України та США. Зроблено висновок, що в Україні, питанню, пов'язаному із захистом прав інтелектуальної власності, при переміщенні через митний кордон контрафактних і піратських товарів треба приділяти особливу увагу. Це стосується в першу чергу системи виявлення порушень, незаконних товарів, що переміщуються, а також системи покарання за дії, що порушують права власників прав інтелектуальної власності. Якщо порівнювати Україну та США, то останні мають більш досконалу систему виявлення контрафактних товарів при переміщенні їх через митний кордон, а також систему покарання за незаконні дії.

Швец Г. А. К вопросу о контроле перемещения через таможенную границу Украины и США товаров, которые содержат объекты интеллектуальной собственности.

Актуальность исследования заключается в том, что действующее законодательство, в том числе и Таможенный кодекс Украины, не соответствуют современному состоянию таможенной политики и таможенного дела, имеют много пробелов, что тормозит развитие внешнеэкономической деятельности предприятий и как следствие - экономических отношений нашего государства с другими странами мира. В настоящее время механизм осуществления таможенного контроля товаров, содержащих объекты интеллектуальной собственности на территории Украины находится в начальной стадии разработки. Проведен анализ контроля за перемещением через таможенную границу Украины и США товаров, которые содержат объекты интеллектуальной собственности. Акцентируется внимание относительно таможенного контроля как эффективного средства выявления и предупреждения нарушения прав интеллектуальной собственности при перемещении товаров через таможенную границу Украины и США. Сделан вывод, что в Украине, вопросу, связанному с защитой прав интеллектуальной собственности, при перемещении через таможенную границу контрафактных и пиратских товаров надо уделять особое внимание. Это касается в первую очередь системы выявления нарушений, а также незаконных товаров, которые перемещаются и системы наказания за действия, нарушающие права владельцев прав интеллектуальной собственности. Если сравнивать Украину и США, то последние имеют более совершенную систему выявления контрафактных товаров при перемещении их через таможенную границу и систему наказания за незаконные действия.

Statement of the problem. The build process in Ukraine is a democratic social state of law, the main objective is to affirm and ensure human rights and freedoms, is directly connected with the necessity to improve the mechanism of legal regulation in specific areas of public relations, which requires special measures to maintain normal life and the existence of state institutions. One such mechanism is the process of customs control of goods containing objects of intellectual property.

Analysis of the last researches and publications. Theoretical basis of research is made by labours of domestic and foreign scientists, in particular: Doris Long, Patricia Ray, V.O. Zharov, V.S. Drob'yazko, T.V. Cherevko. By the question of custom business in general and custom control considerable attention is in particular spared in scientific labours of S.V. Kivalova, P.V. Pashka, K.V. Kolesnikova, M.M. Kalenskogo.

Purpose of the article. A comparative analysis is in relation to control after moving through the custom border of Ukraine and USA of commodities, which contain the objects of intellectual property

Exposition of basic material. In an order to understand or perfect system of defence of rights for the objects of intellectual property in Ukraine, will conduct the comparative analysis of this system in the United States of America.

Custom service of the USA provides the observance of intellectual ownership and laws related to them rights on the custom border of the USA. Except reacting on a solicitor about a help with the halt of import of commodities of pirate goods and piratic, that are an obligatory requirement on Agreement of TRIPS, Custom service of the USA has also wide "Ex officio" of plenary powers. These plenary powers allow to her to prosecute own inquiries, and also stop the import of commodities on own initiative. Although Agreement of TRIPS requires only the presence of правозастосовчих measures on a custom border with the aim of prohibition commodities of pirate goods and piratic, that violate rights on trade marks and objects of copyright, Custom service of the USA, as well as custom services of other countries, also has plenary powers in relation to prohibition of import of commodities, that is mine-out with violation of rights on trade marks, brandname names, objects of copyright та/або inventions [1, P. 142].

Regardless of or Custom service of the USA operates on the basis of statement of proprietor of intellectual ownership rights or all right "Ex officio", the workers of custom authorities often work in close touch with the proprietors of intellectual ownership rights for the exposure of illegal commodities. Custom service of the USA often cooperates with the official persons of other law enforcement authorities, that help to trace motion of illegal commodities from a custom border to

the single-site network of sale. In an order to help the workers of custom authorities to define legality of commodities that cross a custom border, Custom service of the USA conducts the centralized database, what accessible for all subdivisions of Custom service in the United States of America. This database is one of basic instruments, that by custom service of the USA with the aim of providing of protection of intellectual ownership rights. On the basis of this database Custom service of the USA can direct warning to local custom authorities of necessity of acceptance of actions in relation to those or other loads. For the conduct of database Custom service of the USA puts for a duty to the proprietors of intellectual ownership rights to register certain information about the intellectual ownership rights.

After that as trade marks, brandname names or objects of copyright the USA registered in Custom service and added to the database, Custom service of the USA has legal warrants to stop the import of illegal, commodities of pirate goods or paretic after participation or without participation of proprietor of intellectual ownership rights. Thus, worker of custom authority, that knows about the registered trade marks, brand name names or objects of copyright can accept measures on the own initiative, to educe, to detain or arrest commodities, that, according to his opinion, are illegal, pirate goods or paretic. Such wide latitudes very effectively prevent to penetration of illegal commodities through a custom border, helping, thus, to decrease the amount of lawsuits and complaints that is examined inwardly to the country with the aim of fight against violations of intellectual ownership rights [1, P.143].

Custom service of the USA can stop the turn of any commodities, that is suspected of violation of the proper some to other face of rights on a trade mark, brandname name or object of copyright. Such halt is possible regardless of or Custom service of the USA acts on the solicitor of proprietor of intellectual ownership rights or on the own initiative. During five days from the date of such halt custom authority must report to the importer about the decision to detain a commodity. During 30 days an importer can confirm, that an import comes true on legal grounds. a 30-daily term can be prolonged in case if for this purpose there are serious grounds. From the moment of producing of commodities on a customs inspection to the moment of delivery of report about detention custom authority can report to the proprietor of intellectual ownership rights next information:

- date of import;
- port of import;
- description of commodity;
- an amount of commodities;
- country of origin of commodity[1, P. 143].

After delivery of report about detention of commodities custom authority must during 30 days report foregoing information to the proprietor of intellectual ownership rights. In addition, after bringing of intellectual ownership of clever mortgage rights a proprietor, at any moment after producing of commodities on a customs inspection, but to the arrest, custom authority can produce the standard of suspicious commodity to the proprietor of intellectual ownership rights for a review or verification with the aim of determination, or the brought in commodities are illegal. Custom authority can require the return of standard of commodity in any moment. A standard must be returned to custom authority on call or on completion of review or testing. In case of damage, elimination or loss of standard of commodity by the proprietor of intellectual ownership rights he must confirm the fact of loss or elimination.

If custom authority will decide that commodities are illegal, he conducts the arrest of commodities. The arrested and confiscated commodities, as a rule, are destroyed, if only the proprietor of intellectual ownership rights will not grant permission on realization of commodities by another character, for example, through eleemosynary organizations. Except an arrest and elimination of commodities on an importer large fines can be imposed [1, P. 144].

Custom Code of Ukraine contains Division of XIV of "Assistance to the protection of intellectual ownership rights during moving of commodities through the custom border of Ukraine" [2], in that the features of moving are determined through the custom border of Ukraine of the

marked commodities. In this division there is Head 57 "Measures of custom authorities in relation to an assistance to the protection of intellectual ownership rights during moving of commodities through the custom border of Ukraine" that contains to the article 397, 398 and 399 that establish order, and also halt of custom registration of commodities conduct of custom register of objects of right of intellectual ownership, both on the basis of data of custom register and on initiative custom.

According to the real articles of the Custom code of Ukraine legal owner, has warrants to consider that during moving of commodities through the Custom border of Ukraine violated or can be broken his rights on the object of right of intellectual ownership that, has a right to give to the central executive that provides realization of public policy in the field of a state custom affair body, statement about an assistance to the protection of the proper to him property rights on the objects of intellectual property by bringing corresponding information to custom register object intellectual ownership rights, that guarded under the law [2].

For providing of custom control at moving through the custom border of Ukraine of commodities that contain the objects of right of intellectual ownership, information about the registered commodities is sent to all custom authorities of Ukraine.

If custom authority is on the basis of data of register of commodities that contain the objects of right of intellectual ownership, that is conducted by the specially authorized central executive body in industry of custom business, finds out the signs of that the commodities produced for custom control and custom registration are pirate goods, them custom registration is halted. Such commodities are subject to placing on compositions of temporal storage or on compositions of custom authorities.

Not later than a next working day then to give a decision-making about the halt of custom registration of the commodities marked in part first of the real article, custom authority reports to the corresponding proprietor of rights on the object of right of intellectual ownership about the fact of moving through the custom border of Ukraine of these commodities.

In a report to the proprietor of rights on the object of right of intellectual ownership marked: custom registration of which one commodity is stopped, declared custom cost of these commodities, name and address of proprietor of the marked commodities, and also other necessary information.

The proprietor of rights on the object of right of intellectual ownership with permission custom authority can take tests and standards of commodities, in relation to that made decision about the halt of custom registration, and send them to examination. The copies of corresponding expert conclusions are given to custom authority.

If during the terms, marked in part second of the real article, commodities in relation to that made decision about the halt of custom registration, will be confirmed, custom authority in the order set by this Code raises action about violation of custom rules, and commodities - direct articles of offence are withdrawn in the order set by this Code.

If during the terms marked in part second of the real article, commodities in relation to that made decision about the halt of custom registration, will not be confirmed, these commodities are subject to custom registration in accordance with established procedure.

During realization of control after moving through the custom border of Ukraine of commodities that contain the objects of right of intellectual ownership, custom authorities cooperate with other public authorities, by the authorized agents in the field of defense of right of intellectual ownership, in the order that is determined by the legislation of Ukraine.

Government custom service of Ukraine, as well as custom service of the USA, conducts the custom register of objects of right of intellectual ownership on the basis of statements of legal owners of objects of copyright and allied rights, trade marks, industrial prototypes and geographical pointing. But in the United States such register has the name "the Centralized database" and registration of information about the intellectual ownership rights to their proprietors is obligatory.

Order of registration of objects of right of intellectual ownership in a custom register, including the form of statement, list of information and documents, that is added to the statement,

presentation and consideration of statement and conduct of custom register it is determined by a central executive body [2] .

Conclusions. Conclusions. An analysis of control is after moving through the custom border of Ukraine and USA of commodities, that contain the objects of intellectual property allows to draw conclusion, that in case with Ukraine, to the question related to the protection of intellectual ownership rights, at moving through the custom border of commodities of pirate goods and piratic it is necessary to spare the special attention. In fact in our country this question stands very sharply. It is related to the insufficient legislative base, imperfect system of verification of commodities that move and on occasion by the insufficient awareness of population in this question.

At Ukraine only recently began to spare the proper attention to the questions of protection of intellectual ownership rights. Therefore this system is in development and, so to say, in the search of the optimal for our state system of protection of intellectual ownership rights. In these questions we adopt experience of other states.

Thus, in spite of the fact that as though in our country there are all terms for prevention of moving through the custom border of commodities of pirate goods or piratic, it will above what work yet. It touches the system of exposure of violations, and also illegal commodities, that move and systems of punishment for actions that violate rights for the proprietors of intellectual ownership rights, first of all.

In fact if to compare Ukraine and USA, then the last have more perfect system of exposure of commodities of pirate goods at moving of them through a custom border, and also system of punishment for illegal actions.

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Key words: customs controls, intellectual property, security, counterfeit goods, the customs service, the Agreement TRIPS, customs register.

Ключові слова: митний контроль, інтелектуальна власність, захист, контрафактні товари, митна служба, Угода TRIPS, митний реєстр

Ключевые слова: таможенный контроль, интеллектуальная собственность, защита, контрафактные товары, таможенная служба, Соглашение TRIPS, таможенный реестр

UDK 347.78

OBJECTS OF INDUSTRIAL PROPERTY: ECONOMIC ESSENCE AND FEATURES OF ESTIMATION**Dorozhko Grigory**, associate professor, «Priazovskiy state technical university», Mariupol.**Balashova Olga**, associate professor, «Priazovskiy state technical university», Mariupol.**Volikov Vladimir** associate professor «Kharkov national economic university», Kharkov**Dorozhko G., Balashova O., Volikov V. Objects of industrial property: Economic essence and features of estimation.**

Rosined the conducted analysis of the modern Ukrainian legislation, that determination of concept «Objects of industrial property absents in him» . On the basis of description of descriptions, selection of basic lines of the probed concept, his essence is certain . Objects of industrial property it intangible assets which incarnate the results of technical творчеств man are utilized in the field of financial production, instrumental in scientific and technical progress or increase of efficiency of management of enterprise. The features of estimation of different groups of objects of industrial property are set. For the objects of group of patent right the high vagueness of basic data is characteristic for calculations by profitable approach in the case of evaluation at the beginning of life cycle of project. For facilities of individualization substantially estimations will differ got with the use of profitable and expense approaches. But here by a basic factor determining methodology of estimation for the objects of both groups there will be time of lead through of estimation: directly after creation of object at the primary raising him on an account or after protracted his exploitation. The feature of modern practice of evaluation of objects of industrial property in Ukraine is a lead through of it or with the purpose of the tax planning or during realization of joint activity. Both these a case is required the most exact and grounded calculations at an estimation, because in this case the conclusions of subject of evaluation activity will be checked up the interested parties and organs of tax service. Estimation exactly of objects of industrial property allows to increase the market value of enterprise, accelerate the update of capital goods, that on the whole is instrumental in the increase of competitiveness of enterprise.

Дорожко Г. К., Балашова О. В., Воліков В. В. Об'єкти промислової власності: економічна сутність та особливості оцінки.

Проведений аналіз сучасного українського законодавства показав, що в ньому відсутнє визначення поняття «об'єкти промислової власності». На підставі опису характеристик та виокремлення суттєвих рис поняття, що досліджується, визначена його сутність. Об'єкти промислової власності це нематеріальні активи, які втілюють результати технічної творчості людини, використовуються у сфері матеріального виробництва, сприяють науково-технічному прогресу, або підвищенню ефективності господарювання підприємства. Встановлено особливості оцінки різних груп об'єктів промислової власності. Для об'єктів групи патентного права характерна висока невизначеність вихідних даних для розрахунків доходним підходом в разі оцінювання на початку життєвого циклу проекту. Для засобів індивідуалізації суттєво буде відрізнятися оцінки отримані з використанням доходного та витратних підходів. Але основним фактором, що визначає методологію оцінки об'єктів обох груп буде час проведення оцінки: безпосередньо після створення об'єкту при

первинній постановці його на облік, або після його експлуатації. Особливістю сучасної практики оцінювання об'єктів промислової власності в країні є проведення її або з метою податкового планування, або під час здійснення спільної діяльності. Обидва ці випадки потребують найбільш точних та обґрунтованих розрахунків, тому що висновки суб'єкта оцінювання будуть перевіряться зацікавленими сторонами, або органами податкової служби. оцінка саме об'єктів промислової власті дозволяє збільшити ринкову вартість підприємства, прискорити оновлення засобів виробництва, що в цілому підвищує конкурентоспроможність підприємства.

Дорожко Г.К. Балашова О.В., Воликов В.В. Объекты промышленной собственности: экономическая сущность и особенности оценки.

Проведенный анализ современного украинского законодательства показала, что в нем отсутствует определение понятия «объекты промышленной собственности». На основании описания характеристик, выделения основных черт исследуемого понятия, определена его сущность. Объекты промышленной собственности это нематериальные активы, которые воплощают результаты технического творчества человека, используются в сфере материального производства, способствуют научно-техническому прогрессу или повышению эффективности хозяйствования предприятия. Установлены особенности оценки разных групп объектов промышленной собственности. Для объектов группы патентного права характерна высокая неопределенность исходных данных для расчетов доходным подходом в случае оценивания в начале жизненного цикла проекта. Для средств индивидуализации существенно будут отличаться оценки полученные с использованием доходного и затратного подходов. Но при этом основным фактором определяющим методологию оценки для объектов обеих групп будет являться время проведения оценки: непосредственно после создания объекта при первичной постановке его на учет или после длительной его эксплуатации. Особенностью современной практики оценивания объектов промышленной собственности в Украине является проведение ее либо с целью налогового планирования либо при осуществлении совместной деятельности. Оба эти случая требуют наиболее точных и обоснованных расчетов при оценке, так как в данном случае выводы субъекта оценочной деятельности будут проверяться заинтересованными сторонами и органами налоговой службы. Оценка именно объектов промышленной собственности позволяет увеличить рыночную стоимость предприятия, ускорить обновление средств производства, что в целом способствует повышению конкурентоспособности предприятия.

Raising of problem. The results of intellectual activity, which it is accepted to name intellectual property, acquire in the modern economy of all greater value. Composition of objects of intellectual property is various enough. Patents on inventions, industrial prototypes, trademarks, know-how is widely utilized in economic activity of industrial enterprises which carry out innovative development, it is exactly accepted to name such objects the objects of industrial property. However much the Ukrainian legislation contains a concept «industrial property», scientific researches on this subject, as a rule touch or general aggregate of objects of intellectual property, or its separate objects. Thus in scientific and educational literature often the present is generalized going near description of different after the composition and pattern of the use of objects of copyright and objects of industrial property.

Analysis of the last researches. After the estimations of specialists [1] a more than 50% gross national product of the developed countries is related to processing of informative resources,

that by the use of intellectual property. Not a single modern production can exist without the use of new technique, technologies, innovative products, in basis of which there are objects of intellectual labour of inventors. In the wide understanding intellectual property - it fastened the law of right on the results of intellectual activity in production, scientific, literary and artistic spheres [2, P. 12]. Traditionally in scientific researches the objects of right of intellectual ownership are divided into three groups: objects of copyright and contiguous rights, results of scientific and technical creation and commercial denotations [2, P. 17]. However much subsequent researches of questions of process control of creation, defence, commercialization, do not take into account the existent functional differences of the adopted groups often. Evidently it is looked over in works that devoted the problems of commercialization of objects of intellectual property, where under the generalized name the mechanisms of commercialization are examined characteristic for the objects of industrial property. Often term «commercialization» is used in understanding of introduction to the economic appeal of enterprise. Consequently the debatable is become by assertion in relation to the identity of mechanisms of commercialization of objects of copyright and industrial property. The same vagueness touches the process of estimation. The results of research of specialists of the «Ukrainian institute of industrial property» rosined: «Actual is a question of account of intellectual property in the cost of industrial enterprises of Ukraine, in this connection such cost is practically understated almost on 50 – 80 %. Thus, as a result of privatization the proprietors of enterprises get the proper additional cost due to the objects of right of intellectual ownership on a невраховану intellectual constituent, which was created the collectives of scientists and engineers labour of which depreciates in the process of privatization, and the state loses the potential financial entering budget.» [1]. The analysis of this assertion also specifies on replacement of concept industrial property by more wide concept intellectual property.

Selection of unsolved problem. In practical activity mechanisms of the use of objects of copyright and objects of industrial property differs substantially. Therefore next to research of general principles of functioning all of aggregate of objects of intellectual property it is necessary selection of the personal touches each of these kinds that is predetermined the specific of the use. One of separate questions, that it is necessary to untie by the lead through of scientific researches is the question of methodology of estimation exactly of objects of industrial property.

The purpose of this article is establishment of specific lines of objects of industrial property, determination of term, «objects of industrial property», leading to of necessity of specific approach, to their estimation and account in balance of enterprise.

Research results. The analysis of the modern Ukrainian legislation rosined that it did not contain classification of objects of right of intellectual ownership. So the article 420 of the Civil code of Ukraine points the not exceptional list of objects only: literary and artistic works, computer program, compiling of information, implementation, phonograms, scientific openings, inventions, useful models, industrial prototypes, arrangements of integral microcircuits, rationalization suggestions, sorts of plants, breed of animals, commercial names, trademarks, geographical denotations, commercial secrets [3]. From the point of view legal science an industrial property is determination that is utilized for denotation of absolute title on immaterial values (invention, commodity sign, industrial prototype, but other.). Determination of term is an industrial property a tax legislation does not contain also. But we meet this term in a point second of the article 1 of Parish of convention from the guard of industrial property, in obedience to which an industrial property engulfs any results of intellectual activity of, which are utilized in a production, or that has such other economic setting. In a present tense the concept of industrial property is utilized not only

in a production sphere but also in trade, agriculture to all of products of industrial or natural origin. It is also indicated that to its composition belongs patents on an invention, useful models, industrial prototypes, commodity signs, signs of service, brand name names and denotations of places of origin of commodity and also facilities of prevention of unfair competition [4].

The trial judge's expert help in considering technical issues to be able to detect certain evidence in violation of the law, to take appropriate conclusions based on facts and experience of experts.

Before judicial expert on intellectual property should not be treated the issue of legal protection, the question must address the court, and before the judicial expert seeks to study issues in the field of intellectual property.

Consider the basic principles underlying the forensic activity:

- Legality of expert procedures;
- Independent forensic expert;
- Competence of a forensic expert;
- Scientific validity, objectivity and completeness of expert research;
- Possibility to verify the results of research, process re-examination;
- Between subjects expert research;
- Compliance with safety and rights of the individual expert in the studies [5, s.395].

These principles have worked for years legal experts and they nowadays I send reflected in current legislation.

During the examination is divided into four stages: preparation, analytical, comparative, evaluation.

Firstly, the study of experts is specialized in nature, and therefore the task to an expert. On different from other forensic examinations, examination of intellectual property can hardly be attributed to the expertise of a practical nature, in which the technical means used.

Secondly, the problem of expert studies of intellectual property is the lack of any procedures adopted in such cases, the Ministry of Justice of Ukraine. The first examination was conducted in 1998 (at the Kiev Research Institute of Legal Expertise (KNDISE) Ministry of Justice of Ukraine), and only from 2001-2002, began to assume the distribution compared to other forensic examination.

Forensic experts are involved in the disputes are actively involved in the development of methods and guidelines that enable them to it after the research they conduct.

Thirdly, the characteristic feature of these studies only research. And since such a study can not be based only on research but also on the specific procedural principles which are clearly defined by law.

Fourth, the study depends on the subject of review and may be different. In the present study used primarily a review of intellectual property, which is characteristic of an object is compared and identify the required properties [5].

Requirements to be held at the end of the examination to be complete, the legislation does. But referring to the EPC Ukraine expert must submit the following conclusions: 1) the research object; 2) A detailed description of the research; 3) reasonable answers to the economic court issue [6, p. 42]. Addition EPC of Ukraine, legal experts have instructions №53 / 5 from 08.10.98r. Chapter 4 "On the application and conduct forensic examinations", "forensic experts shall provide opinions on its behalf and is responsible for the study. For providing false conclusions disclosure of data investigation forensic expert is criminally responsible for the articles of the Criminal Code of Ukraine. "

The court expert shall be entitled to all records of the case, to participate in the examination of evidence and if the material provided forensic experts is not enough, he has the right to refuse to give a conclusion. Also during the court proceedings, forensic expert may give an explanation not only set him questions but also explain that the object of study. So disputes over the patentability of industrial design are only formally as legal expert on intellectual property can conduct research.

Expert prohibited:

- Examine without the written instructions of the head (deputy head) of the expert institution, the head of department;
- To relegate the expertise of another person;
- To collect materials that are subject to investigation, and choose the source data for the examination if they are reflected in the material in ambiguous;
- Address issues that go beyond the specific expert knowledge and clarify points of law;
- Act in order not provided for the examination of contacts with persons, if any person directly or indirectly interested in the outcome of the examination;
- Store the files and objects outside expert research office space [7, 2.3.].

In conclusion, the forensic examiner must be given all the signs obtained during the study, if the conclusion is missing at least one description of the study such conclusion can be rejected by the court. For example, the case №21 / 206 from 25.01.11r. Commercial Court. Kyiv to invalidate the testimony Ukraine to sign for goods and services in the absence of legal experts from 06.10.2008r. №5334 and from 22.10.2009r. №533 describe research on the controversial acquisition is not an indication of the materials on which it was concluded. Therefore, the court rejected the claim because of one-sided and incomplete legal experts [8].

Judicial practice shows that the experts have to apply to the court for additional materials for the study of intellectual property, and this in turn leads to delays in the judicial process. Also, forensic experts are faced with the problem as lack of uniform methods of research. In this case, the expert is forced to use the approaches of research it deems necessary, as it can be re-examination, leading to delays in the process. And in order to prove the incorrectness of the expert or the court for lack of a uniform methodology is virtually impossible.

Conclusions. The conducted research rosined that from the point of view as theories so practices it is necessary selection of objects of industrial property from the general aggregate of objects of intellectual property. The objects of industrial property it immaterial assets that incarnate the results of technical creation of man, utilized in the sphere of financial production, instrumental in scientific and technical progress or increase of efficiency of ménage enterprise. After the pattern of the use they are divided into two groups: objects of patent right and facilities of individualization. From it features swim out evaluations which allow: to increase the market value of enterprise, regulate the sum of depreciation, the same accelerating the update of production facilities, plan the optimum sum of income tax, to define the fair value of assets during reorganization of enterprise. Thus objects of industrial property, which are utilized as immaterial assets of enterprises allow his competitiveness.

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Keywords: objects of industrial property, estimation, methodology, principles, approaches, features

Ключові слова: об'єкти промислової власності, оцінка, методологія, принципи, підходи, особливості.

Ключевые слова: объекты промышленной собственности, оценка, методология, принципы, подходы, особенности.

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EVALUATION OF RESOURCE MANAGEMENT METALLURGICAL ENTERPRISE

Anisimova O., Doctor of Economics, Professor, Head of Economics State higher educational institution «Priazovskyi state technical university»

Anisimova O. Evaluation of resource management metallurgical enterprise.

The article shows that in Ukraine in the volume of sales of industrial steel products, fabricated metal products, except machinery and equipment is 197,007 billion UAH or 17.7%. In recent years, a proliferation of new trends and concepts of management metallurgical enterprise and promote a systematic approach to the evaluation process. Among these stand out: the system ZVEI; System RL; system of economic value added (EVA), a system of financial control of the company Du Pont, the system class ERP (Enterprise Resource Planning). To evaluate the effectiveness of resource management metallurgical enterprises selected assessment method based on the use of generalizing and specific indicators of effectiveness and efficiency of management, described in detail in Bobrovnikova R. By this method, a general indicator of the efficiency of production is determined as a result of the influence of management (performance management) and the magnitude of the costs of management. Effectiveness of control is defined as the ratio of the rate of growth (reduction) to the rate of productivity growth (decline) capital. The proposed approach takes into account the cost of the entire set of resources as to produce a result, the cost of management. The resulting figure compares the performance of enterprise resource management, with its standard value. A study at the metallurgical enterprises division of the international vertically integrated steel and mining company "Metinvest": Ilyich Iron And Steel Works Of Mariupol, Azovstal Iron & Steel Works, Yenakiieve Iron And Steel Works. The study showed that labor productivity in the studied companies, has increased significantly, the increase in performance management is observed only in the period from 2005 to 2008 and only of Yenakiieve Iron And Steel Works; significantly reduced administration costs, the state of resource management at metallurgical enterprises is critical.

Анісімова О. М. Оцінювання ефективності управління ресурсами металургійного підприємства

В статті показано, що в Україні за обсягом реалізованої промислової продукції металургійне виробництво, виробництво готових металевих виробів, крім машин і устаткування складає 197,007 млрд. грн. або 17,7%. Останнім часом, набули поширення нові напрями і концепції управління металургійним підприємством, які сприяли створенню системного підходу до процесу оцінювання. Серед таких виділяються: система ZVEI; система RL; система економічної добавленої вартості (EVA), система фінансового контролю фірми Du Pont, система класу ERP (Enterprise Resource Planning). Для оцінки ефективності управління ресурсами металургійного підприємства обрано метод оцінки, який ґрунтується на використанні узагальнюючих та питомих показників ефективності та результативності управління, який детально описаний в роботі Бобровникової Р.Г. Згідно з цією методикою, узагальнюючий показник, що характеризує ефективність виробництва визначається як результат впливу управління (результативність управління) і величину витрат на управління. Результативність управління визначається як відношення темпів зростання (зниження) продуктивності праці до темпів зростання (зниження) фондоозброєності. Запропонований підхід враховує витрати всього комплексу ресурсів як для отримання результату, так і витрати на управління. Результуючий показник дає змогу порівняти ефективність управління ресурсами підприємства з його нормативним значенням. Дослідження було проведене на металургійних підприємствах дивізіону міжнародної вертикально інтегрованої горно-

металургійної компанії «Метінвест»: ПАТ «ММК ім. Ілліча», ПАТ «МК «Азовсталь», ПАТ «Єнакіївський МЗ». Дослідження показало, що продуктивність праці на підприємствах, які досліджувались, значно зросла, збільшення результативності управління спостерігається лише в період з 2005 по 2008 роки і тільки на ПАТ «Єнакіївський МЗ»; значно зменшуються витрати на адміністрування, стан управління ресурсами на металургійних підприємствах критичний.

Анисимова О. Н. Оценка эффективности управления ресурсами металлургического предприятия.

В статье показано, что в Украине в объеме реализованной промышленной продукции металлургическое производство, производство готовых металлических изделий, кроме машин и оборудования составляет 197,007 млрд. грн. или 17,7%. В последнее время получили распространение новые направления и концепции управления металлургическим предприятием и способствуют созданию системного подхода к процессу оценки. Среди таких выделяются: система ZVEI; система RL; система экономической добавленной стоимости (EVA), система финансового контроля фирмы Du Pont, система класса ERP (Enterprise Resource Planning). Для оценки эффективности управления ресурсами металлургического предприятия выбран метод оценки, основанный на использовании обобщающих и удельных показателей эффективности и результативности управления, подробно описан в работе Бобровниковой Р.Г. По этой методике, обобщающий показатель, характеризующий эффективность производства определяется как результат влияния управления (результативность управления) и величины затрат на управление. Результативность управления определяется как отношение темпов роста (снижения) производительности труда к темпам роста (снижения) фондовооруженности. Предложенный подход учитывает затраты всего комплекса ресурсов как для получения результата, расходы на управление. Результирующий показатель позволяет сравнить эффективность управления ресурсами предприятия с его нормативным значением. Проведено исследование на металлургических предприятиях дивизиона международной вертикально интегрированной горно-металлургической компании «Метинвест» ПАО «ММК им. Ильича », ОАО МК «Азовсталь», ОАО «Енакиевский МЗ». Исследование показало, что производительность труда на исследуемых предприятиях, значительно возросла, увеличение результативности управления наблюдается только в период с 2005 по 2008 гг. и только на ОАО «Енакиевский МЗ»; значительно уменьшаются затраты на администрирование, состояние управления ресурсами на металлургических предприятиях критическое.

Problem. Economic crisis Ukraine directly affect all segments of the economy. The decline in GDP is the result of these processes. The metallurgical industry is one of the more significant sectors of the economy of Ukraine. By 2013 Volume of industrial production in Ukraine amounted to 1.111268 trillion. UAH., While metal production, manufacture of fabricated metal products, except machinery and equipment is 197.007 billion. USD. [3] In this percentage is 17.7%. Therefore it is necessary to pay attention to this sector, which is resursovytratnoyu. For efficient and effective management of the enterprise should pay great attention to resource conservation, particularly important for steel plant. You must not only keep records for the number of resources used, costs, revenues, and still have reliable information on the performance of the company. This is not possible without evaluation of the effectiveness of resource management Steel Plant. To ensure effective management to enterprises in modern conditions facing fundamentally new challenges evaluation of resource management.

Analysis of recent research and publications. Research problems in assessing the effectiveness of management companies, corporations are devoted batons SG Kravchenko MV, Bobrovnikov RG, Onufriyanka NL, VA Bobrovnikov Theoretical aspects of the problem of resource management of industrial enterprises are Salikov Yu Yu Pylayeva Modern technologies for industrial enterprises consider in their work and studies PV Hutz, LA Crimea and others.

The purpose of this paper is to determine the methods of evaluating the effectiveness of resource management steel plant

The main material. In recent years, a proliferation of new trends and metallurgical enterprise management concepts that have helped create a systematic approach to the evaluation process. So already been developed scorecard that form structural "tree", the "top" of which there is one or several key indicators. Among these stand on one side of the system, based on financial performance: system ZVEI; System RL; system of economic value added (EVA), system audit firm Du Pont. On the other hand, there are systems and models that contain both financial and non-financial performance. These include Balanced Scorecard R. Kaplan and D. Norton,; L Meyselya; Pyramid of the company K. Mc Nayra, R. Lynch and K. Cross; models EP2M K. Adams and Mr. Roberts et al. Their comparative analysis is presented in [1].

Is widely used in practice system class ERP (Enterprise Resource Planning - Enterprise Resource Planning) - a corporate information system to automate planning, accounting, control and analysis of key business processes and solve business problems in scale enterprise (organization). ERP-system helps to integrate all departments and functions of a single system, all departments are working with a single database and it is easier to communicate between different kinds of information.

This system includes various functional modules that let you replace disparate legacy information systems to manage logistics, finances, staff, projects. All information is stored in a single database, where it can be at any time received the request but implementation of ERP systems - a rather complicated and lengthy process that requires a change in the logic of the internal procedures of the company, business process reengineering, to its employees. Among the existing types of management effectiveness assessments highlights the non-profit, based on identifying indicators of business reputation, image, intellectual capital, customer satisfaction, and others. But the most common methods of assessment, based on a complex economic performance management.

To assess the effectiveness of resource management steel plant chosen method of assessment based on the use of generalized and specific indicators of the effectiveness and efficiency of management, which is described in detail in the Bobrovnikov RG [2].

According to this technique, general indicators characterizing efficiency as a result of the impact of management (performance management) and value management costs is given by:

$$E_y = \frac{P_y}{\Pi_e}, \quad (1)$$

where P_y – performance management;
 Π_e – specific management costs.

In turn, performance management is calculated as follows:

$$P_y = \frac{T_1}{T_2}, \quad (2)$$

where T_1 – the rate of growth (decline) in productivity, %;
 T_2 – the rate of increase (decrease) in capital-labor ratio, %.

To determine the specific management costs (Π_e) formula is used:

$$\Pi_e = \frac{BY \cdot 100}{\Phi_e}, \quad (3)$$

where BV – management costs, thousand UAH.;

Φ_e – cost of production assets, defined as the sum of fixed and normalized working capital, thousand UAH.;

100 – introduced to increase the absolute value of the indicator.

This approach, first very easy to use, and secondly, to take into account the costs of all complex resources for getting results, and management costs; thirdly, the resulting figure allows you to compare the effectiveness of enterprise resources both its normative value that can be set in the context of operational plans, and with those of other companies. These findings allow us to study in metallurgical division of international vertically integrated mining and metallurgical company "Metinvest" PJSC «Mariupol. Ilyich ", JSC" MK "Azovstal" PAT "Enakievsky MR".

Table 1 Determination of the rate of growth (decline) labor productivity and capital-labor ratio metallurgical enterprises from 2005 to 2013

Indicator		By years								
		2005	2006	2007	2008	2009	2010	2011	2012	2013
ПАТ «Маріупольський МК ім. Ілліча»	ПП, thousand UAH/ person	184,54	187,57	312,61	402,67	270,55	547,03	892,68	677,87	749,2
	T ₁ , %	1	101,64	169,4	218,2	146,61	296,43	483,73	367,33	405,98
	Φ ₀₃ , thousand UAH/ person	30,6	38,4	60,2	73,8	75,5	72	238,7	231,5	284,16
	T ₂ , %	1	125,49	196,73	241,18	246,73	235,29	780,07	756,54	928,63
ПАТ «Азовсталь»	ПП, thousand UAH/ person	562,81	518,35	722,77	1044,7	921,14	1639,3	2417,9	1851,5	1689,6
	T ₁ , %	1	92,1	128,42	185,63	163,67	291,28	429,61	328,97	300,21
	Φ ₀₃ , thousand UAH/person	89,7	90,2	114	201	624,6	694,3	889,6	920,7	937,42
	T ₂ , %	1	100,56	127,09	224,08	696,32	774,02	991,75	1026,4	1045,1
ПАТ «Єнакіївський МЗ»	ПП, thousand UAH/ person	339,8	432,05	651,16	1118,7	877,57	1279,7	1782,0	1748,9	1700,1
	T ₁ , %	1	127,15	191,63	329,21	258,26	376,61	524,43	514,7	500,32
	Φ ₀₃ , thousand UAH/person	32,42	32,78	32,52	95,56	106,52	159,59	328,99	362,79	387,46
	T ₂ , %	1	101,11	100,31	294,76	328,56	492,26	1014,8	1119,0	1195,1

The results of analysis of labor productivity (PP) for these companies show significant growth in all its businesses in comparison with 2005. (Table. 1). The highest rate observed at PJSC "Enakievsky MR, where an increase in productivity was 5 times. But compared to the previous year 2012, in 2013, a decrease of productivity PJSC "Enakievsky MR 3%; PJSC "Azovstal MC - 8.8%. Only PJSC «Mariupol. Lenin must increase productivity by 10%.

Several times greater positive trend observed rate capital-labor ratio (Φ₀₃) for all enterprises. But if we compare these figures, we get the negative impact of the changes. Choosing ratio as performance management activities due to the fact that this value affects the level of all key economic indicators. In turn, the value of this ratio depends primarily on performance management. Furthermore, it is the ratio of the rate of increase or decrease above mentioned parameters allows to evaluate current performance in the reporting period, at the same time as the ratio of the absolute values characterizing the results of previous years [2]. The performance management in metallurgical enterprises in eight years is presented in Table. 2. where the data obtained by increasing efficiency is observed only in the period from 2005 to 2008 and only PJSC "Enakievsky MR". Thus, the impact of economic activity of metallurgical enterprises is rapidly decreasing.

Table 2. Effectiveness of management in metallurgical enterprises for the period 2005-2013 gg.

Indicator	By years								
	2005	2006	2007	2008	2009	2010	2011	2012	2013
ПАТ «Маріупольський МК ім. Ілліча»	1	0,81	0,861	0,905	0,594	1,26	0,62	0,486	0,437
ПАТ «МК Азовсталь»	1	0,916	1,01	0,828	0,235	0,376	0,433	0,321	0,287
ПАТ «Єнакіївський МЗ»	1	1,258	1,91	1,117	0,786	0,765	0,517	0,46	0,419

Calculation of specific management costs (Table. 3) suggests that in selected enterprises significantly reduced administration costs.

Table 3 Specific management costs metallurgical enterprises in the period from 2005 to 2013

Indicator		By years								
		2005	2006	2007	2008	2009	2010	2011	2012	2013
Маріупольський МК	ВУ, thousand UAH	372157	439213	477545	521923	485745	596489	482304	447396	431797
	Ф _в , thousand UAH	3737879	4256493	4843215	5676791	5178866	5404969	11166625	10869256	11285302
	П _в	9,96	10,32	9,86	9,19	9,38	11,04	4,32	4,12	3,83
МК Азовсталь	ВУ, thousand UAH	242183,9	250265,5	264520	289444	310747	313328	304802	276547	296691
	Ф _в , thousand UAH	3363487,2	3683345	4631241	5973547	12680241	13013030	15190386	14305406	13797679
	П _в	7,2	6,79	5,71	4,85	2,45	2,41	2,01	1,93	2,15
Єнакіївський МЗ	ВУ, thousand UAH	84842	62931	81546	104731	127269	156781	231970	254718	228550
	Ф _в , thousand UAH	497001	448364,2	496979,5	1044442,3	1104149,5	1713327,1	3503172	3641453	3832423
	П _в	17,07	14,04	16,41	10,03	11,53	9,15	6,62	6,99	5,96

Thus, compared to 2005 level unit costs decreased by Mariupol MK 2.6 times, the "MK" Azovstal "- 3.3 times, and in Yenakiyev MOH - 2.9 times.

Substituting in the formula efficiency of (1) the results of management effectiveness (P_y) and specific management expenses is (Π_e), we obtain the data presented in Table. 4. In this method all the factors that affect the efficiency of interdependent. Thus, the efficiency of productive assets should increase productivity, and vice versa.

Table 4 Effectiveness of the metallurgical enterprises for the period from 2005 to 2013

Indicator	By years								
	2005	2006	2007	2008	2009	2010	2011	2012	2013
ПАТ «Маріупольський МК ім. Ілліча»	0,1	0,078	0,087	0,098	0,063	0,114	0,144	0,118	0,114
ПАТ «МК Азовсталь»	0,139	0,135	0,177	0,171	0,096	0,156	0,215	0,166	0,133

ПАТ «Єнакієвський МЗ»	0,059	0,09	0,116	0,111	0,068	0,084	0,078	0,066	0,07
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In the practice of enterprises are cases where the deterioration of fixed assets, labor productivity increased, which is mainly the result of growth in capital-labor ratio. Therefore, one of the effective management should be exceeding the growth rate of labor productivity growth over the capital-labor ratio. The calculated efficiency of () is expressed in the form factor. The higher the value of this index, the better functioning of management corporation (higher management efficiency). On the positive growth of this index dynamics. Evolution of the efficiency of resource management metallurgical industry is presented in Fig. 1.

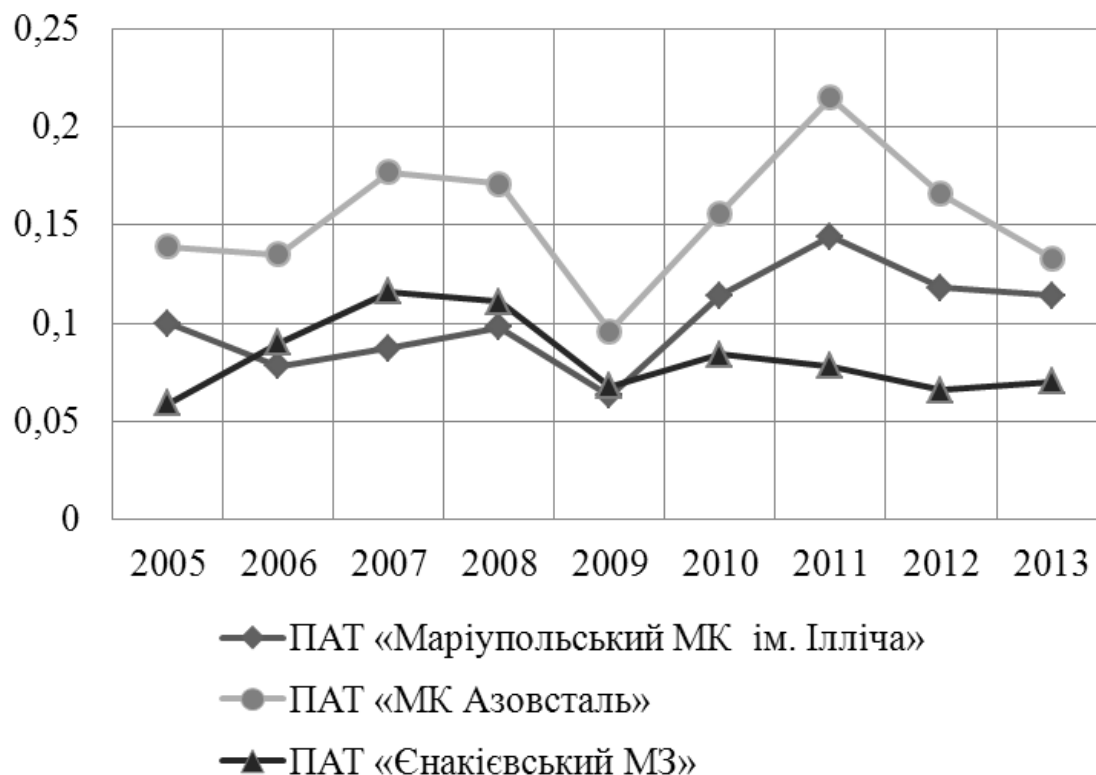


Fig. 1. Evolution of the efficiency of resource management in metallurgical enterprises from 2005 to 2013

Reduction of specific indicators such as the cost of managing the resources that go through one thousand. UAH. production facilities, the cost of managing the resources that go through one thousand. UAH. Net sales et al., describes the dynamics improve management.

These data suggest that the state of resource management in metallurgical critical. Although the best results are observed at PJSC "MK" Azovstal ", where the level of efficiency in 2013 was 0.13. A little nyschiy PJSC «Mariupol. Lenin. "The lowest level of efficacy observed in 2009, then in 2011. positive changes in resource management of these enterprises.

Conclusions. Efficacy results management system used for management decision and justification of economic indicators of the company.

The use of such approaches has advantages and disadvantages. The benefits include: a small number of indicators used to assess; generalized index calculation takes into account the costs associated with managing enterprise resources, and the result of business enterprises, units generalized index correspond generally accepted norms, to compare it with other companies not only within the same industry. The disadvantages to be considered that the resulting figure accounts for the state of enterprise resource planning and does not allow management to determine the

program of action to eliminate the constraints of the company. It is necessary to conduct additional payments for methods of economic analysis.

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Keywords: performance management, resources, assessment, metallurgical enterprise, production efficiency.

Ключові слова: результативність управління, ресурси, оцінка, металургійне підприємство, ефективність виробництва.

Ключевые слова: результативность управления, ресурсы, оценка, металлургическое предприятие, эффективность производства.

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FORMS AND METHODS OF MEDICAL AND HEALTH TOURISM IN COASTAL AREAS

Bogachenko H., Ph.D., Kyiv National University of Trade and Economics

Bogachenko H. Forms and methods of medical and health tourism in coastal areas.

Definitely relevance of the work of research-categorical conceptual apparatus of medical and health tourism as one of the activities of services which are aimed at restoring health and its ability to industrial activity in the economy. The object of the research the functioning of medical and health tourism in coastal areas, and the subject - theoretical approaches and practical forms and methods of its development. Research methods - analytical, structural and logical comparison. Analyzed a variety of scientific and theoretical approaches to medical and health tourism, held the distinction of medical and health tourism and health resort. Theoretical principles and the example of local government resort town of Berdyansk investigated specific forms and methods of its impact on economic development of medical and health tourism, including the creation of tourist entities - small private hotel management, network (certified) food outlets, educational, tourist information centers, private tour operators network operating recreational facilities modular "H&S&E", producing tourist product "Bed&Breakfast&Walk". Determined that the medical and health tourism is a perspective view of tourist activity, which is based on the creation of therapeutic, diagnostic, rehabilitative, preventive and wellness services for tourists, which is outside the home and pursues playing their health. We found that among the technological innovations of medical and health tourism in coastal areas of priority is the creation and promotion of the tourism product in the form of organizational, informational, educational, financial, marketing collateral and methods - development and launching of a network of integrated recreational modular systems "H&S&E", establish an institutional framework resort and tourist protoklastera. The next step should be to study the financial and economic assessment of the activities of new forms of business organization in the field of medical and health tourism.

Богаченко О. П. Форми і способи розвитку лікувально-оздоровчого туризму у приморських місцевостях.

Визначено актуальність роботи з дослідження категорійно-понятійного апарату лікувально-оздоровчого туризму (ЛОТ), як одного із видів діяльності, послуги від якої спрямовані на відновлення здоров'я людини та її здатностей до виробничої діяльності в народному господарстві. Об'єктом дослідження визначено функціонування ЛОТ у приморських місцевостях, а предметом – теоретичні підходи і практичні форми і способи його розвитку. Методи дослідження – аналітичний, структурно-логічний, порівняльного аналізу. Проаналізовано різноманітні науково-теоретичні підходи до лікувального та оздоровчого туризму, проведено відмінність ЛОТ і курортології. Проаналізовано теоретичні засади і на прикладі місцевого самоврядування курортного міста Бердянськ досліджено конкретні форми і способи впливу його на розвиток економіки ЛОТ, в тому числі створення суб'єктами туристичного господарювання мережі операційних туристсько-рекреаційних модульних комплексів «H&S&E», які продукують туристичний продукт «Нічліг&Сніданок&Екскурсія». Визначено, що ЛОТ є перспективним видом туристської діяльності, в основі якого покладено створення лікувальної, діагностичної, реабілітаційної, профілактичної, оздоровчої послуги для туриста, котрий перебуває за межами помешкання і переслідує мету відтворення власного здоров'я. Виявлено, що серед технологічних новацій розвитку ЛОТ у приморських місцевостях пріоритетними є створення й просування туристського продукту у формі організаційного, інформаційного, освітнього, матеріального,

маркетингового забезпечення, а способами – формування та започаткування діяльності мережі комплексних туристсько-рекреаційних модульних систем «Н&С&Е», створення інституційної основи курортно-туристичного протокластера.

Богаченко Е. П. Формы и способы развития лечебно-оздоровительного туризма в приморских местностях.

Определена актуальность работы по исследованию категориально-понятийного аппарата лечебно-оздоровительного туризма (ЛОТ), как одного из видов деятельности, услуги от которой направлены на восстановление здоровья человека и его способностей к производственной деятельности в народном хозяйстве. Объектом исследования определены функционирования ЛОТ в приморских местностях, а предметом - теоретические подходы и практические формы и способы его развития. Методы исследования - аналитический, структурно-логический, сравнительного анализа. Проанализированы различные научно-теоретические подходы к лечебному и оздоровительному туризму, проведено различие ЛОТ и курортологии. Проанализированы теоретические основы и на примере местного самоуправления курортного города Бердянск исследованы конкретные формы и способы воздействия его на развитие экономики ЛОТ, в том числе создание субъектами туристического хозяйствования сети операционных туристско-рекреационных модульных комплексов «Н&С&Е», которые продуцируют туристический продукт «Ночлег&Завтрак&Экскурсия». Определено, что ЛОТ является перспективным видом туристской деятельности, в основе которого лежит создание лечебной, диагностической, реабилитационной, профилактической, оздоровительной услуги для туриста, который находится за пределами помещения и преследует цель воспроизведения собственного здоровья. Выявлено, что среди технологических новаций развития ЛОТ в приморских местностях приоритетными являются создание и продвижение туристского продукта в форме организационного, информационного, образовательного, материального, маркетингового обеспечения, а способами - формирование и начало деятельности сети комплексных туристско-рекреационных модульных систем «Н&С&Е», создание институциональной основы курортно-туристического протокластера.

Statement of the problem.

Under present conditions the population needs the quality services of medical and health tourism (MHT), which are given to them by recreational and spa complexes. Their main purpose is to provide the expanded reproduction of human health as the leading productive force and the ultimate goal of economic development. Therefore the problem of scientific study of tourist destinations MHT development in the short and long terms is very actual, which weight, according to various estimates, ranges from 7-12% of the national territory. Therefore, the high resource potential of the MHT requires new approaches to the management formation and usage of its development.

Analysis of recent researches and publications.

The essential definition of tourism, which emphasizes the relationships between the tourists and producers of goods and services is offered by the International Association of Scientific Experts in Tourism. Accordingly, tourism is a set of relationships and phenomena that occur during the movement of people and their stay at places that are different from their permanent place of residence and work, as recognized by the most researchers [1, p 12]. The works of Vyetitnova A., A. Dzyubinoyi, G.A Torhashevoyi [2] D.Aslanova [3] investigated the question of terminology and typology of medical and health tourism, the nature and content in the economic sciences system, the results of which made a significant contribution to the science development of tourism.

Unsolved problem emphasis.

However, the lack of scientific works about the questions of MHT economic development in the seaside regions, where the top tourist destinations are marine and coastal therapeutic areas, the corresponding foot walks in the seaside park and steppe areas, all these questions need further

researches. Accordingly, the medical - health enterprises have certain features of organization and functioning, the most important one is predominantly seasonal nature of production.

The purpose of the article – is to identify the forms and methods of medical and health tourism in the seaside areas on the basis of theoretical analysis of the definitions and practices of tourism management in the seaside cities.

The researches results.

A.A. Fedyakin in his work [4, p.59] justifies the introduction of the concept of "medical and health tourism" as a type of tourism that aims to restore vital functions of a person and is intended for the sick and weakened people. The limitation of this definition by only MHT objective function is abolished by famous Russian scientist and practitioner O. Vyetitnov who considers MHT to be a part of the tourist activity, which considers the main motive of tourist traveling by own or corporate funds is getting a complex of medical diagnostic, rehabilitative, preventive and recreational services which are provided in the areas other than their place of residence and which have at their disposal all the necessary natural, material and human resources to prevent disease or rehabilitation / treatment of various pathologies [3, p.54].

Accordingly, the team of authors rightly identifies two main directions in the structure of medical and health tourism - clinical and Resort ones and two types – medical and health ones. Health-resort tourism envisages traveling to the resort in order to receive treatment and rehabilitation services at the spa organizations or private practitioners. Health-resort clinical tourism has received a significant development in recent years, including abroad (external clinic tourism) and domestic (internal clinical tourism) trips to the clinics for specialized treatment outside the guaranteed medical assistance at the initiative of travelers at the expense of private funds [3, p 55

In other studies MHT is regarded as traveling for recreation, rehabilitation or treatment, which is carried out with the direct use of the natural properties of the climate, mineral water, therapeutic muds, attractive landscape and other resources to further its structuring in therapeutic and leisure recreation. Then you can satisfy the health needs at the recreational facilities of the general specialization, and treatment needs – at the specialized spa facilities. In meeting the needs of leisure and recreation they use treatments and, and vice versa, in the medical tourism – they use elements of outdoor activities. However, the central place in recreational tourism takes medical (health resorts and health-improving) tourism, which is considered to be the traditional type, which is developed in areas with favorable climate with medical resources availability, or in the place where treatment of certain diseases technology is developed.

MHT assumes the achievement of following purposes: recreation, recreation (recovery), treatment, rehabilitation. The main health resources which are used during the MHT are:

climate therapy - treatment with the help of a favorable climate for a particular organism;

balneotherapy means treatment with the help of mineral waters;

pelotherapy - a special mud treatment;

telassotherapy - treatment with favorable properties of sea water;

aurotherapy - treatment using mountain air;

speleotherapy – caves' microclimate usage in the treatment;

phytotherapy - the usage plants' medicinal properties.

In summary it should be noted that the most experts are inclined to believe that MHT should be determined on the basis of the its three underlining main components - medical rehabilitation, valeological (recreational) and recreation. The first two components - medical in their essence, the third component is formed by leisure and recreational-entertainment services.

Medical and health services are provided by specialized institutions – resorts and so on. According to the formal definition which is given in the Law of Ukraine "About resorts", the term "resort" is used in the sense of "mastered natural territory on the land of recreational purposes that has natural healing resources required for their operation, buildings and constructions with infrastructure facilities, they are used with treatment purpose, medical rehabilitation, disease prevention, and for recreation and they are the subject of special protection "[5].

Encyclopaedias interpret the concept of the resort broaden and define it as follows: sanatorium - medical facility where natural resources are used in health care sense in conjunction with physical therapy, diet therapy, therapeutic physical training and other methods of treatment with obligatory patients' compliance to health-spa regime [6, s.261]. D.Aslanov integrates different interpretations of the concepts of "resort" and "sanatorium" and on the base of their functional purpose analysis states that health-resort activities include: 1) related to carrying out the treatment, prevention and health measures on the basis of health care settings; 2) provision of decent living conditions in the spa facilities [3, p.116].

As the result of the provided study one can summarize that MHT is a type of tourist activity, which is based on the creation of therapeutic, diagnostic, rehabilitative, preventive and health services for the tourist, which is outside his home and has the aim of improvement his health.

National institutions of MHT themselves need rehabilitation (rehabilitation) – material, financial, marketing and management ones. The scientific literature presents numerous justifications of the "recipes" of modernization, stabilization, improvement of these enterprises: some propose to develop targeted programs of spa facilities [7, p.62-63], others emphasize on the activities of not a certain therapeutic enterprises but of the entire complex of recreational enterprises [8, p.140].

Analysis of corporate and business strategies of tourist enterprises of medical and health profile indicates that the major national tour operators are strategically orientated in pricing not on the market demand, but on the total costs, this fact in MHT sphere leads to a loss of tourists' confidence, to the volume reduction in products (services)' sales, deterioration of their activities' financial results.

Experience of China anti-crisis policy shows that due to effective management even the negative influence of global financial crisis can be turned into positive adjustments and qualitative dynamics of income. The Chinese government by restructuring the banking and monetary policy in the last 3-5 years has intensified domestic demand, at times increasing the market capacity. Obviously, this experience is advisable to rethink, to adapt to national mental, historical, cultural, economic, natural resource realities. The idea of the internal market development with raising labor costs (Ukraine is at the second place from the bottom among European countries by average wages) can become a unifying ideology that will initiate an era of economic recovery and will rebuild Ukrainian patriotism. The most suitable for such innovative development is exactly tourism, as the industry employing a large number of employees, which contains various natural health resources that can be quickly transformed into a synergistic, economic, social and environmental effects.

Until now investment projects associated with the MHT development were mainly aimed at creating infrastructure elements: construction of private hotels and other accommodation establishments, development and improvement of medical routes - health path, opening individual therapeutic facilities: spa, medical and cosmetic centers, saunas, and educational and training activities. Undoubtedly, each of these elements is important by itself, but none of them can provide comprehensive medical and health process and obtain the desired effect.

MHT economic development in territorial aspect depends not only on the development and realization of state policy, but also on local economic policy of local communities, particularly in the North Azov Sea. It is significant that in the passport of Zaporozhye region among the four districts that have a coastline of Azov sea and the potential development of tourism and recreation, only Azov and Primorsky districts define these activities as a priority: the first priority is - "the development of tourism industry in the Azov Sea and work on Shore protection ", and the second - "development of tourism and recreation industry by attracting of domestic investments, improving the use of resources, the preservation and improvement of the coastal zone - sand tresses length of 7 km "[9].

Retrospective analysis of the use of municipal government implementation potential of MHT local community of Berdyansk city revealed the most effective forms and methods of management mechanism.

1. Economic and legal form of power exercise at the level of the municipality is based on the use of the legislative and regulatory framework of local government: according to the Law of

Ukraine "About the resort," the preparatory work has been carried out and the status of a resort of national importance was obtained concerning resort areas of the city that would allow certain preferences for the whole Resort development; municipal managers efficiently develop regulatory framework of local action in the regulation sphere of resorts and tourism, resulting in a session of the City Council, there were adopted regulations "Berdyansk tress Development Programme for the period till 2015", "On a moratorium on land allocation in Berdyansk tress and for the construction of urban planning and resort infrastructure "and so on within the sanitary protection zone of the resort of national importance" Berdyansk ".

2. MHT organizational and management services: there was developed and adopted implementation of the development program of resort recreational areas and tourism in Berdyansk up to 2015; there was adopted provision, personal membership and work plan of the Coordinating Council on Tourism and Resorts; The development Program of resort and recreational areas and tourism in the city of Berdyansk, 2015 and "Marketing Plan of recreational - medical and tourism opportunities in Berdyansk by 2020."

3. Financial and economic mechanism of management: was worked out and presented at regional and national levels "Investment passport of Berdyansk" with defining directions and investment objects in the area of resorts and tourism with volume of 1.3 billion hrn. during the 2012-2022 years; implementation of the state program of the development of recreational areas for the development of the regional landscape park "Priazovsky" as a part of the coast and water areas of Yakymivskiy, Priazovsky, Primorsky and Berdyansk district of Zaporozhye region with an area of 230 km².

4. To enhance the economic development of tourism and resorts in the coastal regions, particularly in the North Azov it was proposed to use a systematic approach aiming the establishment and functioning of a network of an operational tourist recreational modular systems "Bed & Breakfast & Walk" ("H & S & E"), including small private hotels, catering network (certified), educational, public tourist centers, private tour operators to develop and administer the local tourist health and cognitive routes. The original concept of "regional resort and recreational leisure" gives an impetus to the development of green tourism, encourages the involvement of rural households in the program of green tours and isolated artifacts, sightseeings, events will move into the sphere of tourist attractions.

The proposed project is aimed at the creation on the underdeveloped areas (which are perspective for the development of eco-tourism treatment) and those which are located far from the Azov Sea, rural areas of North Azov of such complex ecological and therapeutic modules "B&B&E", the operation of which will be associated with a local company and will allow to form quickly an inexpensive and high-quality tourist and recreational product. They will provide for a tourist the services of not only a comfortable accommodation, food and health, but also attractive excursions. The received experience is possible and necessary to be extended in all underdeveloped and remote regions from the Azov Sea of rural Northern Azov which have an underdeveloped infrastructure, these regions often have the areas of ecological and health tourism.

The proposed investment project is a technological one and does not envisage significant investments in the construction or any other attachments. It should be emphasized that this approach to regional business maintaining forms the basis for the integration of branch and territorial management, provides new models for network management by economic and social development of coastal towns and villages, and thus the network of "B&B&E" will become an institutional basis of tourist resort protoklaster.

Conclusion. It is determined that the medical and health tourism is a perspective kind of tourist activity, which is based on the creation of medical, diagnostic, rehabilitative, preventive and health services for the tourist, which is outside his home and has the aim of his health reproduction. It was revealed that among the technological innovations of medical and health tourism in coastal areas the priority is given to the creation and promotion of the tourism product in the form of organizational, informational, educational, financial, marketing collateral and the methods are the development and launching of a network of integrated recreational modular systems "B&B&E",

the establishment of an institutional basement of resort and tourist protoklaster. The next step of the research should be the financial and economic assessment of the activities of new forms business organization in the MHT sphere.

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Keywords: tourism, medical and health tourism, economics, management, health spa, resort.

Ключові слова: туризм, лікувально-оздоровчий туризм, економіка, управління, санаторій, курорт.

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PROFESSIONAL COMPETENCE OF UNIVERSITY EXECUTIVES. IMPROVING THE MANAGEMENT OF HIGHER EDUCATION

Dmytriyev V., Vice-rector for Economy and promising development Head of Economics State higher educational institution «Priazovskyi state technical university»

Dmytriyev V. Professional competence of university executives. Improving the management of higher education.

Development of the activities in the commercial component of the modern university turns it into an object of the market economy, it entails a corresponding change in the university management and the restructuring of its structure. Rebuilding the structure, functions and tasks of managers and departments leads to the need to modernize the management system of the university, its orientation on the use of techniques, methods and tools of the market economy. Features of object of management impose appropriate requirements for the subject of management, define a set of basic and advanced knowledge, skills and qualities of the heads of universities. Modern managers must demonstrate strong managerial skills and a professional in the art of government. And the use of the methodology of ISO 9001 allows for continuous improvement of management processes aimed at the constant growth of the university in the current socio-economic conditions. Principles of quality management system according to ISO 9001, adapted for use in high school, contribute to achieving the planned quality results. It is concluded that that higher education is closely linked to the political, economic and cultural spheres of society. Changing socio-economic conditions change principles requires adequate functioning of higher education, bringing them into line with the requirements of the external environment. New market conditions require an innovative system of university management, restructuring intra-university structure, management structure and principles of managerial work.

Дмитриев В. Ю. Профессиональная компетентность руководителей ВУЗов. Совершенствование менеджмента высшего образования.

Развитие коммерческой составляющей в деятельности современного вуза, превращает его в объект рыночной экономики, это влечет за собой необходимость соответствующего изменения методов управления вузом и перестройку его структуры. Перестройка структуры, функций и задач руководителей и подразделений приводит к необходимости модернизации системы менеджмента вуза, ориентации ее на использование приемов, методов и инструментов рыночной экономики. Особенности объекта управления предъявляют соответствующие требования к субъекту управления, определяют набор основных и дополнительных знаний, навыков и качеств у руководителей вузов. Современные руководители обязаны демонстрировать высокие менеджерские качества и являться профессионалами в искусстве управления. А использование методологии стандарта ISO 9001 позволяет реализовать непрерывное улучшение процессов управления, направленное на постоянный рост эффективности деятельности вуза в современных социально-экономических условиях. Принципы системы менеджмента качества по стандарту ISO 9001, адаптированные для применения в высшей школе, способствуют достижению запланированного качественного результата. Сделан вывод о том, что высшее образование тесно связано с политической, экономической и культурной сферами общества. Изменение социально-экономических условий требует адекватного изменения принципов функционирования высшей школы, приведения их в соответствие с требованиями внешней среды. Новые условия рыночной экономики требуют инновационной системы управления

вузом, перестройки внутривузовской структуры, управленческой вертикали и принципов управленческой работы.

Дмитрієв В. Ю. Професійна компетентність керівників ВНЗ. Удосконалення менеджменту вищої освіти.

Розвиток комерційної складової у діяльності сучасного ВНЗ, перетворює його на об'єкт ринкової економіки, це тягне за собою необхідність відповідної зміни методів управління вузом і перебудову його структури. Перебудова структури, функцій і завдань керівників і підрозділів призводить до необхідності модернізації системи менеджменту ВНЗ, орієнтації її на використання прийомів, методів і інструментів ринкової економіки. Особливості об'єкта управління пред'являють відповідні вимоги до суб'єкта управління, визначають набір основних і додаткових знань, навичок і якостей у керівників ВНЗ. Сучасні керівники зобов'язані демонструвати високі менеджерські якості і бути професіоналами в мистецтві управління. А використання методології стандарту ISO 9001 дозволяє реалізувати безперервне поліпшення процесів управління, спрямоване на постійне зростання ефективності діяльності ВНЗ в сучасних соціально-економічних умовах. Принципи системи менеджменту якості за стандартом ISO 9001, адаптовані для застосування у вищій школі, сприяють досягненню запланованого якісного результату. Зроблено висновок про те, що вища освіта тісно пов'язане з політичною, економічною і культурною сферами суспільства. Зміна соціально-економічних умов вимагає адекватної зміни принципів функціонування вищої школи, приведення їх у відповідність з вимогами зовнішнього середовища. Нові умови ринкової економіки вимагають інноваційної системи управління ВНЗ, перебудови внутривузівської структури, управлінської вертикалі і принципів управлінської роботи

Formulation of the problem. In recent years, Ukraine is in the process of radical change, which led to serious economic, political, social and cultural change. The flip side of these transformations are financial and economic crisis. In a protracted crisis worsened the situation in the public sector and, especially in the field of education. Reduction in state funding, toughening competition between universities, the ever-changing demand for educational services, require universities have a flexible response to the changes to keep their position and remain competitive in the market of educational services. To achieve this, universities must change the principles of operation, to bring them into conformity with the requirements of the economy, to ensure continuous improvement of management. The current system and the structure of governance in higher education institutions, developed over years of administrative-command system, almost have not changed with the advent of the market economy, it does not allow the university to respond effectively to change and adapt to new economic conditions.

Analysis of recent research and publications. The management of higher education institutions dedicated to the works of local and foreign scientists, for example - a series of Russian textbooks ed. Dr. ehkon. Sciences, prof. SD Reznik "Menedment in higher education" [1, 2, 3, 4]. In Ukraine, the study of the problem of managing educational institutions run by scientists LI Danilenko, GA Dimitrenko, T. Elnikova, OI Marmazov, EM Pavlyutenkov, VV Krizhko. Detailed forms and methods of educational institutions of various types are disclosed in tutorial EN Hrykova [5]. However, the development problems of university management in modern conditions at an early stage. This is due to the historical conservatism management systems in higher education, innovations in this area can not keep up the pace of socio-economic transformation of society.

Isolation of unsolved problems. The market economy has set a number of universities in the new tasks. University authorities are constantly faced with difficulties in determining the optimal activities to achieve their goals. New conditions require the use of innovative management systems, restructuring intrahigh principles of managerial personnel. This presupposes that the university management qualities of the modern professional management.

"The lack of professional management education at universities menezhe-rov - heads of departments, deans, rectors body leads to orientation only on the experience, dramatically extends the period of the head of the university and higher age at the time of occupation of management

positions does not allow, time to turn the head to realize itself fully "(GA Balykhin Chairman of the Education Committee of the State Duma of the Russian Federation, Doctor of Economics) [1, p. 3].

Ways of improving the management system of the university, the formulation of new requirements for professional competence of heads of universities and its divisions, forming ability of the university to effective development in the market is an urgent task, requiring additional research.

The purpose of this paper is to study the new requirements of professional competence of university executives and formulation of the principles of good governance, caused by modern socio-economic conditions.

Basic material research. The specificity of the university as an object of control in a market economy is reflected in its new features, challenges and ways to achieve these goals. Objective circumstances set for modern universities, above all, questions of survival, maintaining their financial status at the appropriate level, sourcing and development. These questions encourage the development of commercial activities of universities, forcing their teams to be proactive, initiative and independence that sharpens the contradiction between higher education as a public non-profit institution, and as an institution of the market economy.

Under the current policy of financing higher education institutions in Ukraine is commercial activity allows them to fulfill their educational and scientific mission in society, is a major source of support for the operation and development of the material-technical base. The modern structure of university management should provide the market behavior of public higher education institution as a business enterprise and promote, along with the educational and research activities, new business processes. To do this, revise the principles of non-economic thinking, strategy and objectives of the university, to develop new approaches for such a transformation to create a complete system that provides market orientation of the university and of each of its divisions. The modern practice of Ukrainian universities shows that their activities significant development providing services that are not directly related to education and science - this is marketing, finance, advertising, etc. The activities of senior management in this case more is sent to the university interaction with the external environment with the appropriate delegation of additional rights and responsibilities of managers intrahigh units.

Such a rearrangement of the structure, functions and tasks of managers and departments leads to the need to modernize the university management system, its orientation to the use of techniques, methods and tools of the market economy.

Modernization of university management system should include: establishment of operational and quality control; increasing the competence, responsibility and discipline managers and employees; creation and maintenance of a positive image; increase economic orientation and financial performance in each division; definition of marketing and financial development strategies; the creation of new entities responsible for innovation, implementation of strategic development plans, adaptation of governance structures.

Development of entrepreneurial character units, a variety of activities of the university, the increasing amount of information load and functional differentiation suggests, certain organizational and financial independence of the units.

Reorganize the management system, the university must regularly and promptly in response to changing requirements of the education market and the labor market. Staff, managing the university must skillfully and quickly adjust to rapidly changing environmental conditions.

At the same time, the wider differentiation of the university, the greater the need of management efforts to integrate its units to carry out the agreed work and achievements obschevuzovskih purposes. Strong differentiation and autonomy units makes high demands on the management of the university, as requires professionalism in many areas.

Due to the fact that the university employs a large number of professionals, their work requires a certain freedom and autonomy. This feature creates additional difficulties social and psychological problems for the management of the university. Creative nature of teaching and research activities, the impossibility of unification and formalization leads to difficulties in the strict

"production" of discipline and diligence. An atmosphere of creative competition in which important concepts such as "authorship" and "leadership" is a desire to prove his personal superiority over fellow competitors. With the development of market relations, these socio-psychological contradictions in the university have become more acute since also comprise steel elements of commercial interest. This prevents the creation of universities in large creative teams that work as a team with a focus on the final overall result. The university is not welcome direct control over the activities of research and teaching staff, unattainable unquestioning obedience workers, professional status which gives them the right to apply for a dissenting opinion and independent decision making in the process.

Traditionally, higher education qualification in a narrow subject area often identified with qualifications in management, having no serious grounds for, the expertise and experience. "Teaching chemistry, physics and other disciplines - is one thing, but to lead the teachers of the department or faculty - it's a different work - management, with its own objectives and content. Exit from this state to look for, I think, in additional education for those who are in control, to gain experience of such activities "(V.M.Filippov, Academician of the Russian Academy of Education, Doctor of Physical and Mathematical Sciences, Professor, Rector of the Russian University of Friendship peoples) [1, p. 4]. Leadership positions in most universities occupy not professionals, managers, and scientific and pedagogical workers who do not necessarily exhibit high managerial skills and are not professionals in the art of governance, which can not affect the results.

Requirements for modern managers of universities and departments of universities, while maintaining the traditional list and the content of their competences should be filled with a new sense and a desire for continuous improvement coming from the features of activity in the market economy.

Improving the system of governance of higher education institution, managers should focus on the model adopted and proven in the world. Among the existing management systems in the world, which can be used successfully to improve the activities of higher education institutions, the most widespread quality management system based on the international standard ISO 9001 [6].

The quality management system, built in accordance with the international standard ISO 9001, is part of the university management, which is focused on achieving outcomes based on the objectives of quality, meeting the needs and expectations of customers products of high school. Using the methodology of ISO 9001 allows for the continuous improvement of management processes to continually increase the efficiency of the institution. Basing its activities on the requirements of ISO 9001, management personnel of the university should be guided by a number of basic principles, the use of which contributes to the achievement of the planned quality results.

1. The principle of targeting consumers of educational services. The university should be guided by the requirements of consumers of educational services, so the staff of the institution headed by the leadership should know and understand their needs that exist at the moment, but can also occur in the future, meet customer requirements and strive to exceed their expectations. The basis of this principle - market analysis and customer needs. The results of the analysis provide a mechanism that triggers and determine the main direction of the university with the forecast of consumer interests.

2. The principle of the leading role of senior management. The first head of the university and the heads of its departments must ensure unity of purpose and direction of the management system. They create an internal environment that allows employees to be fully involved in the process of achieving strategic goals. University management, a division, a process project is impossible without the leading role of the relevant manager with sufficient authority and who has assumed full responsibility.

3. The principle of involving employees in management processes. The involvement of staff at all levels in the implementation of strategic objectives should form the basis of realization of the methods and tools of corporate management of the university and its structural units, it gives management an opportunity to use the ability of staff to the maximum benefit for both the university and for its customers. Involving staff in practice means a systematic opportunity to each

employee to participate in the elaboration and implementation of management decisions. Such an opportunity to develop a sense of responsibility and ownership that strengthens the motivation for creative work, gives rise to the initiative and is the basis of the corporate culture.

4. Principle management approach as a process. Planned results to be achieved the most effective way, when the relevant stages of the educational activities and resources necessary for it led and managed as a process. All activities at the university are regarded as processes. Understanding the processes close to the understanding of algorithms, and it allows the use of information technologies, mathematical modeling and automation management.

5. The principle of the system approach to management. System approach requires coordination of all aspects of standing planning and plans to bring each workplace in order to be able to analyze and adjust their implementation. With a systematic approach and associated problem of evaluation of the results of the university. The primary measure of activity may be financial results, as well as other indicators, such as measures of customer satisfaction, performance indicators processes, as well as indicators of growth potential and high school staff are of great importance.

6. The principle of continuous improvement of the management system. To ensure continuing to meet the changing demands of consumers, it is necessary to effectively implement the principle of continuous improvement of management system. With the systematic improvement of processes gradually becomes possible to reduce the losses and thus the cost of services provided. Continual improvement of the quality of the university begins with one person improving his personal qualities, knowledge, skills and abilities. The most important aspect of continuous improvement - a training institution.

7. The principle of decision-making based on facts. To achieve real efficiency of decision making in the management of quality of educational services is necessary to achieve that the principle of legal decision-making, based on the analysis of data and information, excluding voluntarism and authoritarianism. Make decisions based on facts - hence reduce the likelihood of erroneous decisions. To distinguish true facts from false or questionable need to develop criteria and evaluation for objective measurement of the performance of each process on the basis of a balanced system of basic indicators.

8. The principle of mutually beneficial relationships with suppliers. Institution of higher education and training institutions, which provide complete secondary education (schools, high schools, grammar schools, technical schools and colleges), in real life, always interdependent. In many cases, they are partners in the process of training for the various spheres of production and services. To ensure the effectiveness of relationships with university education providers need to continuously monitor all processes with analyzes and suggestions for continuous improvement, which will contribute to the mutual benefit of both sides, to create new value in the provision of educational services.

Conclusions: Higher education is closely related to political, economic and cultural spheres of society. Changing socio-economic conditions requires an adequate change in the principles of functioning of higher education and bring them into conformity with the requirements of the environment. New market conditions require innovation system of university management, restructuring intrahigh structure, management vertical and principles of managerial work. Manage the university in the new socio-economic conditions is feasible only upscale top management professionals with management experience in high school, with a good theoretical and practical training, with a constant desire for self-improvement. Model quality of university management can be built on the methodology of ISO 9001 quality guidelines of this standard should form the basis of modern management of the university.

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Keywords: management, higher education, quality management system, the educational services market, ISO.

Ключевые слова: управление, высшие учебные заведения, система менеджмента качества, рынок образовательных услуг, ISO.

Ключові слова: управління, вищі навчальні заклади, система менеджменту якості, ринок освітніх послуг, ISO.

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COMMERCIALIZATION FEATURES OF SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS AS OBJECTS OF INTELLECTUAL PROPERTY IN UKRAINE

Fesenko O.M., Kifiuk Y.S., Kavelin V.V., Pogoretskiy P.P., Institute of Physics NAS of Ukraine.

Fesenko O., Kif'yuk Y., Kavelin V., Pogoretskiy P. Features commercialization of scientific and technical intellectual property in Ukraine

This article reveals the issues related to the features of commercialization of scientific and technical intellectual property in Ukraine. The Ukrainian Intellectual Property market is under development its legal framework and regulatory mechanisms have not sufficiently promotes effective management and allocation of intangible resources between all actors in the process of commercialization. Experience of advanced countries in technological mean indicates that participation of the state in the development of infrastructure that would help implement and monitor the process of technology transfer in Ukraine through: creation of incentive system for the author (creator of an object of intellectual property); identifying of the specific mode of usage of scientific results for public contracts; state support for innovation activity; preferential tax treatment and credit; implementation of policy course on the export and import of technologies; creation of technologies transfer infrastructure (information services, technology incubators, tech parks) is necessary [8-11]. For successful commercialization of intellectual property necessary to create the economic infrastructure of the economy which should be receptive for innovation activity. Also it is necessary to actuate participation of small businesses and provide funding for research and scientific and technological development, provide marketing investigation of intellectual property protection and stimulate activity of small businesses with the help of state big business for creating of innovative technologies and products by providing customs and credits privileges.

Фесенко О.М., Кіф'юк Є.С., Кавелін В., Погорецький П.П. Особливості комерціалізації науково-технічних об'єктів інтелектуальної власності в Україні.

Ця стаття розкриває питання пов'язані з особливостями комерціалізації науково-технічних об'єктів інтелектуальної власності в Україні. В Україні ринок ІВ знаходиться на стадії розвитку - його законодавча база та механізми регулювання ще в недостатній мірі сприяють ефективному регулюванню та розподілу нематеріальних ресурсів між усіма суб'єктами процесу комерціалізації. Проаналізовано досвід розвинутих у технологічному відношенні держав, який свідчить про те, що необхідною є участь держави у розвитку інфраструктури, яка б стимулювала процес ТТ в Україні через: утворення системи стимулів для автора (творця ОІВ); визначення особливого режиму використання наукових результатів за державними контрактами; державної підтримки інноваційної діяльності; пільгового оподаткування та кредитування; вироблення курсу політики у галузі експорту та імпорту технологій; створення інфраструктури передачі технологій (відділи трансферу технологій, технологічні інкубатори, технопарки) тощо. Для успішної комерціалізації ІВ необхідно створити економічну інфраструктуру економіки, яка повинна бути сприйнятливою для інноваційної діяльності і забезпечити фінансування як проведення наукових досліджень та науково-технічних розробок, так проведення маркетингових досліджень, захисту інтелектуальної власності, а також стимулювати державою діяльність малих підприємств для створення інноваційних наукоємних технологій і продуктів, надаючи їм податкові та кредитні пільги.

Фесенко А.Н., Кифьюк Е.С., Кавелин В., Погорецкий П. П. Особенности коммерциализации научно-технических объектов интеллектуальной собственности в Украине.

Эта статья раскрывает вопросы, связанные с особенностями коммерциализации научно-технических объектов интеллектуальной собственности в Украине. В Украине рынок ИС находится на стадии развития - его законодательная база и механизмы регулирования еще в недостаточной степени способствуют эффективному регулированию и распределению нематериальных ресурсов между всеми субъектами процесса коммерциализации. Проанализирован опыт развитых в технологическом отношении государств, который свидетельствует о том, что необходимым является участие государства в развитии инфраструктуры, которая бы стимулировала процесс ТТ в Украине через создание системы стимулов для автора (создателя ОИС); определения особого режима использования научных результатов по государственным контрактам; государственной поддержки инновационной деятельности; льготного налогообложения и кредитования; выработки курса политики в области экспорта и импорта технологий; создание инфраструктуры передачи технологий (отделы трансфера технологий, технологические инкубаторы, технопарки) и т.д. Для успешной коммерциализации ИС необходимо создать экономическую инфраструктуру экономики, которая должна быть восприимчивой к инновационной деятельности, и обеспечить финансирование как проведения научных исследований и научно-технических разработок, так и проведение маркетинговых исследований, защиту интеллектуальной собственности, а также стимулировать государством деятельность малых предприятий для создания инновационных наукоемких технологий и продуктов, предоставляя им налоговые и кредитные льготы.

Annotation. This article reveals the issues related to the features of commercialization of scientific and technical intellectual property in Ukraine. The Ukrainian IP market is under development its legal framework and regulatory mechanisms have not sufficiently promotes effective management and allocation of intangible resources between all actors in the process of commercialization. Experience of advanced countries in technological mean indicates that participation of the state in the development of infrastructure that would help implement and monitor the process of technology transfer in Ukraine through: creation of incentive system for the author (creator of OIP); identifying of the specific mode of usage of scientific results for public contracts; state support for innovation activity; preferential tax treatment and credit; implementation of policy course on the export and import of technologies; creation of technologies transfer infrastructure (information services, technology incubators, tech parks) is necessary [8-11].

Problem statement. In conditions of globalization of economy and fierce international competition efficient assimilation by industry and business of innovative high technology products is the dominant factor for competitiveness of not only individual companies but also countries in general. Now in Ukraine increasing attention to intellectual property and to ways of it commercialization, but unfortunately exist some problems for scientific organizations, especially institutions and universities, as well as Creators of high technology products in the process of commercialization and technology transfer. This article is oriented on analyses of such problems and search of possible ways of solution. In Ukraine market of intellectual property is on development stage. It regulatory environment and regulating mechanisms insufficiently assists to effective regulating and distribution of immaterial resources between all subjects of commercialization process. Because of such fact question of improving the mechanism of commercial realization of intellectual property and skill acquisition of rational use of national intellectual capital is the most important theoretical and practical aspects of the further economic development of Ukraine.

Analysis of recent research and publications. Commercialization problems of innovative activities were discussed in the works of many foreign and domestic authors [1-6], but there is still a need for analysis and improving the process of commercialization of scientific and technological

developments as objects of intellectual property in Ukraine. Recently, intellectual property in the world becoming more common object of market relations due to this, studies of the economic problems of the use of intellectual activity is particularly relevant today. Main theory of intellectual property describes foreign and domestic scientists such as G.V. Bromberg, S.V. Valdaitsev, A.N. Kozyrev, B.B. Leontiev, N.A. Sharanova, V.D. Bazilevich, O.B. Bytnik-Siverskiy, M.V. Vachevskiy, I.I. Gahno, A.G. Krasovska, R.M. Tsybulev. Also a lot of domestic scientists such as Alexandrova V., Anshyn V., Budnikevich I., Illashenko S., Konovalenko M., Haustov V.K., Cherkasova T., Chukhray N., Shedrina T. and others have focused their research on the features of technology transfer in Ukraine. But research of processes of commercial use of intellectual activity results requires not only clarify the nature of intellectual property but also its features and methods for managing the commercialization process of innovative high technology products.

Authors paid attention to the analysis of the legal framework of Ukraine on issues of intellectual property and state regulation of activities in the field of technology transfer in this article. Particular attention is paid to the issues of distribution of intellectual property and commercialization process in scientific research institutions of Ukraine.

The aim of the article is to explore the economic and legal aspects of the commercialization process of scientific and technological developments as objects of intellectual property in Ukraine. Studies of the problems of commercialization of intellectual property in research institutions of Ukraine leads to the formulation of the following purposes:

- analysis of the existing state system of intellectual property rights protection and its impact on the commercialization process of scientific and technological developments;
- analysis of rights distribution on objects of intellectual property;
- determination of commercialization problems of intellectual property in research institutions;
- finding of ways to stimulate the commercialization of intellectual property.

The main material of the study. International experience show us that for creation of innovative economy especially needed efforts of the state and society for creation of new intellectual property knowledge and regulation mechanisms of knowledge transfer of intellectual property and effective technologies into the economy for increasing its competitiveness. A characteristic feature of innovation economies of developed countries are significant amounts of research funding, active patenting and effective commercialization of scientific developments and intellectual property. The absolute leader from patenting is U.S.A. in particular, the patent office which issued about 220 - 250 thousand patents in 2010 - 2012, 60 thousand from which were patenting by the PCT system. It is worth noting rapid growth of research and patent activity in China, as for example in 2011 in China number of scientific publications and patent filed applications (526 thousand applications) exceed activity of such developed countries as the U.S.A. - 503,582 applications, Japan - 342,610 applications, South Korea – 178,924, for example number of scientific publications and patent filed applications in Russia – 41,414, Ukraine – 5,253.

It is considered that high scientific-technical level of the country and the development degree of intellectual property protection system leads to exporting of more new products and technologies and providing leadership for all components of competitiveness. In Ukraine attention was given to government regulation of technology transfer and intellectual property during the last years of independence, but to call this an effective regulatory system is still quite difficult because there is not enough funds allocated for research, marketing, intellectual property protection and legal framework does not provide a clear mechanism for technology transfer and commercialization of intellectual property. Despite such fact that Ukraine has about a dozens laws, [9-17] regulations and orders of the Cabinet and the Supreme Council of Ukraine which regulate innovation activity and technology transfer, issues of protection and allocation of property rights on OIP in Ukraine were not clearly settled. Some prospects of such regulation is seen in the recently adopted law on introduction of amendments to Law of Ukraine "On state regulation of activities in the field of technology transfer" according to which the rights on the technology and intellectual property that were created by the budget will belong to the organization of developer in the case if the customer

within 2 months does not notify the organization-developer about right acquisition on it. These amendments clarify the situation with the distribution of proprietary rights on intellectual property rights in Ukraine, but not completely satisfy international trends. For example under U.S.A. law in 1980 ("Bayh - Dole Act") technology and intellectual property created by the budgeting funds simultaneously transferred to the ownership of the organization-developer namely public research institutions: institutions, universities, laboratories, etc. This fact allows greatly improve patent activity and innovation activities of universities and research organizations in the USA. Similar legislation was adopted in the EU countries and other developed countries.

In every academic institution Ukraine must be clearly approved and regulated issues of the distribution and protection of OIP between creators of technology and institution. Figure 1 shows ways of commercialization of OIP and possible remuneration for the creators of technology. The legislation of Ukraine regulate minimum size of remuneration to creators of technology, but the potential size of remuneration in each institutions and in each cases are approved after analyzing technology and prospects for its commercialization. In particular at the sale of licenses for the use of OIP, production output with using OIP scientific institution is obliged to pay compensation to the creators for the use of intellectual property in accordance with the laws of Ukraine, collective agreements and the agreement with the creator at least 30% of the revenue earned from use of OIP and within one month from the income provision.

For successful commercialization requires the active cooperation of scientists-creators of technologies and experts in technology transfer and intellectual property protection which would help make marketing, choose a way of intellectual property protection and also took part in the search for interested potential investors that helped turn OIP into innovative product and get rewards from commercialization.

Usually these specialists work in the Department of Technology Transfer (DTT). For example the following departments were established at the Institutes of NAS of Ukraine according to the Law of Ukraine "On state regulation of activities in technology transfer field" and the order of presidium NASU from 16.01.2008 № 15 "About division for technology transfer, innovation activity and intellectual property."

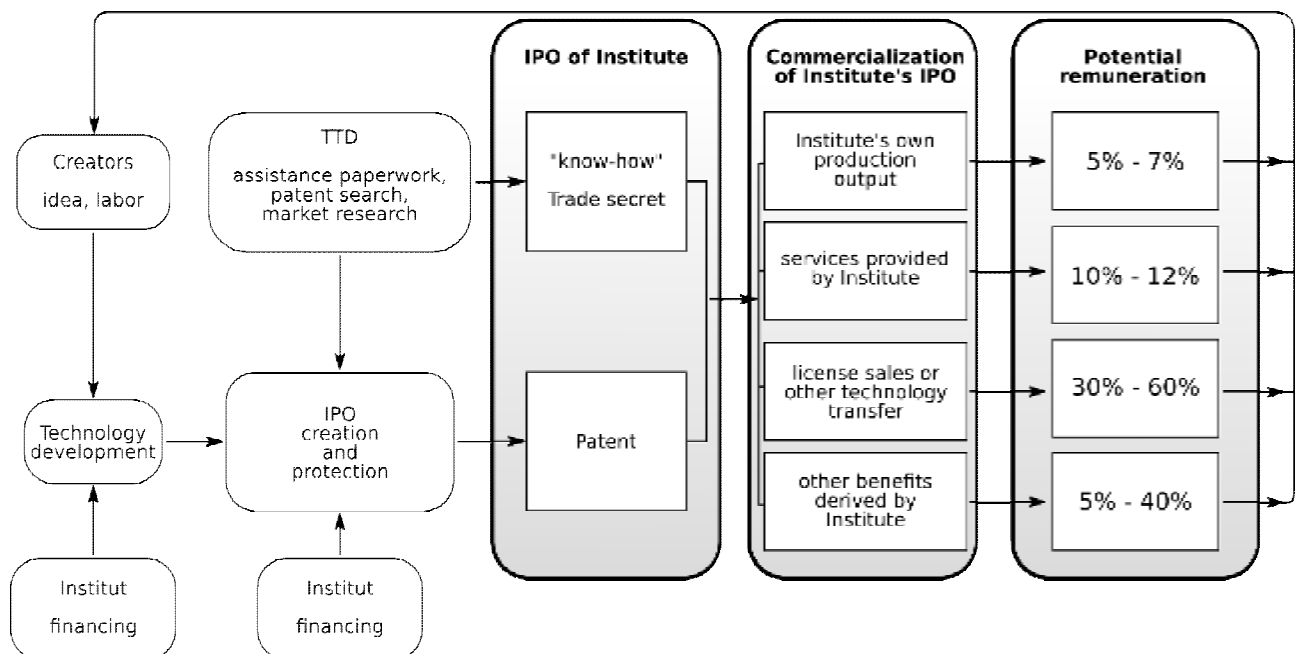


Fig.1. Ways of commercialization of OIP and possible amount of remuneration for the creators of technology

These divisions are actively involved in the process of creation and protection of OIP and in further process of commercialization. Potential scheme of OIP creation in scientific institution is shown in Figure 2.

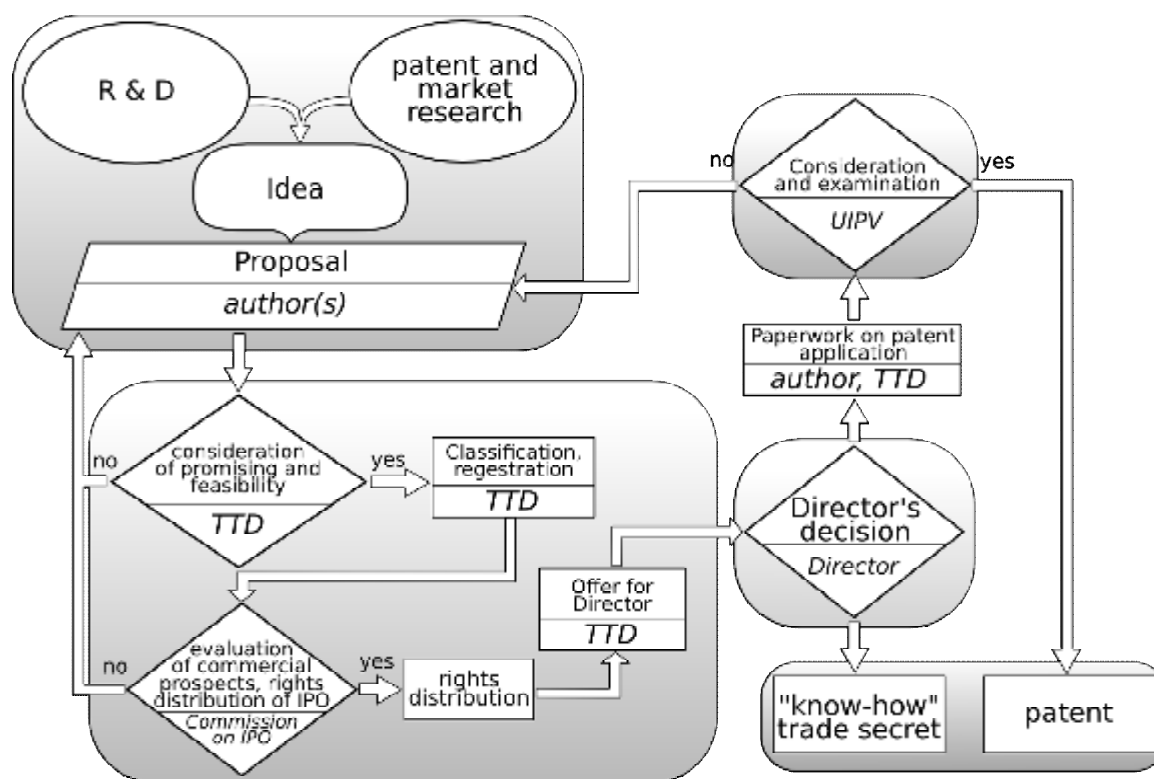


Fig.2. Schematic representation of the process of creating of OIP in the scientific institution

The results of R&D activity can be presented in the form of ideas even without any material implementation. Lawful entry into economic turnover of scientific and technological activities including object of intellectual property is possible only after the execution of the order of rights which are established by the state on usage, application and managing. Otherwise become impossible to protect relations with the transfer of rights and obtaining of material gain from unfair competition.

According to the latest changes in the Law of Ukraine "On state regulation of activities in technology transfer field" rights on technology and intellectual property that were created by the budget funds will belong to the developer-organization in such case if the Customer within 2 months does not notify the organization-developer about acquiring the rights to them.

Expenses which are associated with obtaining protection property rights on OIP, support for their force as well as conducting of patent research carried out by the Contractor (Institute or University) at its own cost of the general "special" fund and other income. Usually giving of this right for usage of such OIP to third parties is carried out by the Contractor solely on the basis of a license agreement in accordance with requirements of articles 1108-1110 of the Civil Code of Ukraine.

The aim of the commercialization process is making a profit through the use object of rights of intellectual property in their own production or sale or transfer of rights for usage to other legal or private persons. It is believed that commercialization through use of the intellectual property objects is the most profitable in terms of profits in own production.

All the profits from the sale of an innovative product that obtained by intellectual property remains with the rights holder of IPO. Therefore, in most developed countries creators and scientific institutions (universities and institutes) are allowed to create «spin-off» or «start-up». Unfortunately, in Ukraine institutes are forbidden to include IPO rights belonging to these institutions in the authorized capital of private companies. Although, for example, In Russia in

accordance with the law number 219 (217-Φ3) it is allowed creation of organizations and enterprises on the base of scientific institutions for commercialization of scientific developments. This law has couple of contradictions with other laws of Russian Federation and needs future improvements.

Ukrainian government institutions cannot sell or dispose of IP rights, they can only transfer the right to use the intellectual property object under license agreements. The owner of the rights to any industrial property (licensor) may sell the license (to give permission for use of intellectual property) to any person (licensee) if he is unwilling or unable to use the appropriate object. Sale of licenses is the way of introduction of the technologies in the market without selling marketable product. Proceeds from the sale of licenses allow legal entities or individuals to cover their costs for research. The purchase or sale of a license is a business transaction. The fact of the sale or purchase of a license is legally regulated by license agreement, which differs from other contracts of sale since intangible object is sold or acquired.

The licensee obtains the right to use intellectual property only at the territory and for a period specified in the license agreement. Depending on the scope of rights transferred by the current Civil Code of Ukraine licenses can be: exclusive, individual and non-exclusive. The exclusive license is granted only to one person and excludes the use by the licensor of intellectual property objects in the field specified in this license. An individual license is also issued to one licensee and licensor excludes the possibility of granting licenses to others for use of intellectual property rights in the area limited by the license, but does not exclude the use by the licensor of this IPO in this area. Non-exclusive license does not preclude the use by the licensor of intellectual property object and issuing to others a license to use this object in this area. According to the licensing agreement always provides for the payment of some monetary compensation to licensor. In most cases, the sale of licenses is carried at their estimated bargain price oriented at prices for domestic and foreign markets. The main types of license payments are royalties, lump-sum payments and combined payments. Thus, the licensor has the ability to receive payments from the real income of the licensee during the whole term of the license agreement.

Conclusions and perspectives for further research.

Ties in the "State - science - production" system are inconsistent with the mechanism of intellectual property management. The attention is usually paid to the issues of security and protection of intellectual property rights, while the processes of intellectual property are actually not considered. Today, the main problem facing the Ukrainian institutes / universities is limited use of accumulated innovative capacity, expressed in the number of received patents, registered scientific discoveries etc. Recently, due to the lack of government regulation, the problem of commercialization of research and development is growing, in particular through the creation of companies such as "spin-off" or "start-up», which could be created by research institutes and universities. In the face of international competition, the use by industry of high based on inventions technology became to determine the competitiveness of individual companies and countries. Therefore, understanding and acquiring of skills of rational use of national intellectual capital is so important. Transformation of intellectual property in innovative product suitable for the production and the market is the most difficult step in the chain that connects science and the inventor with the consumer. At the same time with general understanding in public policy are no effective mechanisms for supporting of the implementation of national high-tech developments and those that exist are ineffective.

Experience of advanced countries in technological mean indicates that participation of the state in the development of infrastructure that would help implement and monitor the process of technology transfer in Ukraine through: creation of incentive system for the author (creator of OIP); identifying of the specific mode of usage of scientific results for public contracts; state support for innovation activity; preferential tax treatment and credit; implementation of policy course on the export and import of technologies; creation of technologies transfer infrastructure (information services, technology incubators, tech parks) is necessary [8-11].

For successful commercialization of intellectual property necessary to create the economic infrastructure of the economy which should be receptive for innovation activity and technologies transfer. Also it is necessary to actuate participation of small businesses and provide funding for research and scientific and technological development, provide marketing investigation of intellectual property protection and stimulate activity of small businesses with the help of state big business for creating of innovative technologies and products.

Ukrainian market of intellectual property is in development stage and its mechanisms are not sufficiently promoting to efficient distribution of immaterial resources. Due to this fact the issue of improving the mechanism of commercialization of intellectual property belongs to the most important theoretical and practical aspects of economic development. Such problem is exceptional importance in conditions of modern Ukrainian economy.

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Keywords: echnical objects, intellectual property, a system of incentives, commercialization.

Ключові слова: технічні об'єкти, інтелектуальна власність, система стимулів, комерціалізація

Ключевые слова: технические объекты, интеллектуальная собственность, система стимулов, коммерциализация

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THE LICENSING OF BUSINESS ACTIVITY AND THE ADMINISTRATIVE LIABILITY FOR BREACH OF CERTAIN LICENCE CONDITIONS

Maka Salkhinashvili - Academic Doctor of Law, Full Professor in Public Law. Gori State Teaching University. Georgia.

Giuli Giguashvili - Academic Doctor in Economics, Full Professor. Gori State Teaching University. Georgia.

Maka Salkhinashvili, Giuli Giguashvili - The Licensing of Business Activity and the Administrative Liability for Breach of Certain Licence Conditions.

The legal reforms undertaken in Georgia have offered a number of novelties, including in the field of legal regulation of the issues related to licensing. Licensing is defined as granting of the right to a natural or legal person or any other organizational entity for undertaking certain activity. Such activity usually serves the business objectives and aims at deriving profit. It is therefore important to explore as to what extent the effective legislation ensures the protection of the rights of entrepreneurs in the process of licensing. The issues related to compliance with the licence and permit conditions or breach thereof and the related liabilities should become the subject of scholarly review.

Мака Салхінашвілі, Гіулі Гігуашвілі - Ліцензування підприємницької діяльності та адміністративна відповідальність за деякі порушення ліцензійних умов.

Правова реформа, що проведена в Грузії, запропонувала багато нового, в тому числі правове регулювання питань, пов'язаних з ліцензуванням. Ліцензування увазі надання права здійснення певної діяльності фізичним, юридичним або іншим організаційним утворенням. Здійснення такої діяльності, як правило, пов'язано з підприємницькими цілями і орієнтована на отримання прибутку. Тому досить значний питання, наскільки дієве законодавство захищає права підприємців в процесі їх ліцензування; підлягає вивченню на науковому рівні виконання ліцензійних та дозвільних умов, порушення і накладення відповідної відповідальності. У чинному законодавстві є певні прогалини і, на нашу думку, потребує вдосконалення. У статті вивчені суперечливі статті діють в Грузії законів і недоліки їх практичного застосування.

Мака Салхинашвили, Гиули Гигуашвили - Лицензирование предпринимательской деятельности и административная ответственность за некоторые нарушения лицензионных условий.

Проведенная в Грузии правовая реформа предложила много нового, в том числе правовое регулирование вопросов, связанных с лицензированием. Лицензирование подразумевает предоставление права осуществления определенной деятельности физическим, юридическим или другим организационным образованиям. Осуществление такой деятельности, как правило, связано с предпринимательскими целями и ориентирована на получение прибыли. Поэтому весьма значителен вопрос, насколько действующее законодательство защищает права предпринимателей в процессе их лицензирования; подлежит изучению на научном уровне выполнение лицензионных и разрешительных условий, нарушение и наложение соответствующей ответственности. В действующем законодательстве есть определенные пробелы и, по нашему мнению, нуждается в совершенствовании. В статье изучены противоречивые статьи действующих в Грузии законов и недостатки их практического применения.

The Law of Georgia on Licences and Permits was adopted on 24 June 2005, whereupon the Law of Georgia on the Grounds for Licensing and Permitting of Entrepreneurial Activity was

invalidated with immediate effect. As for the administrative liability for breach of licence conditions, it is governed by the Law of Georgia on Administrative Offences.

According to the Law of Georgia on Licences and Permits, the decisions on issuance of licence, refusal to issue or to revoke a licence [1, Article 10], as well as the decision on granting a user licence by an auction [1, Article 18] constitute the administrative legal acts. Hence, the protection of rights of licence seekers is ensured through the administrative legal proceedings. The Law also establishes that a refusal of an administrative body to issue a licence must be grounded [1, Article 10]. Furthermore, the Law specifically provides for the means of appeal of the refusal to issue a licence to operate. It is noteworthy that according to the Law of Georgia on Licences and Permits, in case of filing an administrative claim or appeal, the decision on issuance of a licence, refusal to issue a licence or revoke a licence shall not be suspended unless decided otherwise by the license issuing authority or the administrative body and/or the court, which is considering the claim (appeal). [1, Article 23]

The requirement for seeking a licence or a permit applies to any activity that is subject to the State regulation and is associated with the elevated risk to human life or health, concerns the State or public interests of high significance or involves the use of the State resources.

The Law of Georgia on Licences and Permits distinguishes two main types of licences: a user licence and a licence to operate. A licence can be general or special. The Law of Georgia on Licences and Permits, as currently in effect, recognizes 43 types of licences to operate 11 types of user licence and 55 types of permits.

In the recent years, the procedures of licensing and permitting have undergone simplification in Georgia. According to the Law, normally, the same simplified administrative procedure applies to issuing a licence to operate, as prescribed by Chapter VII of the Law for obtaining a permit. However, the public administrative procedure applies to issuing of certain types of licences to operate as specifically defined in the Law. [1, Article 8]

The Law of Georgia on Licences and Permits defines a licence as the right to undertake certain activity, granted to a person by an administrative authority through an administrative act, subject to compliance with the conditions prescribed by the law. [1, Article 3] In our opinion, this definition must be revised to reflect the 2005 amendment to the General Administrative Code of Georgia, whereby “an administrative act” is referred to as “an administrative legal act.” We therefore believe that the reference to “an administrative act” must be replaced by “an administrative legal act” in the Law of Georgia on Licences and Permits.

Based on Article 21 of the Law of Georgia on Licences and Permits, the fulfilment of licence conditions by a licence holder shall be monitored by the licence issuing authority. According to Article 22.1 of the referenced Law, failure by the licence holder to comply with licence conditions set by the law shall inflict a penalty upon the licence holder, pursuant to the rule prescribed by the legislation. The amount of penalty shall be determined by the law. [1, Article 22]

Failure of the licence holder to comply with the licence conditions within the fixed term shall cause tripling of the amount of penalty. This measure is legally supported by the provisions of Article 36¹ of the Code of Georgia on Administrative Offences.

Article 22.3 of the Law of Georgia on Licences and Permits stipulates that if the licence conditions have not been met by the licence holder by the expiry of the term set upon the imposition of the tripled penalty, the amount of the imposed penalty shall be tripled again. [1, Article 22]

The regulator does not specify as to which amount shall be subject to tripling, although it is assumed that the original penalty shall be tripled and then this amount shall again be tripled. We believe that the Law is excessively stringent in this case.

Based on Article 22.4 of the Law of Georgia on Licences and Permits, if, notwithstanding imposing of penalties, the licence holder fails to ensure fulfilment of licence conditions, the licence issuing authority shall make decision to revoke a licence, while revocation of a licence means that the decision on issuing a licence shall be rendered null and void in accordance with the provisions of the General Administrative Code of Georgia.

In the instances specified in the Code of Administrative Offences of Georgia, a protocol of an administrative offence shall be drafted, which shall then be reviewed by an authorized administrative body. For instance, in the event of failure by a licence holder in the power sector to fulfil the requirements set forth by the Georgian National Energy and Water Regulatory Commission (GNERC), the protocol of administrative offence shall be drafted by the GNERC [2, Article 228], whereupon, as prescribed by Article 228¹ of the Code of Administrative Offences of Georgia, the case of administrative offence shall be heard by the GNERC at the public meeting and the resolution [2, Article 267] shall be rendered within 7 days [2, Article 262]. We note an inconsistency in the effective laws of Georgia, namely, according to the Code of Administrative Offences of Georgia, an administrative body renders a resolution, while according to Article 5 of the Law of Georgia on Electricity and Natural Gas, the legal acts rendered by the GNERC are resolutions and decisions [3, Article 5]. The resolutions rendered by the GNERC are the normative administrative legal acts, while the decisions are individual administrative legal acts. This implies that the resolutions rendered on the cases of administrative offences are normative administrative legal acts, which is incorrect, because the resolution rendered in relation to the administrative offence is an individual administrative legal act by its meaning. We believe that the issue must be further refined. It is possible that the document rendered on the case of administrative offence may be referred to as “the decree” as suggested by the Draft Code of Administrative Offences. [4]

Also worthy of note is the rule of appeal of a decision on revocation of a licence, as regulated by Article 23 of the Law of Georgia on Licences and Permits, whereby in case an administrative claim or appeal is filed, the decision on revocation of a licence shall not be suspended, unless decided otherwise by the licence issuing authority or the administrative body and/or the court considering the claim (appeal). [1, Article 23] The referenced article contradicts with paragraph 5 of Chapter 2 of the Administrative Procedures Code of Georgia, which stipulates that the court shall not admit a claim against an administrative body if the claimant has not used the one-time opportunity of filing an administrative claim [5, paragraph 5, Chapter 2.], in line with the procedure prescribed by the General Administrative Code of Georgia. The General Administrative Code of Georgia, in particular, Article 178 thereof, states that a person may appeal to the court to protect his/her rights and freedoms, pursuant to the procedure prescribed by the General Administrative Code of Georgia. [6, Article 178] It appears that under the Law of Georgia on Licences and Permits, a person has the right to opt between the forms of appeal by either appealing to a higher administrative body or to the court, while the General Administrative Code and Administrative Procedures Code of Georgia clearly state that a person must appeal first to a higher administrative body before appealing to the court. We believe that this inconsistency in the legislation must be rectified. It is thought that the wording in the Law of Georgia on Licences and Permits is of more democratic nature and provides more protection of a person’s rights and freedoms, as compared to the administrative legislation. We therefore consider it appropriate that a general rule of appeal of an administrative legal act should be amended and improved in the context of protection of the rights of individuals.

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2. Code of Administrative Offences of Georgia.
3. Law of Georgia on Electricity and Natural Gas.
4. Draft Code of Administrative Offences.
5. Administrative Procedure Code of Georgia.
6. The General Administrative Code of Georgia.

Key words: Licences and permits, licensing of business activity, administrative liability.

Ключові слова: Ліцензії та дозволи, ліцензування підприємницької діяльності, адміністративна відповідальність.

Ключевые слова: Лицензии и разрешения, лицензирование предпринимательской деятельности, административная ответственность.

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EVOLUTION OF THEORY AND PRACTICE OF MANAGEMENT IN THE CONDITIONS OF NETWORK ECONOMY

Plakhotnik H., Doctor of Science in Economics, Professor of Economics and Production Dneprodzerzhinsk State Technical University, m. Dnipropetrovsk

Plakhotnik H. Evolution of theory and practice of management in the conditions of network economy.

Questions which are related to researches of pre-conditions of management enterprises in the modern terms of menage are examined. Displacement of accent is marked from a vertical management on horizontal due to the fork of connections both at the level of associations and at the level of enterprises and their subsections. Advantages of network forms of organization of enterprises are marked due to the incorporation of knowledges and their use in the most cost-effective segments of market. Research of evolution of understanding of network management different research workers is conducted, general lines and features of interpretation of this category are selected. The stages of global transformations in an economy, which are related to appearance of networks of new quality and form, are selected. A role and meaningfulness of Internetnetwork, new of informatively communication technologies and management conceptions, is considered on forming of new socio-economic order - global network society and network economy. Research of scientific sources allowed to separate three going near the analysis of networks: structural, topographical and organizational. Classification of networks is conducted on different signs. The basic differences of networks are selected from other forms of administrative structures, including from hybrid. Drawn a conclusion about the necessity of development of new mechanisms of management modern enterprises. In basis of construction of enterprises and their co-operation with each other narrow functional not specialization which rotined the defects in practice, but integration processes, lies in administrative activity. The traditional hierarchical structures of management are complemented numerous horizontal copulas.

Плахотнік О. О. Еволюція теорії і практики управління в умовах мережевої економіки.

Розглядаються питання, що пов'язані з дослідженнями передумов управління підприємствами у сучасних умовах господарювання. Відзначається зміщення акценту з вертикального управління на горизонтальне за рахунок розгалуження зв'язків як на рівні об'єднань, так і на рівні підприємств та їх підрозділів. Відзначаються переваги мережевих форм організації підприємств за рахунок інкорпорування знань та їх використання в найбільш рентабельних сегментах ринку. Проведено дослідження еволюції розуміння мережевого управління різними науковцями, виділено спільні риси та особливості тлумачення цієї категорії. Виділено етапи глобальних трансформацій в економіці, які пов'язані з появою мереж нової якості та форми. Розглянуто роль і значущість Інтернет-мережі, нових інформаційно-комунікаційних технологій на формування нового соціально-економічного порядку – глобального мережевого суспільства та мережевої економіки. Дослідження наукових джерел дозволило відокремити три підходи до аналізу мереж: структурний, топографічний та організаційний. Проведено класифікацію мереж за різними ознаками. Виділено основні відмінності мереж від інших форм управлінських структур, в тому числі і від гібридних. Робиться висновок про необхідність розробки нових механізмів управління сучасними підприємствами. В основі побудови підприємств і їх взаємодії один з одним лежить не вузька функціональна спеціалізація, а інтеграційні процеси в управлінській

діяльності. Традиційні ієрархічні структури управління доповнюються численними горизонтальними зв'язками.

Плахотник Е. А. Эволюция теории и практики управления в условиях сетевой экономики.

Рассматриваются вопросы, которые связаны с исследованиями предпосылок управления предприятиями в современных условиях ведения хозяйства. Отмечается смещение акцента из вертикального управления на горизонтальное за счет разветвления связей как на уровне объединений, так и на уровне предприятий и их подразделов. Отмечаются преимущества сетевых форм организации предприятий за счет инкорпорации знаний и их использования в наиболее рентабельных сегментах рынка. Проведено исследование эволюции понимания сетевого управления разными научными работниками, выделены общие черты и особенности толкования этой категории. Выделены этапы глобальных трансформаций в экономике, которые связаны с появлением сетей нового качества и формы. Рассмотрена роль и значимость Интернет-сети, новых информационно-коммуникационных технологий, на формирование нового социально-экономического порядка - глобального сетевого общества и сетевой экономики. Исследование научных источников позволило отделить три подхода к анализу сетей: структурный, топографический и организационный. Проведена классификация сетей по разным признакам. Выделены основные отличия сетей от других форм управленческих структур, в том числе и от гибридных. Делается вывод о необходимости разработки новых механизмов управления современными предприятиями. В основе построения предприятий и их взаимодействия друг с другом лежит не узкая функциональная специализация, а интеграционные процессы, в управленческой деятельности. Традиционные иерархические структуры управления дополняются многочисленными горизонтальными связками.

Raising of problem is in a general view. A modern economy is the generation of informative epoch and network society, which is characterized simultaneous transformation of economy, labour, employment, culture, policy, state institutes, space and time. Network society is based on a new, virtual economy in which knowledge and information become the key factors of the productivity and competitiveness. They are major constituents which form quality of human capitals, to utilize their ability modern technologies and to manage the newest informative and economic systems. [1]. An economic crisis sharpened the problem of choice of new directions of development of the socio-economic systems in behalf of network approach. After network approach a market is the aggregate of separate subjects (market participants), which by permanent co-operation product the protracted copulas which are characterized the presence of mutual trust and allow to reduce transaction charges and create subsoil for the general use of resources. Development of management conception in the new terms of management need the enterprises of network economy, effective mechanisms of their functioning, research of evolution of their theory and practice of management.

Analysis of the last researches and publications. The questions of becoming, development and forming of network forms of organization, were examined in works And. Aganbegyana, L. Abalkina, And. Ansoffa, Blekuella, Is. Golubkova, K. Kelli, M. of Kinga, In. Kupermana, P. of Miniarda, S. Parinova,, M. of PorteraPatyurelya, And. Ryueg-shtyurma. Fridmena, M. Khita but other The specific of functioning of separate types of economic networks was probed in the works In. Andrienko, N. Apatova, And. Babaev, And. Biryukov, In. Gorfinkel', In. Gryaznevich, And. Dinkin, S. Dyatlov, D. Evtyukhin, D. Ivanov, K. Kastelos, I. MicenkoPatyurel', V. Shvandar et al. The synergistical and multiplicative effect of innovative activity is considered in works And. Buleeva, In. Geycya, P. of Lapshina, O. of Malafeeva, And. Muravyova, Yu. Nikitina et al.

Scientific achievements of these scientists are marked certain results in researches of virobniche-komerciynikh and informative networks, cluster forms of organization of economic activity, nonlinear models of innovative activity. However, complex researches of specific of innovative network structures are not present practically in them.

Purpose of the article - to probe development of theory and practices of management of

enterprises in new terms managements which are characterized wide ramified of vertical and horizontal connections.

Exposition of basic material. The uses of weakness of connections, joining of wide number of objects, come forward base operating of network conditions and influence is mediated. In a difference from a hierarchy, where durability of the system is determined the hard forms of establishment of contacts, in a network determined the wide variety of connections. Therefore distribution of influence in a hierarchy is carried out through strong copulas without dependence on their character, and in networks through unsteady weak positive copulas.

The network forms of organization of enterprises allow to carry out the incorporation of knowledges and use of them in the most cost-effective segments of market. In the conditions of network economy distribution of associations of being in a charge subjects takes a place with the purpose of general implementation of types of activity. The participants of association here remain autonomous, but utilize possibilities which do not exist for the separate taken subjects [2].

More wide distribution of network forms of organization of enterprises does the actual task of economic science of study of this phenomenon. Multi-variant approach and complication of connections of enterprises, which lean against modern administrative and technological decisions, determine the necessity of comparative study of different network forms. Thus among economists there is not the unique understanding, which shows by itself network form of organization of enterprises on the whole and what it differs from other forms organizations which take a place in modern society.

The elements of network approach were first formulated in classic sociology, namely in the theory of social exchange of the American sociologist and representative of neobikheviorm George Khomansa. His theory is based on that an exchange social and financial resources is a fundamental form of human co-operation. Going the root in different scientific directions, school of theory of social exchange to focus on research of that, how force of mutual relations of individuals and their effort on achievement of balance in exchange relations influence on the model of interpersonality co-operation [3].

Network relations in an economy passed the protracted enough way of the development. Actually on any stage of development of civilization already there were network structures. Therefore consideration of their evolution, it is possible to begin yet with the period of beforeindustrial development. Although it costs to mark and that exactly of informatively communication technologies (IKT) of XX age gave a shove to sharp growth of role of networks in life of society. In a number of spheres their influence prevails.

The stages of global transformations in an economy are related to appearance of networks of new quality and form (tab. 1).

In the second half XX age is marked duty swift development of networks, scales and intensity of informative co-operation, related to the new coil of scientific and technical progress, application of informatively computer technologies, informative revolution. With appearance and development of Internet-network, new of informatively communication technologies, began to talk about forming of new socio-economic order - global network society and network economy. Exactly in this period an idea is engendered about the new form of menage - electronic network economy which is based on the large-scale use of informatively computer technologies and global informative networks.

In the modern terms of development of the use of network form of organization acquires the special actuality due to advantages and positive eksternaliy, which are given by introduction of network forms in international business. Thomas A. Styuart asserts that «for companies, whose main riches are an intellectual capital, exactly networks, but not hierarchies, are correct organizational constructions». An author names a producibility main advantage of network structures: «a company is networked apt at oneorganization: people form a group round projects which must be carried out» [4].

Table 1

Evolution of economic networks

Economic networks	1th stage - protogenez	2th stage is genesis	3th stage is becoming and development
Trackage	In 1825 the first in the world railway is built by the English inventor Dzh. Stefenson.	Large transcontinental railways	Online- system of sale of railroad tickets over the internet
Communication network	The first prototype of modern telephone is patented in 1876 American O. Belom	Internet network, mobile communication	Electronic government
Market, as a network of exchange	Point-of-sale relations between civilizations of Egipetu, to Greece, Rome	World global market	Electronic commerce
Financial networks	The first central jars arose up at the end of the XVII item (Swedish Riksbank in 1668r., bank of England of 1694r.)	Group of World Bank (more than 187 countries-members - joint owners)	Electronic banking, ecashes
Social networks	A term is a «social network» in 1954 the English sociologist James Barns entered in collection of works the «Human relations»	The first social network appeared in the Internet in 1995 (Classmates.com).	Social networks are in Internet: Facebook (> 69 million users), Vkontakte (11 million users) and Class-mates (> 14 million users)

The same look E.R holds. Meteleva, which marks that the «key features of network structures is their producibility, absence of the strongly expressed dependence on the personal list of entries»[5]. On a row with it the «network form of organization provides all of aggregate of members of network and to every participant operatively to execute separate enhanceable flexibility and ability task optimum or near to optimum a mean».

In opinion of research workers of V.S. Katkalo and V.N. Shemrakova essence of network principle of organization of business consists in replacement of multilevel hierarchies the clusters of firms or specialized biznes-odinic which are co-ordinated market mechanisms[6].

M. Rayss explains the attractiveness of network structures high production indexes which are conditioned the followings factors: by a competence and efficiency of organizational network. According to his the opinion, the best partners-performers are engaged in the decision of various tasks, what a highly productive competence is arrived at due to [7].

Y. Ryuegg-Shtyurm and L. Akhtenkhaben point argument in behalf of network structures: «the traditional hierarchical and bureaucratic forms of organization and management in many cases do not answer megascopic requirements to the modern enterprises concerning their ability to the rapid changes, studies and modernization, that is why the special attention is spared creation of network similarof internalfirmstructures» [8].

R. Patyurel in the labour of «Creation of network organizational structures» accents, that strongly hierarchical organizational structures yield to a place the network systems which represent copulas between the elements of internal and external environment of enterprises. The strategic going near a management networks enables to reduce charges and increase incomes, instrumental in the acceleration of adaptation and adaptation of enterprise to the changeable situation in an external environment. Ієрархічні організаційні структури

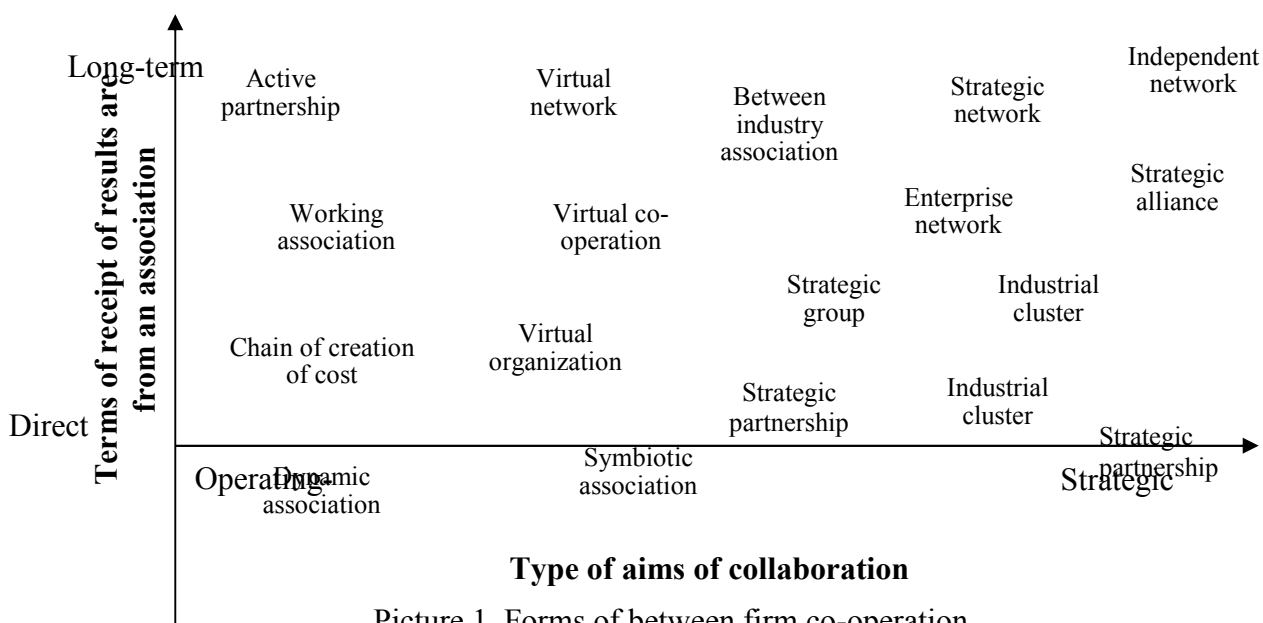
Enterprises which are between itself in even relations without subby contract come forward the subjects of network economy.

Subjects economies, formed on the basis of network structures, have high oneorganization which means creation and development of networks «from below upwards», but not «from above downward» from the side of governments, ministries and other plenipotentiary organs. Forming of such quality of co-operation conditioned by the features of subjects of these relations.

The network forms of organization and management enterprises have the followings advantages unlike hierarchical: mastering of new knowledges and skills takes a place better in network organization through the maintainance of variety of procedures of search and providing of participants the greater volume of information; economic advantages of network form of organization show up in cutting of transaction costs in comparing to traditional command hierarchical a form; a network diminishes a vagueness for enterprises, that to it enter.

In opinion of S.V. Degtyareva and A.A. Zemlyakova a «network gives the special form and character of co-ordination of elements. As an organizational structure it owns certain rich in content descriptions» which in most cases are its advantages: free exchange by information between all of participants of network which diminishes the unevenness of domain by it. Reputation begins to play a leading role; not variables of transaction charges and the effect of synergy is promoted firmness of network forms of organization; presence of the protracted connections between subjects, as network organization combines in itself equal in rights horizontal copulas (as in a market organizational structure) and protracted copulas (as in a hierarchical structure); realization of informative exchange of direction, as an amount of mediators between the sender of information and its recipient is minimum (and in an ideal absents quite), distortion of information also minimum.

Considerable payment of researches in this area was become by description of wide spectrum of network forms - joint ventures, incorporated rules, associations, cartels, social and personal networks. On p. 1 different forms are presented co-operations, which belong different researchers to the networks, which can not be named networks in a clean kind.

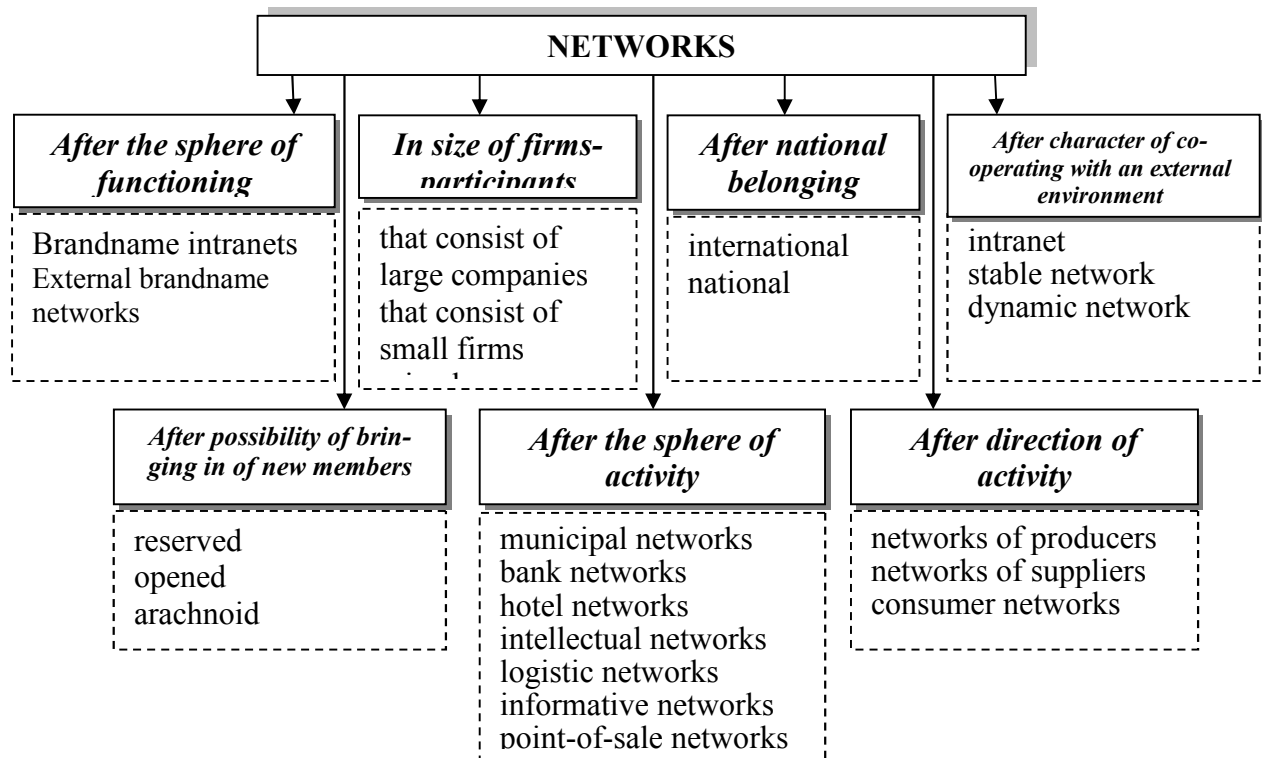


Picture 1. Forms of between firm co-operation

Research of scientific sources allows to separate three going near the analysis of networks: structural - provides for, that a «network is name the special organizational structures of local interface management». The main instrument of structural approach is a theory of the graphs. It staples are «tops» (companies or firms are members of network) and «rebra»- copulas (informative, administrative, technological and other) between them; topographical - which classifications which take into account geographical, normative, social and other aspects are used at; organizational - externalfirm networks are examined, as the new stage of development in the evolution of

organizational structures of management of enterprise: linear - functional - divizional - matrix - network.ЗОВНІШНІ

The analysis of theoretical bases and features of development of network enterprises allows to classify networks after signs, that it is presented on p. 2.



Picture2. Classification of networks

Table 2

Forms of externalbrandname networks

Criterion of classification	of Strategic alliance	Chainlet (network) of creation of value	Focal network of deliveries	Dynamic focal network	Virtual organization
Type ofKvazi integration	Horizontal (with the elements of vertical)	Vertical (with the elements of horizontal)	Vertical	Vertical, horizontall	Vertical, horizontall
Correlation of degrees of influence	Focal (rarer policentralized)	Policentralized	Focal	Focal	Policentralized
Stability of group	Stable	Stable	Stable	Dynamic	Dynamic
Internal competition	Usually, absent	A competition is possible (horizontal)	After involvement to the leader absent, possible between suppliers	For a right for ordering fulfillment	For acceptance of participating in a project
There is a netlogon	Limited	Limited	Limited	Free	Free or limited
Size of companies	As a rule, large, but can be small or middle enterprises	All of types of enterprises	One large player and small and middle enterprises	Usually large player and small and middle enterprises	Mali and middle enterprises
Task co-operation	Improvement of indexes, innovation, distributing	of riskImprovement of business capabilities	Improvement of business capabilities	Growth, choice of the best services	Growth (achievement of «virtual size»), studies

Thus, as traditional multilevel hierarchical forms of organization and management do not answer the modern requirements of market and does not maintain the swift changes of external environment of enterprise everything is more frequent passed to the modern methods by managements which are related to network organization of business. Classification of networks allows to separate the features of co-operation of participants of network and allows to probe directions of their functioning.

For understanding of essence of networks it follows to select them basic differences from other forms of administrative structures, including from hybrid (tab. 2).

Network character of economy of modern enterprises produces new requirements to the mechanisms of management by them. Walking is away from rational traditional organization in behalf of network, that are based on knowledges and information, carried out through the change of principles of existence and functioning of enterprises. In basis of construction of enterprises and their co-operation with each other narrow functional not specialization which rotined the defects (increase of number of management levels, large volume of efforts from co-ordination and others like that) in practice, but integration processes, lies in administrative activity. Traditional hierarchical structures are a management all greater complemented numerous horizontal copulas.

Conclusions. Consequently, main directions of transformation of organizational structure enterprises is: an orientation wears away from narrow functional specialization to generalization at essence and management, his methods and approaches; walking away from bureaucracy, hard hierarchy, inflexible legalistically, waiver of strict selection of functional and staff lanocs; diminishing of amount of hierarchical degrees on reason of grant advantage of network of the shallow flexible specialized enterprises, but not by a scale and to the extremely centralized organizations; modification of organization of structure of enterprise in forms with as possible less of management levels and predominating of management for horizontal lines, as more effective in comparing to the management for vertical lines; realization of decentralization of row of management functions, foremost production and sale.

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Keywords: management, company, network economy, network structures.

Ключові слова: управління, підприємство, мережева економіка, мережеві структури.

Ключевые слова: управление, предприятие, сетевая экономика, сетевые структуры.

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IMPROVEMENT OF AN EVALUATION METHODS OF AN INNOVATIVE COMPONENT OF PERSONNEL POLICY OF THE ENTERPRISES

Vasilichev D., candidate of economic sciences, associate professor at the department of Human resources and labour economics in Zaporizhzhia national technical university, Zaporizhzhia city

Vasilichev D. Improvement of an evaluation methods of an innovative component of personnel policy of the enterprises.

The Author has defined the conceptual bases of construction of personnel policy in the enterprises in accordance with the strategy of its development. The implementation of an enterprise development strategy is realized primarily by constructing personnel policy, which currently has to be innovative-oriented. Contents of personnel policy is not limited in hiring of manpower, it concerns the principal positions of the enterprise in respect to training, personnel development, ensuring a good interaction between the subjects of social and labor relations. The analysis of personnel policy, that exists at concrete enterprises, allows to show the degree of enterprise responsibility to social medium during the formation of personnel structure. Also, the author marked a principal orientation of enterprise toward internal or external sources of recruitment an innovative-active personnel. On this basis, there are traditionally allocated two types of personnel policy - opened and closed. Depending on management, this can be distinguished some different types of personnel programs, which oriented at solving of operational, tactical or strategic problems. These programs include a variety of personnel activities, certain works and projects, aimed at improving the quality of personnel, development of its skills to innovation and rationalization. To create a modern personnel policy in the enterprise, the author proposes an introduction of a new method of performance evaluation in practice in the staff capacity. This method is based on a scoring system or a system of expert evaluations. It can be used for evaluation of the innovative component of labor as well as for an estimation of psychometric characteristics of each the employee individually and also for evaluation of the overall labor potential of the enterprise. In this method should those evaluation criteria component factors be used that affect on staff capacity. The method of expert evaluations can be used for evaluation of creativity or innovative activity of individual workers, by the same way, it can be used for evaluation of the overall creativity of labor in the enterprise.

Василичев Д. В. Удосконалення методів оцінки інноваційної складової кадрової політики підприємств.

Обґрунтовано концептуальні засади побудови кадрової політики на підприємстві відповідно до стратегії його розвитку. Реалізація стратегії розвитку підприємств, в першу чергу, здійснюється шляхом побудови кадрової політики, яка на цей час повинна бути інноваційно-орієнтованою. Зміст кадрової політики не обмежується наймом на роботу, а торкається принципів позицій підприємства відносно підготовки, розвитку персоналу, забезпечення нормальної взаємодії суб'єктів соціально-трудових відносин. Аналіз існуючої на конкретних підприємствах кадрової політики дозволяє виділити ступінь відповідальності підприємства по відношенню до зовнішнього середовища при формуванні кадрового складу, а також її принципова орієнтація на внутрішні або зовнішні джерела комплектування інноваційно-активним персоналом. На цій підставі традиційно виділяють два типи кадрової політики - відкриту і закриту. Залежно від фази менеджменту, що практикується на підприємстві, можна виділити кадрові програми різного типу, які орієнтовані на вирішення оперативних, тактичних або стратегічних задач. Програми включають різні кадрові заходи, окремі напрями роботи і проекти, які направлено на підвищення якості персоналу, розвиток його здатностей до інноваційної активності та раціоналізаторства. Для побудови сучасної

кадрової політики пропонується впроваджувати новий метод оцінки кадрового потенціалу працівників. Цей метод базується на бальній системі, або методу експертних оцінок. Він може бути застосований для оцінки інноваційної складової трудового потенціалу та психометричних характеристик кожного працівника окремо, а також для оцінки загального трудового потенціалу підприємства. В якості критеріїв повинні використовуватися складові кадрового потенціалу та чинники, які на нього впливають. Метод експертних оцінок можна використовувати як для оцінки творчого потенціалу окремих працівників (інноваційної активності), так і для оцінки творчого потенціалу персоналу підприємства загалом.

Василичев Д.В. Усовершенствование методов оценки инновационной составляющей кадровой политики предприятий.

Обоснованы концептуальные основы построения кадровой политики на предприятии в соответствии со стратегией его развития. Реализация стратегии развития предприятий, в первую очередь, осуществляется путем построения кадровой политики, которая в настоящее время должна быть инновационно-ориентированной. Содержание кадровой политики не ограничивается наймом на работу, а касается принципиальных позиций предприятия в отношении подготовки, развития персонала, обеспечения нормального взаимодействия субъектов социально-трудовых отношений. Анализ существующей на конкретных предприятиях кадровой политики позволяет выделить степень ответственности предприятия по отношению к внешней среде при формировании кадрового состава, а также ее принципиальная ориентация на внутренние или внешние источники комплектования инновационно - активным персоналом. На этом основании традиционно выделяют два типа кадровой политики - открытую и закрытую. В зависимости от фазы менеджмента, можно выделить кадровые программы разного типа, ориентированные на решение оперативных, тактических или стратегических задач. Программы включают различные кадровые мероприятия, отдельные направления работы и проекты, которые направлены на повышение качества персонала, развитие его способностей к инновационной активности и рационализаторству. Для построения современной кадровой политики предлагается внедрять новый метод оценки кадрового потенциала работников. Этот метод базируется на бальной системе, или методе экспертных оценок. Он может быть применен для оценки инновационной составляющей трудового потенциала и психометрических характеристик каждого работника отдельно, а также для оценки общего трудового потенциала предприятия. В качестве критериев должны использоваться составляющие кадрового потенциала и факторы, которые на него влияют. Метод экспертных оценок можно использовать как для оценки творческого потенциала отдельных работников (инновационной активности), так и для оценки творческого потенциала персонала предприятия в целом.

Formulation of the problem. One of the central problem in the implementation of socio-economic and political reforms is organizing social and labor relations between human resources in various links of the management system. Now, the personnel management system is considered as one of the most important spheres of activity of these enterprises, which are able to improve on effective functioning. At the same time, the concept of "Human Resource Management" (HR Management) is considered in quite wide range, from economical to philosophical and psychological meaning. It also acquires an important aspect of the integrity of management, functioning and development of enterprises, rational formation of personnel, selection of innovative-active personnel, improving the efficiency of management with all the requirements of the economy.

In industrial countries the personnel policy is aimed at creating such a system of work, which is focused on getting both economic and social effects, in compliance with the existing legislation.

Analysis of recent researches and publications. Human resource management issues have been always a subject of research of Ukrainian and foreign scholars and scientists, which belong to different school of sciences. This subject was touched and investigated by such a famous scientists

as F. Taylor, A. Maslow, D. McGregor, W. Ouchi, V. Kramarenko, G. Shchokin and others. General problems of the strategic human resource management are examined by such a prominent researchers as I. Ansoff, K. Bowman, O. Vyhanskyy, O. Naumov, V. Ponomarenko and others. The experience of foreign enterprises has come into importance under research of HR Management problems. Some actual aspects of HR Management found their reflection in works of S. Belyaeva, N. Winogradsky, N. Zhuravlev, J. Ivantsevych, A. Kybanov, V. Kolpakov, A. Lobanov, S. Mikhailov, M. Murashko, S. Sink, A. Chykurkova, S. Shekshnya, O. Shkanova, G. Shchokia, O. Shur and others [1;2;3;4;5;6;7;8;9;10;11;12]. Some works of A. Kybanov, R. Marra, V. Puhachov, H. Schmidt are devoted to resolving actual issues of HR Management in an innovative area, including the development of an appropriate personnel policy [3, c.136]. The Authors in their works noted, that the recruitment of an innovative-active personnel should take a form of integrated programs, directed at the development of an enterprise, in accordance with the strategy of its management. The authors also indicated on the consideration of main directions of modern personnel policy, as a compulsory measure demographic situation, market tendency and trends, scientific and technical progress, performance evaluation of a personnel, results of work of an enterprise and improvement of HR Management [1, c.235]. In works of G. Schokin are considered psychological aspects of construction a HR policy, specific types of management in male and female working teams, characteristics of "difficult" and successful leaders [11]. As noted by O. Shur, some certain managers of enterprises understand, that the personnel is their main resource and the success of an enterprise, and the quality of products or services, and the popularity among a customers depend only on these people [12, c.36]. A. Kybanov during analyzing the problem of human resource management, such as construction of the personnel policy, emphasizes that planning in HR Management field consists in providing people with working places at the right time, in the right quantity and in accordance with their abilities, proclivities and requirements of production [3, c. 173]. According to S. Mikhailov, as a basis for strategic planning of the personnel, first of all is necessary to put the task of improvement the staff of a company, advanced training of a personnel, development of an organizational culture. Current planning should based on core indicators and rates of long-term and forward-looking planning of human resources. It should reflect actual problems of completing structural subdivisions with necessary employees, their placement, advanced training, performance evaluation of a staff capacity, rational use of operating time, etc. [5, c. 48-49]. Substantiating the concept of workforce planning, V. Kolpakov pays a particular attention to forecasting the need of manpower, lays special emphasis on analyzing a labor productivity and personnel expenses, also the use of the personnel in accordance with its competencies and with strategic plans of an enterprise. One of the methods of construction the human resources policy is to determine staffing requirements and the number of employees for purposeful performing of all the tasks of an enterprise in quantitative, qualitative, temporal and spatial dimensions. [4, c. 154]. In the basis of the personnel planning strategy M. Murashko assumes the budgeting and monitoring of labor standards and norms. [6, c. 16]. Many of economists, including S. Shekshnya, offer to evaluate the effectiveness of HR Management in several stages: achieving goals, ensuring competencies and necessary requirements, motivation, learning statistics of human resources, estimating costs [10, c.295]. The substantiation of the performance evaluation of work in a company was showed in works of S. Sink [7, c.272].

Summing up publications and works of scientists, the author of this article notes, that the performance evaluation of the personnel management is based on analyzing a personnel policy in the company. This analysis should be done subjectively to every personnel unit. Negative rating of the human resource management shows itself at least because of two reasons: the lack of clear methodology of assessments and underestimation the importance of the HR policy and of following problems. However, complicated and multifarious formation of the economic environment in the country today is particularly actual and important and it requires the development of new methodological approaches for construction of the personnel policy, aimed at creating an innovative component of a personnel.

The purpose of the article. The purpose of the article is the improvement of the process of constructing the personnel policy of enterprises by introduction the method of expert estimations of the innovative component of a labor, as one of several methods of the personnel evaluation.

The presentation of the material. Among the variety of problems connected with ensuring an effective development of enterprises, in modern economic conditions one of the main topic is the issue of Human Resource Management. As the result of changes in the economy, creation various forms of the ownership, competition, structural and technological changes in Ukrainian industry, regular renewing of informational technologies, took place essential changes in the function of human resources. More and more the HR Management is recognized as one of the most important spheres of the activity of enterprises, that are able to increase their efficiency and productivity.

To characterize a meaning of HR Management author wants to quote the words of John Storey: "Human Resources Management – is a special approach to managing people in the organization, aimed at achieving competitive advantages through the strategic placement of qualified and loyal staff, that uses an integral set of cultural, structural and personnel techniques " [6]. This confirms, that the best rate of growth will achieve those companies that make the bet on human resources and its management. The art of the personnel management consists in the fact to find such approaches and methods that would provide the desired course of events in the company and motivate its employees to work better. Under such conditions the personnel management is an important part of business processes that promotes increasing of the efficiency of enterprises by determining goals, functions, tasks and principles of the personnel policy.

The implementation of a foreign-economic activity depends on skills and qualifications of employees and also on the effective personnel management, that becomes more and more important today. It forms the basis for increasing the competitiveness of enterprises, making progress of the development strategy. The implementation of the development strategy in the company is realized primarily by constructing an innovative-oriented personnel policy. The innovative-oriented personnel policy of the enterprise should meet the following requirements: 1) Should guarantee staffing for carrying out the general strategy of the enterprise. 2) Should be flexible enough. 3) Should be economically substantiated. 4) Should provide an individual approach to employees.

In this way, the HR policy should be directed at formation of such a system of work with the personnel, that oriented to receive not only economic, but also a social effect. The contents of the personnel policy is not limited in hiring of a manpower, it concerns principal positions of the enterprise in respect to training, personnel development, ensuring a good interaction between subjects of social and labor relations. The strategic human resource policy is connected with the choice of tasks, which are intended to the future, at the same time a current personnel work is focused on the efficient solution of personnel issues. Between them should be a correlation in order to achieve the goal. The analysis of the personnel policy of enterprises, allows to show a some certain degree of the enterprise responsibility to the social medium during formation of the personnel structure. Evidently, that enterprises have a principal orientation toward internal or external sources of the recruitment an innovative-active personnel. On this basis, there are traditionally allocated two types of the personnel policy - "opened" and "closed". The opened personnel policy is characterized by that way, that the company is opened and clear for potential partners and colleagues at any of structural levels. A new employee can begin to work as on grassroots positions, as on positions at the top management level. In limited cases, the enterprise is ready to hire any employee or expert, if he/she is appropriately qualified, without taking in account an experience of work in this company or in related companies or enterprises.

The closed personnel policy is characterized by that way, that the company is focused on hiring a new staff only on low-level positions. Herewith, the personnel replacement of higher/top positions takes place only from among the staff of the company. Depending on the management, here can be distinguished some different types of personnel programs, which oriented at solving of operational, tactical or strategic problems. These programs include a variety of personnel activities, certain works and projects, aimed at improving a qualification of the personnel, development of skills to innovation and rationalization.

Thus, the formation of the innovative personnel policy of the industrial enterprise depends on a number of factors that should be necessary taken into account. From the above-stated information we can conclude that the activity of the administrative personnel, primarily finds its position and determines by peculiarities of the personnel policy in the company. However, very often, the personnel policy is limited by the "framework", which exists in the company during the long time. Namely, the current personnel policy requires innovative transformations. That is, the more an enterprise is oriented to foreign markets, the more open and flexible should be its human resources policy. To create a modern personnel policy in the enterprise, the author proposes an introduction of a new method of the performance evaluation of the workforce capacity. This method is based on the scoring system or on the system of expert evaluations. It can be used for evaluation of the labor potential as well as for estimation of psychometric characteristics of each the employee individually and also for evaluation of the overall labor potential of the enterprise. To assess by this method is necessary to form a system of criteria and indicators that characterize the state of human resources, and to determine in an expert way the magnitude or the value (in % or in points) of each the indicator. This should be done so, that the sum of percents or of points would have been equal to 100% or 1. This method makes possible to evaluate different indicators and criteria, as quantitative, as qualitative. As criteria should be used these components of human resources, rates, indexes and factors, which affect it. The method of expert evaluations can be used as for evaluation of the creativity or innovative activity of individual workers, as for evaluation of the overall creativity of the personnel in the enterprise. Each of parameters should be evaluated by the head of department, personnel officer and by the qualified independent expert. The more among evaluators are highly qualified specialists, the higher the level of the evaluation. In Table 1 are adduced indicators by which the author proposes to evaluate a personnel.

Table 1

The Indicators of evaluation of an innovative activity of a personnel

The evaluation criteria	The indicators that characterize the evaluation criteria
1. Qualifications and professionalism of the personnel	1.1. The number of employees that have a Doctor degree or Ph.D. among the innovative-active personnel
	1.2. The number of scientific publications, which were made during the year
	1.3. The number of academic degrees, which were received during the year
	1.4. The experience of work of the personnel in an innovative area
	1.5. The share of the innovative-active personnel in proportion to the total number of the personnel
	1.6. The share of the personnel with higher education in the total number of the personnel
	1.7. The level of professionalism of the personnel
	1.8. The level of the advanced training of the personnel
2. The effectiveness of an innovative management at the enterprise	2.1. The level of the innovative culture
	2.2. The organizational structure of the management
	2.3. The organization of the labor
	2.4. The management style
	2.5. The level of the interfunctional collaboration in innovative projects
	2.6. The system of informational and communicative relations
	2.7. The effectiveness of incentive schemes of the rationalization
	2.8. The level of cooperation with other enterprises in an innovative area
	2.9. The psychological climate
3. The effectiveness of the creative activity	3.1. The number of innovations, which were offered for consideration during the year
	3.2. The number of innovations, which were implemented during the year
	3.3. The level of the newness of innovations
	3.4. The number of rewards received in competitions and exhibitions for innovative ideas

	3.5. The number of patents, which were registered/ taken out during the year
	3.6. The quantity (the total amount) of licenses (patents) which were sold during the year
4. The psychometric data	4.1. Individual psychological characteristics of employees

Each of the experts for every kind of indicator puts a mark from 1 to 10. Beforehand, experts should study characteristics and features of the personnel. In consequence of estimation results, the chief of the enterprise makes a decision about an improvement of the personnel policy and actions that would ensure the increase of an innovation component of the human resources. Similar practices have been used long time ago in western countries and still it is very popular in many of U.S. and European companies.

Conclusions. In present-day conditions, one of the decisive factors of the effectiveness and competitiveness of the company is providing a high quality of human resources. The essence of the personnel policy is a work with the personnel, which corresponds to the concept of the enterprise development. The formation of the innovative personnel policy of the industrial enterprise depends on some factors, that should be necessary taken into account. On the "flexibility" of the personnel policy affects a number of factors, such as: the hierarchical structure of the company (it is the ratio of "power - subordination"); the culture (common values, social norms); the free market (relationships based on the purchase and sale). Based on the analysis of HR policies, that are valid and applied in enterprises, the author offers to include the innovative part to the process of the personnel evaluation. Evaluation results allow to construct a personnel policy, that takes into account the development of the innovative activity of the personnel, striving for the development and self-development.

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Keywords: personnel politic, enterprise, staff, strategic planning, innovation activity staff.

Ключові слова: кадрова політика, підприємство, персонал, стратегічне планування, інноваційна активність персоналу.

Ключевые слова: кадровая политика, предприятие, персонал, стратегическое планирование, инновационная активность персонала.

UDK 338

THE CURRENT STATE OF WORLD DEBT

Kapranova L. Ph.D., Associate Professor, Associate Professor of the Department of Economic Theory, State Higher Educational Institution «PRIAZOVSKYI STATE TECHNICAL UNIVERSITY»

Kapranova L. The current state of world debt.

The article made an analysis of the current state of world debt is prevailing everywhere. It shows the rankings of countries by GDP and external debt. The place of Ukraine in the ranking of countries in terms of foreign debt. It was determined that among the countries that are leaders in these rankings are leading countries like USA - 1st place in the ranking, China, Japan, Germany and many others who belong to the highly developed countries. Problems of debt is no exception for Ukraine. It is noted that no country in the world can not do without foreign loans. The bulk of the loans obtained is spent to finance current spending. To finance development projects using only funds from international financial institutions and foreign banks. The external debt of some leading countries exceeds their GDP. It is analyzed the ratio of public and publicly guaranteed debt of Ukraine's GDP and its critical value. Present dynamics of external debt Ukraine in 2003 – 2011 was analysed. It was concluded that Ukraine has a high level of external debt, while its value is not critical for our economy. Modern trends in external debt are such that almost all countries act as both creditors and debtors as without exception are leading the world.

Капранова Л. Г. Сучасний стан світового зовнішнього боргу.

У статті зроблено аналіз сучасного стану світового зовнішнього боргу який склався у всьому світі. Наведено рейтинги країн за ВВП та зовнішнім боргом. Визначено місце України у рейтингах країн за рівнем зовнішнього боргу. Визначено, що серед країн що займають лідируючі позиції в цих рейтингах такі провідні країни, як США – 1 місце у рейтингу, Китай, Японія, Німеччина та багато інших, які відносяться до високо розвинутих країн. Проблеми зовнішнього боргу не є виключенням і для України. Зазначено, що жодна держава в світі не може обійтися без зовнішніх запозичень. Основна частина залучених за допомогою позик коштів витрачається на фінансування поточних видатків бюджету. Для фінансування проектів розвитку використовуються лише кошти від міжнародних фінансових організацій та іноземних банків. Зовнішній борг деяких провідних країн світу значно перевищує ВВП цих країн. Проаналізовано відношення державного та гарантованого боргу України до ВВП та рівень його критичного значення. Наведена динаміка приросту ЗБ України за 2003 – 2011. Зроблено висновок, що Україна має високий рівень зовнішнього боргу, при цьому його величина не є критичної для нашої економіки. Сучасні тенденції зовнішнього боргу є такими, що майже всі країни світу виступають як у ролі кредиторів, так і у ролі боржників, не виключенням є провідні країни світу.

Капранова Л. Г. Современное состояние мирового внешнего долга.

В статье сделан анализ современного состояния мирового внешнего долга которое сложилось во всем мире. Приведены рейтинги стран по ВВП и внешнему долгу. Определено место Украины в рейтингах стран по уровню внешнего долга. Определено, что среди стран занимающих лидирующие позиции в этих рейтингах такие ведущие страны, как США - 1 место в рейтинге, Китай, Япония, Германия и многие другие, которые относятся к высокоразвитым странам. Проблемы внешнего долга не является исключением и для Украины. Отмечено, что ни одно государство в мире не может обойтись без внешних заимствований. Основная часть привлеченных с помощью займов средств расходуется на

финансирование текущих расходов бюджета. Для финансирования проектов развития используются только средства от международных финансовых организаций и иностранных банков. Внешний долг некоторых ведущих стран мира значительно превышает ВВП этих стран. Проанализировано соотношение государственного и гарантированного долга Украины к ВВП и уровень его критического значения. Приведена динамика прироста ВД Украины за 2003 - 2011. Сделан вывод, что Украина имеет высокий уровень внешнего долга, при этом его величина не является критической для нашей экономики. Современные тенденции внешнего долга являются таковыми, что почти все страны мира выступают как в роли кредиторов, так и в качестве должников, не исключением являются ведущие страны мира.

Scientific problem. One the main characteristics that features the modern world economy is the lack of own resources in almost all countries of the world that are required for domestic investments to cover budget deficit, the socio-economic transformation and fulfillment of foreign loans obligations, and so on. Some countries are both creditors (US, Japan, Germany) and debtors (US, Japan, Germany) others - only debtors. Modern global flows of financial resources are largely based on the unpredictable economic development and unpredictable current account balance. The changes in the global economic environment that has created new challenges for governments, private sector and international financial institutions, and concern indebtedness are primary among these tasks. For characteristic of the current financial resources globalization movement beyond national borders, that is regulated by a set of relations connected with the formation, accumulation and use of resources internationally. Therefore, the current problems indebtedness ranks top in the world.

Analysis of recent research and publications. Theoretical and practical issues of public debt devoted to the work of local economists, namely O.D. Vasylyka, Nalivaychenko S.P., S.L. Londar, O.V. Tereshchenko, O.M. Mozgovuy, T.E. Obolenska, T.V. Musiyets, N.I. Kostina, V.I. Kravchenko, I.I. Lukinov, I.O. Punina, A.M. Moroza, S.S. Osadtsya, V.M. Fedosova, S.I. Yuriya, Furman I.V., Pasichnik U.V. and others.

The article aims to define the current state of world level of debt and Ukraine's place in global debt processes.

Basic material research. Nowadays it is a clear tendency among all countries in the world to increase the level of external debt. All countries at the same time are acting as borrowers in one country and as creditors in another.

The amount of debt of the vast majority of countries around the world are constantly increasing, as the result of this phenomenon national economies can face the budget deficit, increase in the costs to support the national currency and to finance social and infrastructure programs, which is not comparable to the state budget that implement them. The level of national debt is interesting to economists who are making researches of the financial affairs of their country. The process of obtaining loans allows the country on the one hand quickly solve urging problems and provide financing of the national projects, and on the other hand - this is an inefficient use of borrowings that will significantly increase the financial pressure on the state budget in future years.

(1) In the Table 1 it is depicted the rankings of the country's GDP and external debt in 2012 (trln. \$). The countries that leads these rankings are the leading countries like the United States (1st place in the ranking), China, Japan, Germany and many others that are highly developed countries. External debt problems are no exception for Ukraine as well.

In the ranking of countries by GDP and external debt in 2012, Ukraine ranks 53 in the world rankings of GDP and 38 in the rating of the external debt (Table. 1).

The main indicator that shows how much the level of public debt is critical is its stake in GDP. According to various sources, this figure should not exceed 60% of GDP. According to leading organizations such as the CIA, Eurostat and IMF, the public debt of some of the leading countries such as Japan, the USA, Great Britain is much higher than the GDP of these countries (Table. 2). The ratio of public debt to GDP of Ukraine adds 40%, and we can conclude that our

country hasn't achieved the critical level of indebtedness. It is believed that the higher the GDP, the smaller is its external debt, and vice versa, if the GDP is low, external debt is high. Lets describe some countries with a significant amount of GDP and that occupy the top places in the ranking. We can also find out what place took Ukraine in this rating (Picture 1).

Table 1 - Ratings countries for GDP and external debt in 2012 (bln. \$)

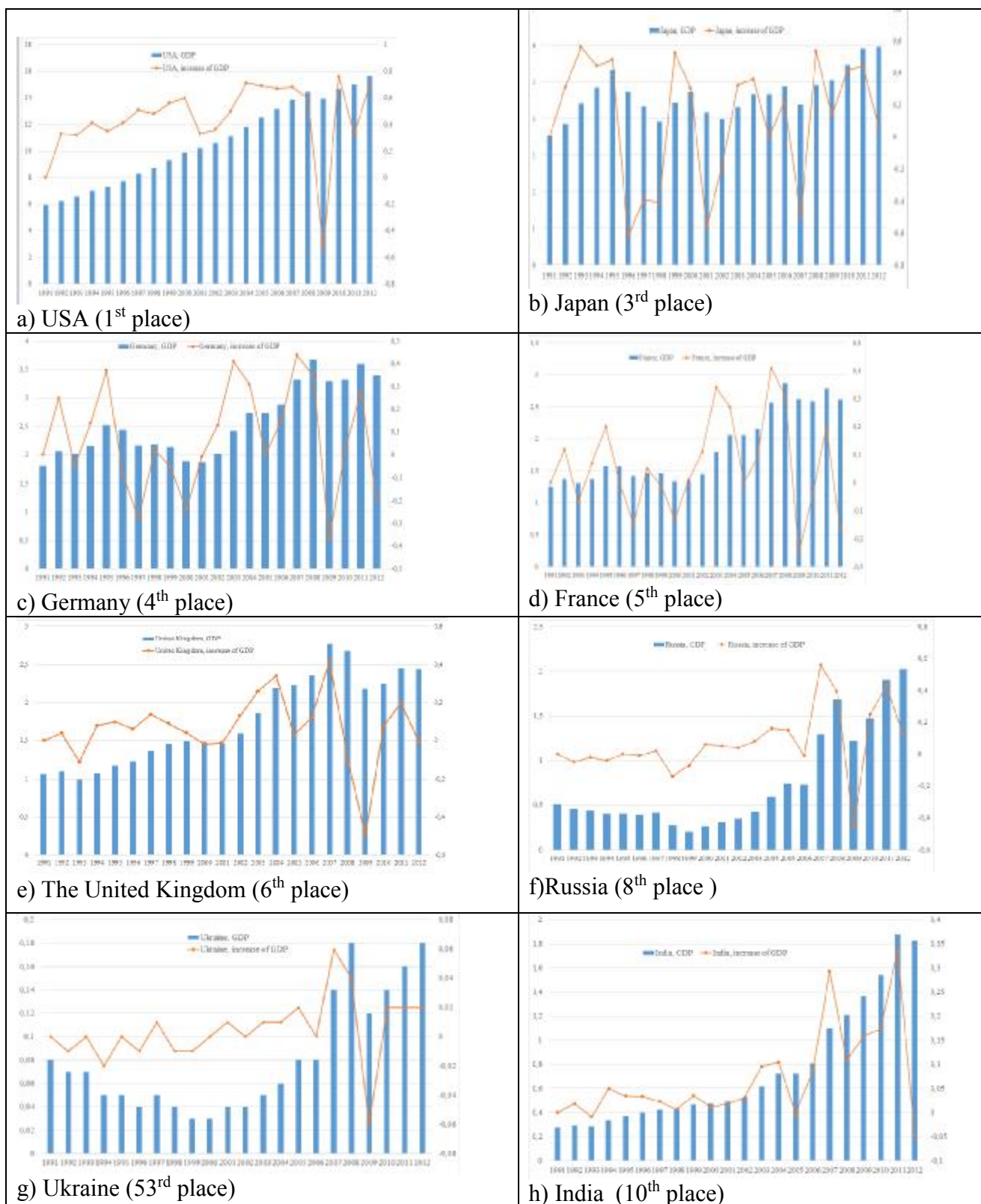
№	Country	Global Rank	GDP, trillion \$ US	Rating external debt	Foreign debt	№	Country	Global Rank	GDP, trillion \$ US	Rating external debt	Foreign debt
1	USA	1	15,68	1	15,93	17	Turkey	17	0,795	31	0,337
2	China	2	8,25	19	0,71	18	Netherlands	18	0,773	7	2,49
3	Japan	3	5,964	5	3,02	19	Saudi Arabia	19	0,727	40	0,134
4	Germany	4	3,401	3	5,72	20	Switzerland	20	0,632	11	1,563
5	France	5	2,609	4	5,17	21	Iran	21	0,549	86	0,148
6	United Kingdom	6	2,441	2	10,09	22	Sweden	22	0,526	17	1,034
7	Brazil	7	2,396	26	0,428	23	Norway	23	0,501	20	0,65
8	Russia	8	2,022	21	0,632	24	Poland	24	0,488	29	0,364
9	Italy	9	2,014	8	2,46	25	Belgium	25	0,485	13	1,424
10	India	10	1,825	28	0,376	26	Argentina	26	0,475	35	0,141
11	Canada	11	1,819	14	1,33	27	Austria	27	0,399	18	0,808
12	Australia	12	1,542	18	0,808	28	South Africa	28	0,384	36	0,137
13	Spain	13	1,352	9	2,31	29	Venezuela	29	0,382	51	0,075
14	Mexico	14	1,177	30	0,352	30	Colombia	30	0,366	50	0,0824
15	Korea	15	1,156	27	0,413						
16	Indonesia	16	0,878	32	0,251						
	Only		54,526		60,01						
	Ukraine	53	0,176	38	0,135						
	Other states and territories are not recognized		9,459		12,694						
	World GDP (212)		71,643		72,703						

Table 2 - Countries of the level of public debt to GDP

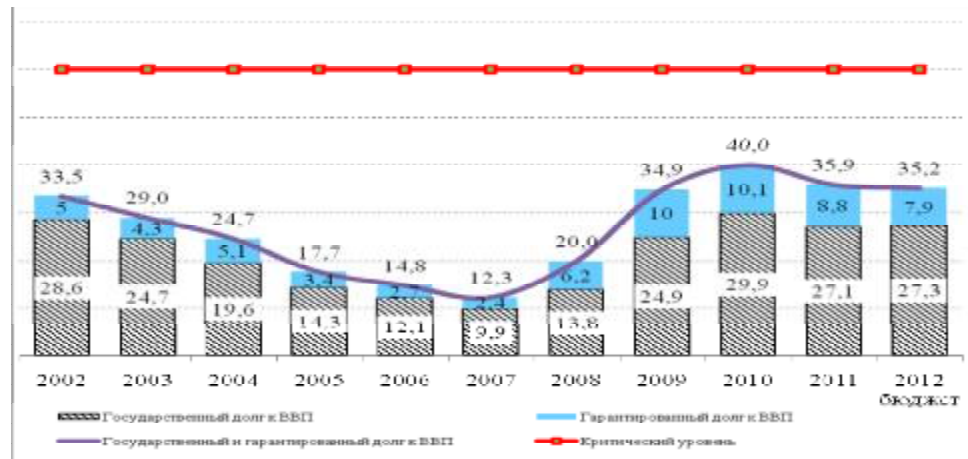
Country	% Of GDP (the CIA and Eurostat)	% Of GDP (IMF)
Japan	197,5	220,00
United States	102	94,36
United Kingdom	79,9	75,50
Switzerland	38,7	54,52
Ukraine	40,1	40,06
Sweden	39,7	39,70
Russia	9,0	11,75

As it can be seen from the research (Table 1 and Picture 1) Ukraine takes 53rd place by GDP among countries in the world in 1991 - 2012 (trillion \$). There are countries that have the level of development far behind our state but have the higher GDP of countries such as Indonesia, Colombia, India, and Mexico.

There's no state in the world that can do without external borrowings. The main part of the raised with the help of loans is spent on current expenditure budget. To finance development projects are only used funds from international financial institutions and foreign banks. The external debt of some of the leading countries of the world is much higher than the GDP of these countries (Picture. 2). In the Budget Code of Ukraine noted that the total debt of the State shall not exceed 60% of GDP, if this limit is exceeded, then the country can be threatened by default. Relative to the external debt, according to different sources shall not exceed 35% of GDP.



Picture. 1 Dynamics of GDP for some countries in the world in 1991 - 2012. (trillion, \$)



Picture. 2. The ratio of public and publicly guaranteed debt to GDP and the level of critical
 Thus, Ukraine has not yet threatened by default, that is, the level of external debt has not yet reached a critical limit, but it is quite significant. At the same time, indicators that give an accurate picture are GDP per capita and external debt per capita. According to these indicators in Ukraine GDP per capita of US \$ 7,500 folds (Table. 3) and occupies only 129 out of other countries, behind countries such as Venezuela, Tonga, Algeria, Brazil and many others.

Table 3 - GDP per capita

Country Name	Global Rank	GDP per Capita (PPP) (\$)
Luxembourg	5	81100
Norway	8	55900
Hong Kong, China	11	52300
USA	12	50700
Switzerland	14	46200
Canada	16	43400
Australia	17	43300
Austria	18	43100
Netherlands	19	42900
Sweden	21	41900
Germany	24	39700
Belgium	25	38500
Denmark	26	38300
United Kingdom	28	37500
Russia	71	18000
Belarus	79	15900
Kazakhstan	89	14100
Venezuela	91	13800
Ukraine	129	7500

According to the level of external debt per capita Ukraine occupies 76th place among other countries. External debt per capita in 2012 to US \$ 3010 folded (tab. 4)

Table 4 - External debt per capita

Country Name	Global Rank	External Debt per Capita (\$)
Luxembourg	1	5191780
Switzerland	6	197211
United Kingdom	7	160039
Netherlands	8	148650
Finland	12	113872
Sweden	13	113579
Austria	16	98312
Cyprus	17	95048
France	18	78619
Germany	19	70339

Country Name	Global Rank	External Debt per Capita (\$)
Australia	21	67997
USA	23	50757
Kazakhstan	50	7824
Bulgaria	51	7181
Lebanon	52	7009
Chile	55	6129
Romania	56	6046
Aruba	57	5332
Grenada	58	5229
Russia	64	4433
Mexico	75	3069
Ukraine	76	3010

If we consider the dynamics of Ukrainian external debt growth in 2003 - 2011, it can be determined that for the period from 2007 to 2011 there was a reduction in growth of external debt of Ukraine, which was a positive aspect in the state.



Picture. 3. Dynamics of Ukrainian external debt growth in 2003 - 2011 (at the beginning of the year, billions US dollars)

Conclusion. The main part of the raised capital by external borrowings is spent on current budget expenditures. Funds from an international financial institutions and foreign banks are only used for financing of development projects. The external debt of some of the leading countries of the world is much higher than the GDP of these countries. Analyzed the ratio of public and publicly guaranteed debt of Ukraine's GDP and its critical value. The dynamics of growth of the Ukrainian external debt growth in 2003 - 2011, Ukraine has a high level of external debt, with its value not critical to our economy. Modern trends in external debt are such that almost all countries act as creditor and a debtor, not the exception, are the leading countries of the world.

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Keywords: GDP, external debt, the critical value, external borrowing, default

Ключові слова: ВВП, зовнішній борг, критичне значення, зовнішні запозичення, дефолт.

Ключевые слова: ВВП, внешний долг, критическое значение, внешние заимствования, дефолт.

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GROUPING OF INDICATORS FOR DIAGNOSTICS OF MARKETING SYSTEM OF ENTERPRISE

Koyuda V., Ph.D., Professor of Management of Kharkiv National Economic University. S. Kuznets

Mazko T., Lecturer Department of Management of Kharkiv National Economic University. S. Kuznets

Koyuda V., Mazko T. Grouping of indicators for diagnostics marketing system enterprise.

Consider the types of diagnostics and conditions of use, depending on the purpose, focus, results and features of specificity and diagnostic facility – the marketing system as a subsystem of enterprise marketing activities. The proposed specific types of diagnostic marketing system enterprise (MSE) with the following features: functional (the direction); analysis – assessment – predict (the process) based on express diagnostics, fundamental and complex diagnostics (by purpose). Examined key aspects of diagnostics MSE as the implementation process based components of the MSE (object, subject, mechanism) for the recommended diagnostic objects (OD): product, price, distribution, promotion (marketing as complex) and proposed in the fifth OD organization of marketing companies. This necessitates the use of appropriate tools (arsenal of techniques, methods and ways of others for processing and for the necessary calculations) and the corresponding sequence as components of diagnostic MSE methodical approach and use the results to improve its functioning and development for the future. Feasibility diagnostic of the MSE due to the presence of a database which is necessary for analysis – assessment – predicting the MSE within marketing activities and therefore grounded approach to the formation of the group as compared to the object diagnostics marketing system enterprise. According to the requirements of MSEs as a subsystem of marketing activities, the indicators subject to the conditions and principles held by the selection of parameters and units are recommended for analysis – assessment MSE forecasting as a basis for the formulation of conclusions, recommendations and propositions for improving the functioning of MSEs and the development and adoption of marketing management solutions. It singles out 25 indicators in five groups per unit, containing quantitative and qualitative indicators and fully meet modern requirements of forming a database (complexity, richness versatility, agility, efficiency, openness, flexibility, accessibility, awareness) for calculations organizing, summarizing, etc. and using their results in the diagnostic of the MSE within the marketing activities of the enterprise.

Коюда В. О., Мазко Т. І. Формування групи показників для діагностики системи маркетингу підприємства.

Розглянуті види діагностики та умови їх використання в залежності від мети, спрямованості, отриманих результатів і особливостей та специфічності об'єкту діагностики – системи маркетингу як підсистеми маркетингової діяльності підприємства. Запропоновані конкретні види діагностування системи маркетингу підприємства (СМП) за наступними ознаками: функціональна (за напрямом); аналіз – оцінка – прогнозування (як процес) на основі експрес-діагностики, фундаментальної та комплексної діагностики (за цілями). Виокремлені ключові моменти діагностики СМП як процесу здійснення на основі складових СМП (об'єкт, суб'єкт, механізм) за рекомендованими об'єктами діагностики (ОД): продукт, ціна, збут, просування як комплекс маркетингу та запропонована в якості п'ятого ОД організаційна структура маркетингу. Це обумовлює необхідність використання відповідного інструментарію (арсенал прийомів, способів методів та інш. для обробки і

проведення необхідних розрахунків) за відповідною послідовністю як складових методичного підходу діагностики СМП та використання її результатів для удосконалення функціонування системи маркетингу й розвитку на перспективу. Практична реалізація діагностування СМП пов'язана з наявністю бази даних, яка необхідна для аналізу – оцінки – прогнозування СМП в рамках маркетингової діяльності, а тому детально обґрунтований підхід до формування групи показників за об'єктами діагностики системи маркетингу підприємства. Згідно вимог до СМП як підсистеми маркетингової діяльності, до показників з урахуванням умов і принципів було проведено відбір показників за ОД та рекомендовані до проведення аналізу – оцінки – прогнозування СМП як основи для формулювання висновку, рекомендацій і пропозицій щодо удосконалення функціонування СМП та розробки й прийняття маркетингових управлінських рішень. Було виокремлено 25 показників за п'ятьма групами за ОД, які вмщують кількісні та якісні показники і у повній мірі відповідають сучасним вимогам формування бази даних (комплексність, змістовність, універсальність, динамічність, економічність, відкритість, гнучкість, доступність, інформованість) для проведення розрахунків, систематизації, узагальнення і т.п та використання їх результатів у процесі діагностики СМП у рамках маркетингової діяльності підприємства.

Коюда В. А., Мазко Т. И. Формирование группы показателей для диагностики системы маркетинга предприятия.

Рассмотренные виды диагностики и условия их использования в зависимости от цели, направленности, полученных результатов, особенностей и специфичности объекта диагностики – системы маркетинга как подсистемы маркетинговой деятельности предприятия. Предложены конкретные виды диагностирования системы маркетинга предприятия (СМП) по следующим признакам: функциональная (по направлению); анализ – оценка – прогнозирование (как процесс); на основе экспресс-диагностики, фундаментальной и комплексной диагностики (по целям). Выделены ключевые моменты диагностики СМП как процесса осуществления на основе составляющих СМП (объект, субъект, механизм) по рекомендованным объектами диагностики (ОД): продукт, цена, сбыт, продвижение как комплекс маркетинга и предложена в качестве пятого ОД организационная структура маркетинга. Это обуславливает необходимость использования соответствующего инструментария (арсенал приемов, способов методов и т.п. для обработки и проведения необходимых расчетов) по соответствующей последовательности как составляющих методического подхода диагностики СМП и использования ее результатов для совершенствования функционирования системы маркетинга и развития на перспективу. Практическая реализация диагностирования СМП связана с наличием базы данных, которая необходима для анализа – оценки – прогнозирование СМП в рамках маркетинговой деятельности и поэтому детально обоснован подход к формированию группы показателей по объектам диагностики системы маркетинга предприятия. В соответствии с требованиями к СМП как подсистемы маркетинговой деятельности, к показателям с учетом условий и принципов был проведен отбор показателей по ОД, которые рекомендованы для проведения анализа – оценки – прогнозирование СМП как основы для выводов, рекомендаций и предложений по совершенствованию функционирования СМП, разработки и принятии маркетинговых управленческих решений. Было выделено 25 показателей по пяти группам по ОД, которые содержат количественные и качественные показатели. Они в полной мере соответствуют современным требованиям формирования базы данных (комплексность, содержательность, универсальность, динамичность, экономичность, открытость, гибкость, доступность, информированность) для проведения расчетов, систематизации, обобщения и т.п. и использования их результатов в процессе диагностики СМП в рамках маркетинговой деятельности предприятия.

Problem statement. Most of the domestic industry is characterized by low profitability, solvency and competitiveness, outdated technical and technological base for production, lack of

qualified staff, etc. and it becomes more complex in the modern world. And therefore, approaches to developing of the management system become of particular importance for the analysis, identification of the most pressing issues in each enterprise, sector and region. This approach requires the use of the potential methods of diagnostics as one of the ways to increase the efficiency of business entity based on real information of enterprise, problem issues and possible prospects. In addition, it should be noted that diagnostic system may be cell-targeted when it comes to individual elements functioning as well as complex, if efficiency of the enterprise, its competitiveness, attractiveness, etc are estimated [1]. Despite the urgency and importance of developing and implementing business systems for diagnostics, little is done yet because of priority problems, lack of resources, lack of knowledge, experience and so on. Therefore it is necessary to single out the most important features of diagnostics for both enterprise as a whole, and its activity in a highly competitive market.

Analysis of recent research works and publications. Theoretical and methodological foundations of economic diagnostics of enterprise have been studied in the works of national and foreign scientists. In particular, scientists and experts: Zagorna T., Kostenko T., Pidgorna E., Ryzhykov V., Pankov V., Gerasimov A., Rovenska V., Getman O., Shapoval V., Baranov V., Berdnikova T., Glazov M., Dmitrieva O., Melnik O. and others consider the relevance of the study and reveal the essence of the phenomenon, but discrepancies and differences in the nature of diagnostics, characteristics, features and specification etc. have led to a large number of original methodological approaches that require detailed study and research.

Presentation of the material. In resources [1-6] diagnostic types and conditions of use are considered according to the classification criteria (ten): industry sector; in terms of the diagnosed object; issues coverage; the process (analysis, evaluation, forecast); objectives; methodology of the study; selective recognition; the level of information processing mechanization; frequency; the nature of information security and subordination. Research works [1; 2; 3] made it possible to distinguish the nature, condition of use and necessary tasks to be performed under the considered types of diagnostics, which don't specify clearly time intervals, region and scope of diagnostic types comparisons and thus, restrict the use of available analytical tools and diagnostic tools in marketing activities and cause violation of the implementation of diagnostics and as a result reduce the effectiveness of marketing management decisions which were made on the results of diagnostics [1; 2; 3; 6]. In our opinion, it is necessary to choose the most appropriate type (or several types) of diagnostics for practical use according to the purpose of diagnostics, conditions of use and especially the object of research. Diagnostics is widely used in the study and analysis of various aspects of financial and economic activity. Diagnostics for marketing and marketing mix is considered in resources [5; 6], but as the diagnostics of marketing system of industrial enterprise was not considered and therefore it is particularly important to single out the types of diagnostics that can be used for marketing system of enterprise (MSE) as a part of marketing. Taking into account the research of MSE diagnostics content, its features, goals, objectives, and direction of the process; types of diagnostic features according to the classification; conditions of diagnostics use for certain marketing aspects, we recommend to use MSE types of diagnostics according to the following criteria: direction, process and goals. Classification of relevant diagnostic types that are offered specifically for marketing system of enterprise, is shown in Fig. 1.

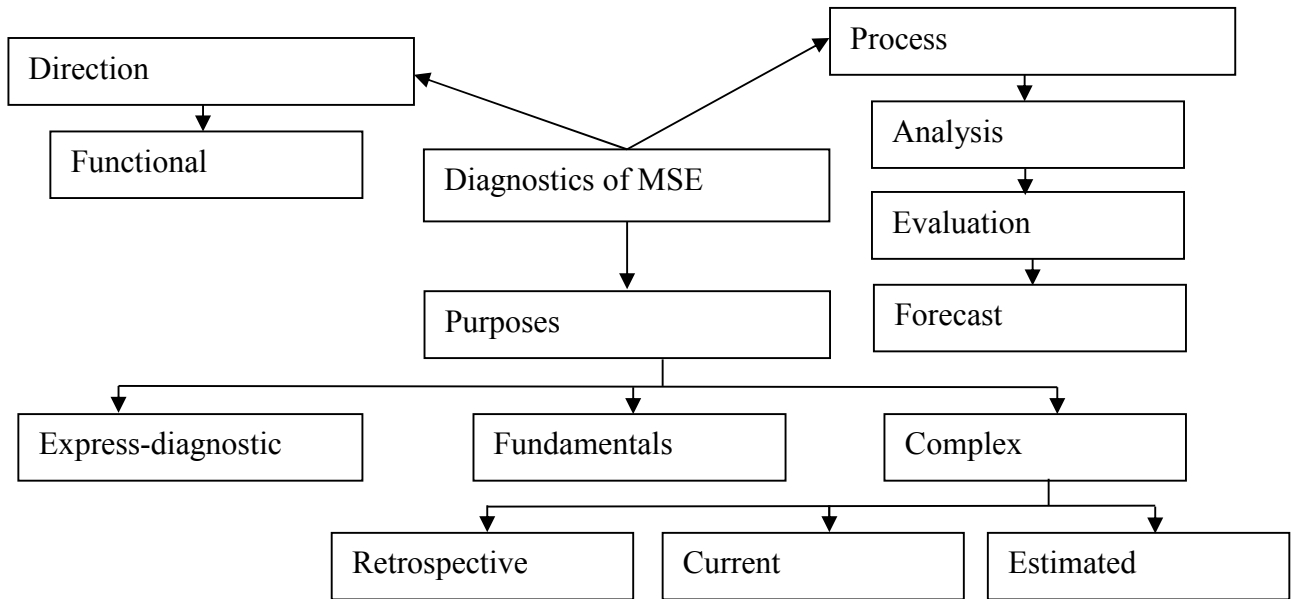


Figure. 1 Recommended types of diagnostics for marketing system of enterprise

Functional diagnostics is a study that is used to check capacity of marketing system during its operation and forecast of changes in future. The main purpose of functional diagnostics of MSE is to establish and research primary symptomatic signs of possible adverse changes in current marketing activities of enterprises in order to remove (or eliminate) them on time. The use of functional diagnostics provides MSE with [5; 6]: the focus only on the marketing part of enterprise management process; suitability for use by enterprises; structural properties to define the problem in the management of marketing activities; availability and personnel competence in the diagnostics results. Express and fundamental diagnostics of MSE provides a preliminary diagnostics and a deeper analytical research of MSE facilities as a whole in order to identify problematic situations and ways to solve them. The characteristic feature of express diagnostics is the simplicity of its implementation, efficiency, rapidness, flexibility and selectivity [2-4], which allows to speed up the diagnostics of MSE. The fundamental diagnostics of MSE characterizes assessment of the research object, which is based on the methods of factor analysis and forecast [1; 2; 4]. The main objectives of fundamental diagnostics of MSE are to enhance the findings of the previous analysis (express diagnostics) and confirm or refute the results, to forecast further successful functioning of MSE and its objects. Complex diagnostics of MSE combines retrospection (analysis of the past), diagnostics (description of current situation) and prospects to evaluate potential future conditions [1; 2; 4]. The main components of diagnostics of MSE are analysis, evaluation and forecast (Fig. 2) of the research object future [1-3; 6]. This is a standard approach and its use for MSE is the most appropriate taking into account content, features and capabilities of MSE diagnostics today.

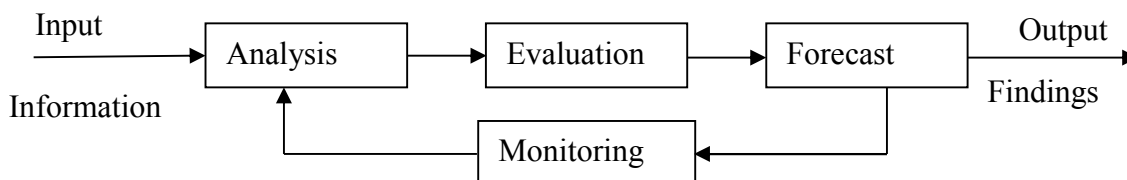


Figure. 2 Recommended approach to diagnostics for marketing system of enterprise

Thus, for the diagnostics of MSE it is appropriate to use such types as functional; express, fundamental, complex diagnostics according to the main stages of it: analysis, evaluation and forecast. The use of these types of diagnostics for MSE taking into consideration its nature, specificity, and problems of the implementation will facilitate obtaining correct and objective

results of research that underpins the functioning and improvement of the marketing system of enterprise.

Considering the analysis and study of works of national and foreign scientists, specialists, experience and own research the diagnostics of MSE is recommended to be conducted according to the following: 1 analysis - evaluation – forecast of marketing system of enterprise with the help of express diagnostics and fundamental and complex diagnostics; 2 diagnostics based on MSE components (object, subject, mechanism) and its results (output, a set of measures on improvement, development and decision-making) for reasonable sequence; 3 analysis - evaluation – forecast according to the diagnostic objects (product, price, place, promotion, marketing organizational structure), that are proposed for the diagnostics of MSE; 4 according to the chosen methods of diagnostics (heuristic, formal, mixed). Practical testing of diagnostics and its results largely depends on the formation of a group of indicators of the offered diagnostic targets of MSE. The complexity of this is caused by poor quality of statistical information, limitations and inaccessibility to obtain the required data, lack of experience of such operations and peculiarity of the object (marketing system is dynamic and structurally plural. Recommended diagnostic facilities of MSE need a reasonable selection of parameters for each object separately, which will be the base (foundation) for the calculation if the appropriate tools are available and valid (Fig. 3).

Considering recommended diagnostic objects (OD), selection of diagnostic indicators of marketing system of enterprise should be made according to the following key points: 1 diagnostics is the process (analysis, evaluation, forecast); 2 diagnostic objects: product, price, place, promotion, marketing organizational structure on performance; 3 principles of selection of indicators for OD; 4 requirements to the indicators of OD; 5 selected contour of boundary points in space for MSE. Summarizing the views of national and foreign scientists [7-9] and own research of diagnostic indicators for MSE the following requirements are singled out: the appropriate structure based on the ordered set of constituent elements is available; inclusion of key performance indicators with further detail; adequacy of indicators for the diagnostics of OD for marketing within the enterprise; optimal number of indicators, the level of awareness and usefulness of the results; coverage of most significant diagnostic objects of MSE; adaptability to the changing environment of the enterprise at all levels (macro, meso and micro); conformity to the development strategy as an open socio-economic system and focus on the potential for improving the functioning of MSE as a subsystem.

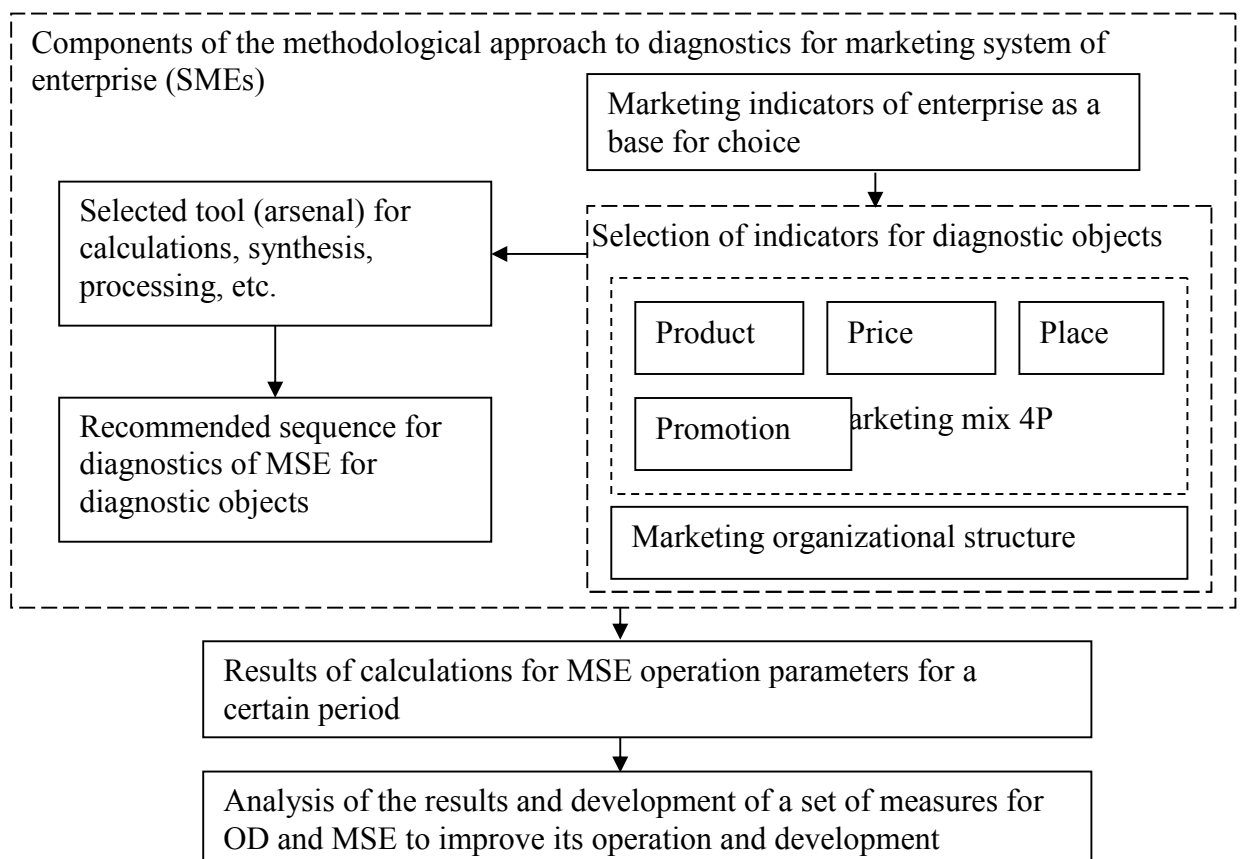


Figure. 3 Components of the methodological approach to diagnostics of MSE

Formation and structure of analytical parameters for the diagnostic process of MSE and objectivity of diagnostic method, as shown by studies [1; 7-9] depend on the basic requirements to performance and compliance with the relevant conditions (Table. 1).

Table 1

Selection of indicators for the diagnostics of MSE taking into account the conditions and requirements

Selection of indicators
relevant conditions
Compliance with the goals and objectives of MSE; combining all aspects of MSE within the marketing activities; possibility of fixing the results of the marketing department at enterprise; security and simplicity of calculation, availability of use
according to the basic requirements
Balance of indicators to achieve the goal of marketing system and enterprise as a whole on the basis of development priority; rationality as to the relationship between different quantitative characteristics (cost, natural, etc..) universal indicators, i.e. the possibility to determine interference of factors of macro, meso and micro levels; dynamics to identify trends of change; maximal use of potential sources of information about the actual or potential effects of the MSE; focus on existing forms of enterprise statements and the necessary data

It should be noted that the figures for the diagnostics of MSE should be selected according to the following [1; 9] principles: adequacy and relevance (indicators must clearly outline the main goals and objectives of enterprise development) of the actual state of the research object; convenience of practical use (operational monitoring, provision of the formation, simplicity of analysis and evaluation); integration into enterprise management system and accessibility of indicators to users; information transparency, visibility and accessibility; correlation, interdependence and balance of indicators; formalization of indicators (calculated by unambiguous algorithms without subjective assessments, transformation of quality values in a quantitative scale according to the theory of fuzzy sets and linguistic variables formation); coverage of all directions, subsystems and marketing system objects; optimal limitation of number of indicators; taking into account the relationships between indicators; maximum representation; unambiguous interpretation of the results and so on.

Table 2

Proposed indicators for the diagnostics of MSE according to diagnostic objects

№	diagnostic object	Indicator
1	product	growth of net profit
2		turnover index
3		share in sales of innovative products in total sales
4		coefficient of innovation
5		ratio of unsold -sold products
6		profit margin
7		product profitability
1	price	cost of 1 hryvnia products
2		index of prices
1	place	index of market share increase
2		profitability
3		share of products shipped from Ukraine

4		share of gross income
5		share of cost of sales in the overall cost of enterprise
1	promotion	profitability of marketing costs
2		share of the cost on advertising and sales promotion in the marketing expenditure structure
3		Share of marketing costs in the cost structure of the enterprise
1	organizational structure of marketing (functional efficiency, interaction efficiency)	volume of sales per employee engaged in marketing and sales
2		costs of marketing activities per employee of marketing department
3		coefficient of compliance handling
4		share of expenditures on personnel engaged in marketing and sales in the total expenditures on personnel
5		share of workers employed in marketing and sales in the total number of personnel
6		proportion of employees of the marketing department (MD) with special education
7		quality of marketing functions
8		intensity of MD links with other parts of the enterprise

Meeting all the requirements and conditions of diagnostics, its components and indicators, principles the process acquires features of systematization and complexity, and thus diagnostics is recommended to be used directly for the system of marketing as a functional subsystem of enterprise management. To select indicators for diagnostics of marketing system it is appropriate to form groups that affect the functioning of MSE, to identify their interdependence, the nature of the impact and to identify reserves, in order to draw conclusions and recommendations for improving the functioning of marketing system of enterprise. Analysis and research perspectives of experts and scientists about analysis, evaluation, forecast of marketing activities [4-6] and marketing system have allowed to form a set of qualitative and quantitative indicators that can be used in the diagnostics of MSE within marketing activity. The contours of the near-boundary points in space of diagnostics of MSE according to the results of own research are the following: management of the marketing mix based on 4Ps (product, price, place, promotion) and organizational structure of marketing (OSM). The groups mentioned (Table. 2) of partial indicators of diagnostics of MSE were formed on the basis of above-mentioned. It is advisable to note that the group of indicators may be divergent and vary depending on the objectives of the study (the use of such approaches: fragmented - diagnostics by several separate OD of marketing system or complex, involving all areas of diagnostics, components and / or marketing system objects taking into account their impact on marketing activities in general), and specialized features.

During the selection of indicators their names have been adjusted, corrected according to their meaning and dimension which are based on the calculation formula. Particular attention is paid to the principle of diagnostics objectivity and in respect to MSE they are qualitative indicators, the choice of which was made by an expert. In general, recommended five groups per unit contain 25 indicators as a set of indicators for the diagnostics of MSE within the marketing activities that meet the requirements (complexity, richness versatility, agility, efficiency, openness, flexibility, accessibility, awareness) for analysis, evaluation and forecast of MSE as a subsystem of enterprise marketing activities.

Conclusions. On the basis of the research the approach to the selection of indicators for the diagnostics of MSE within marketing activities according to the marketing mix 4Ps (product, price, place, promotion) and marketing organizational structure as objects of analysis, evaluation and forecast to improve the operation and development of MSE has been proved. And it is necessary to develop a sequence of diagnostics of MSE using selected arsenal (tools), which is the next stage of the research.

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Keywords: diagnostics, the marketing system enterprise, diagnostic objects, group of indicators, methodical approach

Ключові слова: діагностика, система маркетингу підприємства, об'єкти діагностики, група показників, методичний підхід

Ключевые слова: диагностика, система маркетинга предприятия, объекты диагностики, группа показателей, методический подход

УДК 339.97

АДАПТИВНО-МАРКЕТИНГОВЕ УПРАВЛІННЯ ЯК ІНСТРУМЕНТ ПОСТКРИЗОВОГО ВІДНОВЛЕННЯ БУДІВЕЛЬНОГО КОМПЛЕКСУ УКРАЇНИ

Iksarova N., PhD, Associate Professor of Economics at Kyiv National Trade and Economic University

Iksarova N. Adaptive-marketing management as a tool for post-crisis recovery of the construction industry of Ukraine.

The article investigates the performance of the construction industry of Ukraine and the influence of the global economic crisis and political shocks in 2013 on the dynamics of constructions in Ukraine. The analysis showed that, despite a slight increase in demand for construction services in 2011, pre-crisis volumes of domestic enterprises could not be achieved. Moreover, in recent years the volume of construction in progress significantly increased, indicating the need to find innovative management tools for construction companies. One concept that has gained widespread in European companies is adaptive-marketing management, taht is oriented on taking into account when forming development strategy goals of both services providers and consumers. When using this concept, depending on the external and internal environment and market conditions, each of the elements of the marketing mix is adapted to the wishes of customers, and the activities of all departments and divisions in line with its marketing purposes. Given the fact that in the face of uncertainty generated by the crisis, consumers who have limited financial resources are not willing to invest in the construction, in order to provide the demand for the services mutually beneficial form of cooperation should be offered to customers. In this paper it is proved that the implementation of management based on adaptive-marketing approach will allow domestic companies to adapt to current business conditions, which respectively will give impetus to the development of construction complex and will allow in the future to reach pre-crisis volumes of domestic companies.

Іксарова Н. О. Адаптивно-маркетингове управління як інструмент посткризового відновлення будівельного комплексу України.

У статті досліджено показники розвитку будівельного комплексу України та оцінено вплив світової економічної кризи, а також політичних шоків 2013 року на динаміку надання будівельних послуг в Україні. Проведений аналіз засвідчив, що попри незначне зростання попиту на послуги з будівництва у 2011 р., докризових обсягів діяльності вітчизняним підприємствам досягнути не вдалося. Окрім цього, за останні роки істотно зросли обсяги незавершеного будівництва, що вказує на необхідність пошуку інноваційних інструментів управління будівельними підприємствами, адаптації їх діяльності до вимог сьогодення та потреб споживачів. Однією з концепцій, що набула значного поширення в європейських компаніях, є адаптивно-маркетингове управління, зорієнтоване на врахування при формуванні стратегії розвитку підприємства цілей як підприємства, яке надає послуги, так і споживачів. За умови використання цієї концепції, залежно від умов зовнішнього та внутрішнього середовища, ринкової кон'юнктури кожен з елементів маркетинг-міксу підприємства максимально адаптується до бажань клієнтів, а діяльність усіх структурних підрозділів підприємства узгоджується з його маркетинговими цілями. Зважаючи на те, що в умовах невизначеності, породженої кризовими явищами, споживачі, які мають обмежені фінансові ресурси, не бажають інвестувати у будівництво, для забезпечення попиту на послуги необхідно запропонувати клієнтам взаємовигідний формат співпраці та переконати їх у правильності зробленого ними вибору. У статті доведено, що здійснення управління на засадах адаптивно-маркетингового підходу дозволить вітчизняним компаніям під

лаштуватися до нинішніх умов ведення бізнесу, що, відповідно, дасть імпульс розвитку будівельному комплексу і дасть можливість у перспективі досягнути докризових обсягів діяльності вітчизняних компаній.

Иксарова Н. А. Адаптивно-маркетинговое управление как инструмент посткризисного восстановления строительного комплекса Украины.

В статье исследованы показатели развития строительного комплекса Украины и оценено влияние мирового экономического кризиса, а также политических шоков 2013 года на динамику предоставления строительных услуг в Украине. Проведенный анализ показал, что, несмотря на незначительный рост спроса на услуги по строительству в 2011 г., докризисных объемов деятельности отечественным предприятиям достичь не удалось. Кроме этого, за последние годы существенно возросли объемы незавершенного строительства, что указывает на необходимость поиска инновационных инструментов управления строительными предприятиями, адаптации их деятельности требованиям бизнес - среды и потребностям потребителей. Одной из концепций, которая получила широкое распространение в европейских компаниях, является адаптивно-маркетинговое управление, ориентированное на учет при формировании стратегии развития предприятия целей как самой бизнес - структуры, предоставляющей услуги, так и потребителей. При использовании этой концепции, в зависимости от условий внешней и внутренней среды и рыночной конъюнктуры, каждый из элементов маркетинг-микса предприятия максимально адаптируется к желаниям клиентов, а деятельность всех структурных подразделений предприятия согласуется с его маркетинговыми целями. Учитывая то, что в условиях неопределенности, порожденной кризисными явлениями, потребители, которые имеют ограниченные финансовые ресурсы, не желают инвестировать в строительство, для обеспечения спроса на услуги необходимо предложить клиентам взаимовыгодный формат сотрудничества и убедить их в правильности сделанного ими выбора. В статье доказано, что осуществление управления на основе адаптивно-маркетингового подхода позволит отечественным компаниям подстроиться к нынешним условиям ведения бизнеса, что, соответственно, даст импульс развитию строительного комплекса и позволит в перспективе достичь докризисных объемов деятельности отечественных компаний.

Problem. The global economic crisis has had a devastating impact on all sectors of the domestic economy, obumovyvshy decline in production of goods and services, and does not stop for now. The situation also has increased significantly in recent months, as the intense political and economic situation in the country has led to a decline in consumer demand. Particularly acute problem of reducing the demand was for companies, products and services which the consumer is not immediately after payment, but after a while, as the high uncertainty of prognosis of economic development, the negative social and psychological climate in the country's population causing reluctance to invest to obtain benefits in the future. Building complex Ukraine was one of those fully felt the impact of the crisis in the world and the country, indicating the need to move to a new building enterprises, marketynhooriyentovanoyi, adaptive model of development, the main value of which is consumer preference and its needs.

The problem of building complex of Ukraine investigated in the works by such scholars as A. Bileha, A. Berkut, A. Volkov, A. Gojko J. Krys'ko, V. Rudnytsky Seniv B, C, etc. Syevka. Problems influence of the global crisis on the economic development of Ukraine investigated such economists as BM Danylyshyn, MH Zhukov, TN Miller, MI Krupka, A. Nevelyev, AI Amosha, SM Vasilenko, SG Branches, KD Gurov. The study of the problems and prospects of marketing models of adaptive management in domestic enterprises engaged in activities such scholars as LV Balabanov, A. Dorosh, S. Semeniuk, NV Kudenko, LA Frost. At the same time, scientific research

literature lacks features implementation of marketing activities in adaptive management companies construction industry, which resulted in the choice of research topic.

The purpose of the article is to determine the characteristics of implementing models of adaptive-management in marketing activities of companies building complex in overcoming the consequences of the economic crisis Ukraine.

In recent years observed inhibition of the building complex of Ukraine. Despite the fact that in 2011 there was a slight increase services delivered through a significant reduction of construction works performed in 2008-2010., To critical indicators of the industry could not be achieved. In 2013 enterprises of Ukraine carried out construction work on the \$ 58.9 billion. Index of construction products in 2013 compared to 2012 was 85.5%. This characteristic is that last year saw an increase in demand for housing, while the volume of non-residential building and engineering construction declined significantly [1].

In 2013 the cost of services provided in the construction sector amounted to 58.8798 billion. UAH., With 17.3% of revenues were recorded from zhytldovoho budivnytsva, 30% - of non-residential, 52.7% - construction of engineering structures. The largest volume of construction was recorded in 2013 in the city. Kyiv (20.4%), Donetsk (13.1%), Odessa (7.1%) and Kharkiv oblastiayih (6.3%). This situation can be explained by the rapid development of these areas, the existence of a significant number of jobs, and thus the attraction of the population to these regions. At the same time, the development of construction in Ukraine pereferiynyh areas in recent years almost completely stopped. The negative trend is also to increase the number of dormant facilities in all regions of Ukraine. Of the total number of unfinished buildings and structures 6.3 thousand., Or 38.5%, were under construction and 10.1 thousand. (61.5%) construction is suspended and closed down. Thus the territory of the region number 21 is suspended and preserved buildings and structures exceeded the number of buildings that were built. In particular, in the Crimea, Kirovohrad and Zhitomir regions share of such buildings and structures accounted for 87.8%, 86.9% and 86.2% respectively. This, in our opinion, be explained by the effective demand of the population and the lack of enterprise development strategy that would allow consumers and construction companies to cooperate on mutually beneficial terms, even at the stage of recovery poskryzovoho [1].

One of the areas to solve existing problems building complex is putting into domestic companies marketing system, adaptive management, which is a concept of operation and development, which involves planning, organization, control and coordination of structural divisions of marketing goals and objectives in order to adapt of the company to the customers' requirements in order to fully meet their needs. When using Adaptive-marketing management marketing-mix company serving the cornerstone of its operations and determines the strategy and tactics of all business units.

A key element of the marketing mix construction company have a product, which in terms of marketing called everything that is designed to meet the needs of consumers and is offered in the market to attract attention, acquisition, use or consumption. But always remember that the consumer product itself and its price are less important than the benefits that it will receive from the use of this product, given that construction companies in formation, including the company's communication strategy must emphasize not only on that the price of the company is lower than for other developers, or that are used in the construction of better materials, and that after commissioning, the terms of your stay in novubudovi be easier through the use of better materials and funds you will save, you can use the decoration of the room.

The second element of the marketing mix is price. Price, from the standpoint of marketing, it is money or some other compensation that its offer for the ownership or use of the goods. Prices and product features to consumers and attract different segments of the market, using prices provided general, economic and psychological perception of potential consumer goods, the goods are determined by a competitive advantage. Formation prices closely associated with all elements of the marketing mix, especially with the very commodity, ie its characteristics, the cost of its promotion and so on.

Given the current situation in the construction industry Ukraine, the price is the element of marketing, which businesses advisable to pay special attention. And it's not just about the price as the amount of money that consumers will need to pay for obtaining a building services, but also how, under what conditions and when paid the price.

A further element of the marketing mix is the place where the distribution of goods. The main task of distribution policy is, first of all, the selection and formation of rational channels of promotion and marketing, that its delivery from producer to consumer (directly or indirectly), and after-sales (service) customer service. In terms of market saturated enough to offer customers high quality services, to set the price on them and choose the best distribution channel. Gain value fourth component of the marketing mix - promotion.

Sales promotion - a set of actions to create a two-way information communication between businesses and consumers, which is realized through marketing communication policy, which - informing, persuading and reminding consumers about products, encouraging them to act, creating a positive image of the company in the public eye. The elements of the marketing communication policy are: advertising, public relations, sales promotion, personal selling, branding, direct marketing, Sponsorship. Formation of enterprise communications policy provides for the adoption of various decisions relating to the target audience, the value of the advertising budget, choosing the best means of distributing advertising, creating effective advertising messages texts, the use of commercial propaganda methods of sales promotion, etc. [2].

We believe that in the current environment where consumers exercise choice under uncertainty builder future actions, promotion, ability to convince the customer about the reliability and stability of the company is one of the key instruments for achieving competitive advantage. Improve the process of construction or reduce costs in a crisis, which is now faced Ukraine is not an easy task because construction companies must rely on improving the last two elements of the marketing mix, adapt the language they speak with customers, their requirements and desires needs to find those forms of cooperation which with limited financial resources in building companies on the one hand and with the reluctance of consumers to spend more on savings will be convenient for both parties.

One of the prerequisites of the marketing system - adaptive management in enterprises building complex is a transition to the practice of developing and implementing marketing strategies - element of the marketing concept of prediction and control of all aspects and areas of business activities to meet the needs of each party, which is related to the operations of the company to maximize their own profits in the long run (decrease costs, increase productivity and quality of fabricated products), constant search for new technological approaches and effective use of market instruments while ensuring individual approach specific to each customer individually and tracking of all processes and changes in national economic system as a whole.

It should be noted that the formation of the construction firm marketing strategy should be characterized by complexity and completeness. In the first phase the company subject advisable to

monitor organizational environment enterprises identified with current and future threats and opportunities that may affect the achievement of its goals in the domestic and foreign markets. After selecting the target market the company needs to evaluate internal and external parameters activity. The analysis should include a study of two areas: macro (compare company resources and efficiency of their use with other organizations area (region) to select the optimal development); micro (internal environment is studied only in a particular area of strategic management, enterprise resource research in this SZEM, evaluation of supply-side efficiency of the organization, identifying strategic competitive potential of each SZEM and the enterprise as a whole) [3].

The next stage of formation of marketing strategy building enterprise - a definition based on a comprehensive analysis of the external and internal environment, restrictions in the enterprise, threats and opportunities, prospects. The implementation of the chosen strategy requires the formation of a set of strategic alternatives that take into account the specific target market. Groups criteria for selecting alternatives reaction to opportunities / threats to the environment; Competitive Advantage; consistency with the objectives of the company; Reality strategy; consideration of relationships with other enterprise strategies (strategies at various levels); with strategic, financial goals and constraints. The most common methods of assessing the likely economic action each alternative for the future of the enterprise is to develop scenarios analysis portfolio, matrix analysis, life cycle analysis, expert opinions and more. In theory, most of the presented techniques today are deeply investigated, but in practice construction companies, as practice shows, they are used very rarely.

After determining the strategic alternatives appropriate marketing activities is to develop a set of measures in each of the areas of marketing - in fact, at this stage to form a range, pricing, competition and communication strategy. As noted above, to companies that, like construction companies are geared to consumers who do not want to invest in construction, is based approach to product range, marketing communications and payment terms for services is a prerequisite for success in the market.

The culmination of the process of forming adaptive-marketing management in the enterprise is predictive evaluation of the results of its application and implementation of corrective actions to achieve the maximum positive effect. It should be borne in mind that the overall marketing strategy should encompass a set of strategies, which includes commodity marketing strategy, pricing marketing strategy, marketing strategy competitiveness management strategy marketing control at the international level and HR strategy. Only when focusing construction companies are not in one of these areas, as soon as sih areas will be possible to achieve success in the market in a crisis.

Conclusions. The implementation of adaptive management and marketing models is now essential to the construction sector companies suffering from the effects of the crisis in the global and national economy. Today, management model, focused on the consumer, in the construction industry has not acquired considerable popularity, as evidenced by the stagnation of the sector and increase of construction. In the current context of increasing volumes of only those companies which focus on building luxury objects, because the demand is not reduced, and in some regions even increased because of the desire of investors to invest in real estate that depreciates more slowly than cash assets. For those businesses that are guided in their work in individuals with average income, as well as small and medium businesses, post-crisis recovery strategy is to find mutually beneficial for both the developer and the consumer version of cooperation in which would safeguard the interests of both parties. This is now directed formation and adaptive-management

marketing model, indicating the need to introduce this concept in practice domestic construction companies.

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Keywords: adaptive-marketing management, building complex, post-crisis recovery.

Ключові слова: адаптивно-маркетингове управління, будівельний комплекс, посткризове відновлення

Ключевые слова: адаптивно-маркетинговое управление, строительный комплекс, посткризисное восстановление

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ALGORITHM DEVELOPMENT AND IMPLEMENTATION OF QUALITY MANAGEMENT SYSTEM TO DOMESTIC AIRPORT COMPLEX

Pavelko V., applicant, Zaporizhzhya National Technical University

Pavelko V. Algorithm development and implementation of quality management system to domestic airport complex.

Determine the relevance of the development and implementation of quality management system of the domestic airport complex: as a factor in organizational effectiveness as a means of motivating staff to the quality of work and responsibility, as a means of structural changes. These and other factors determine the need for and the possibility of introducing the quality management system of the domestic airport complex. Subject of research are methodological approaches on the requirements for the development and implementation of quality management system in accordance with the specifics of airlift and organizations providing these services. Research methods - analytical, computational, comparative analysis. Defined and structured services in the airport complex. On an example of the utility's "International airport" Kiev "analyzed step by step algorithm implementation management system based on international quality management system, defined profiles of key business processes requiring regulation by the quality. At the airport complex due to increased safety requirements leading principle in the implementation of the QMS is to bring the duties, responsibilities and authority in the field of quality management of a staff member. Conclusion. Algorithm development and implementation of QMS in enterprise management is a typical, but acquires specific industries at all stages. Proved that in the airport complex principled approach is to bring the QMS implementation duties, responsibilities and authority in the field of quality management of a staff member involved in the management, due to

increased safety requirements. The next step is to study the trends of the modern world, in particular the concept of a single, which was called "Roadmap security" and scientific support for the implementation of programs Operational Safety Audit (IOSA); finalization of the audit program, ground handling (ISAGO); Work on the creation of an integrated management system airlines (IAMS) international and regional airports, which are subject to the signing of an Association Agreement with the European Union can purchase additional chance for development.

Павелко В. Ю. Алгоритм розробки та впровадження системи менеджменту якості вітчизняним аеропортовим комплексом.

Визначено актуальність роботи з розробки і впровадження системи менеджменту якості вітчизняного аеропортового комплексу: як фактору підвищення ефективності діяльності організації, як засобу мотивації персоналу до якісної роботи та відповідальності, як засобу проведення структурних змін. Ці та інші чинники визначають необхідність і можливість впровадження системи менеджменту якості вітчизняного аеропортового комплексу. Предметом дослідження є методичні підходи щодо вимог до розробки й реалізації системи менеджменту якості відповідно до специфіки повітряних перевезень та організацій, що надають відповідні послуги. Методи дослідження – аналітичний, розрахунковий, порівняльного аналізу. Визначено й структуроване види послуг в аеропортовому комплексі. На прикладі комунального підприємства «Міжнародний аеропорт «Запоріжжя» проаналізовано покроковий алгоритм впровадження системи управління на основі міжнародної системи управління якістю, визначено профілі основних бізнес-процесів, які потребують регулювання з боку якості. В аеропортових комплексах внаслідок підвищених вимог до безпеки польотів провідним принципом при впровадженні СМЯ є доведення обов'язків, відповідальності і повноважень в галузі менеджменту якості того чи іншого працівника. Висновок. Алгоритм розробки і впровадження СМЯ в управління підприємством є типовим, але набуває галузевої специфіки на усіх етапах. Доведено, що в аеропортових комплексах принциповим підходом реалізації СМЯ є доведення обов'язків, відповідальності і повноважень в галузі менеджменту якості того чи іншого працівника, який бере участь в цьому менеджменті, внаслідок підвищених вимог до безпеки польотів.

Павелко В. Ю. Алгоритм разработки и внедрения системы менеджмента качества отечественным аэропортовым комплексом.

Определена актуальность работы по разработке и внедрению системы менеджмента качества отечественного аэропортового комплекса: как фактора повышения эффективности деятельности организации, как средства мотивации персонала к качественной работе и ответственности, как средства проведения структурных изменений. Эти и другие факторы определяют необходимость и возможность внедрения системы менеджмента качества отечественного аэропортового комплекса. Предметом исследования являются методические подходы относительно требований к разработке и реализации системы менеджмента качества в соответствии со спецификой воздушных перевозок и организаций, предоставляющих соответствующие услуги. Методы исследования - аналитический, расчетный, сравнительного анализа. Определены и структурированы виды услуг в аэропортовом комплексе. На примере коммунального предприятия «Международный аэропорт» Запорожье »проанализированы пошаговый алгоритм внедрения системы управления на основе международной системы управления качеством, определены профили основных бизнес-процессов, требующих регулирования со стороны качества. В аэропортовых комплексах вследствие повышенных требований к безопасности полетов ведущим принципом при внедрении СМК является доведение обязанностей, ответственности и полномочий в области менеджмента качества того или иного сотрудника. Вывод. Алгоритм разработки и внедрения СМК в управление предприятием является типичным, но приобретает отраслевой спецификой на всех этапах. Доказано, что в аэропортовых комплексах принципиальным подходом реализации СМК является доведение обязанностей, ответственности и полномочий в области менеджмента качества того или иного сотрудника,

участвующего в этом менеджменте, вследствие повышенных требований к безопасности полетов.

The essence of the problem. The quality management questions have always been a priority for the practice and theory of management as affecting a large range of economic issues related to the quality of the product, process, resource management system as a whole. At the same time it should be recognized that in the conditions of approaching signing by Ukraine the economic part of Association Agreement with the European Union the question of pragmatic, constructive suggestions for practical steps of the quality system implementation are on the today's agenda. Thus, under these circumstances, the task number one is the determination of the real range of problems in the development and implementation, which are somehow concerned to business - managers and employees, they are expected to implement the quality system at the working places. Therefore, the process of development, implementation of Quality Management System (QMS) at the company and further its management, first of all becomes a motivating means for employees because it allows to divide obligations strictly among them; to provide fair pay for workers according final results of their work; see the final result of every single employee of the company; to debug information flows and effectively cooperate with other departments due to the mutual dependence between them. As a result the implementation of QMS can significantly increase the efficiency and effectiveness of organizational structure management as a whole.

Meanwhile according to the research of well known American specialist in the management Dr. E. Lemming which was confirmed by other famous managers, 98% of the problems in the organization, defects of products and services depend not on the performers, but on the quality of the organization's management system and is determined by her inherent shortcomings [1]. That is why it will be logical to consider the process of implementing a quality management system also as a process of change at the company which makes the subject of research extremely important and actual.

Analysis of the last researches and publications. The economic literature about the problems of business management based on ideology of quality, the majority part of researches concerns the rationale for the use of the model management, the management principles consideration - AA Korohodova [2], adapting international standards to national enterprises [3], the effectiveness of management - LM Khristenko [4], GA Dudkalo [5] and so on.

Unsolved problem emphasis. However, in the literature, mainly of Russian authors, the application task assignment is shown. Thus, V.A Katchalov ascertain the nature and area of responsibility, authority and responsibilities of staff in the development and implementation of quality management system [6], indicating that responsibility within their duties bare " the employees who are involved in the design and development of products, production preparation , purchasing, manufacturing, warehousing and production quality control, personnel training, metrological support, etc. [7]. In this case, the determination of the responsibility areas, authority and responsibilities of staff in the development and implementation of quality management system at enterprises, which form the airport complex, are covered in national literature insufficiently.

The purpose of this article is to justify the development and implementation the algorithm of quality management system of national airport complex at the example of municipal enterprise "International airport" Zaporozhye "".

Research results. The airport economy as a system of production and economic relations has its own specifics, which is determined by the entity complexity - airport complex (in the English interpretation - the hub) where services are coordinated and provided by airlines and ground handling. According to the above proposed classification under which all activities in the airport complex can be divided into aviation and non-aviation; primary and secondary services we propose functional diagram of the airport, elements of which are marked by functional characteristics (Fig. 1).

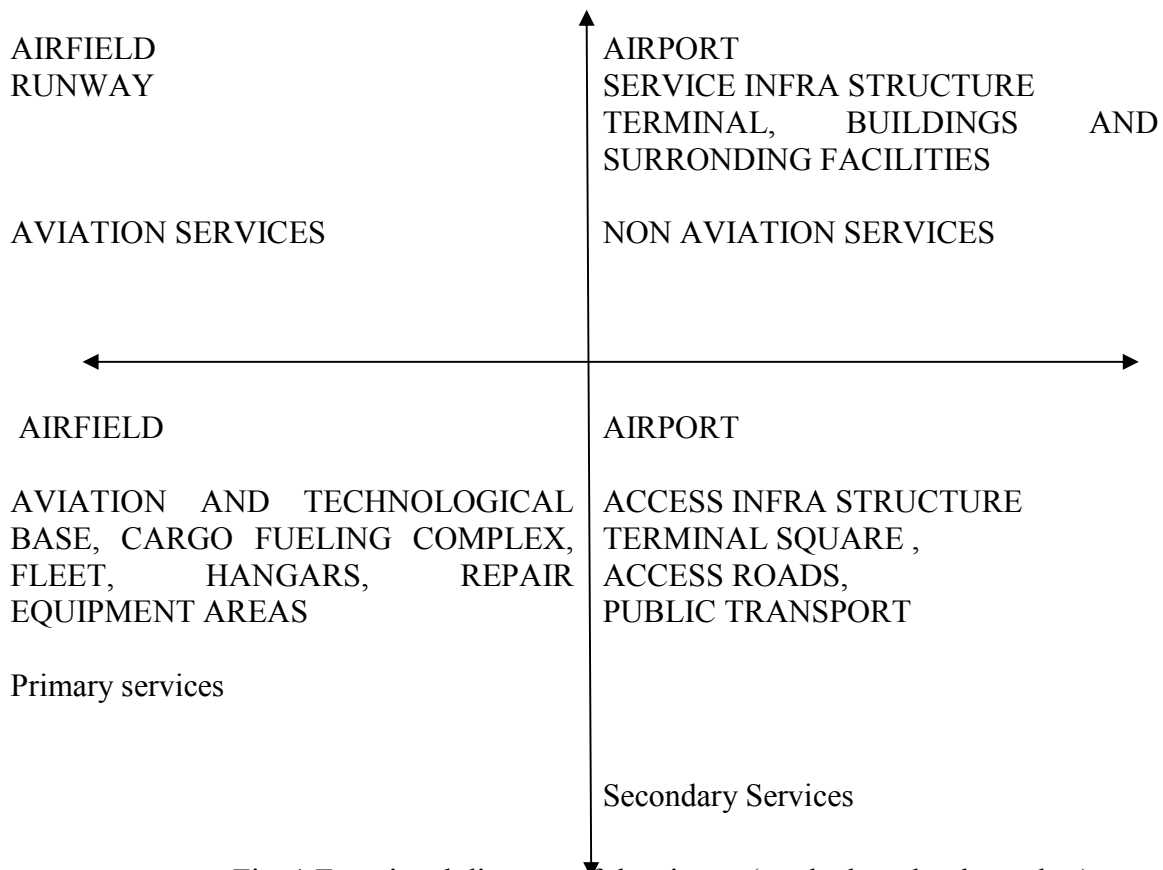


Fig. 1 Functional diagram of the airport (worked out by the author)

The airport is probably the main and almost the only provider of services for the air carrier, because the airport bears responsibility for the airfield and the airline is responsible for more large range of questions, including safety and quality, which are two fundamental principles in the organization of air traffic and at all stages of making the appropriate product. Together they form the airport complex, by which it is meant a set of specialized companies providing services to passengers, baggage, cargo and mail, and commercial and technical aircraft (AC) maintenance with a guaranteed level of aviation safety and aviation security.

Standards ISO 9000 require that the quality management system should be linked with all activity kinds of enterprise and its effect extends to all stages of life cycle of the product and processes to identify the needs up to the meeting their demands.

In fact, according to the functional approach the quality management system combines the functions, resources and management technology: linked and interacting processes and procedures; organizational and technical means; purposes; planning elements; qualified personnel; management mechanisms for fixed assets, production, project activity. That is the creation of quality management systems, of course, the process is quite laborious and responsible. The basis for the beginning of a project to develop a quality management system, implementation and preparation for certification is the top management interest to ensure consistent quality of products and services and the belief that quality ideology is the key to the competitiveness growth of the company.

The main stages of development and implementation of quality management system adapted to the requirements of ISO 9001-2008, are classic ones, but the quality degree and consequences of compliance with this technique are different for enterprises even of the same branch:

1. Preparation for the establishment of the QMS.
2. Carrying out the personnel training to the principles of ISO 9000.
3. Provision of quality control and services comprehensive analysis and development of the conceptual model of the QMS.

4. Description of the main and auxiliary processes determining the organizational structure, distribution of responsibility.

5. Development of quality management system documentation.

6. Implementation of quality management system.

7. Certification of Quality Management System

At the first stage of preparation for a QMS establishment the company's management should define policy, goals, quality obligations, (adhering to the following principles as quality policy???) - it is the part of the general policy and strategy of the company and this very policy serves as the basis for establishment goals to improve product quality. To perform the work on the QMS creation, the head of the company by his order appoints a management representative responsible for the quality, organizes quality service department, creates the team to develop the QMS and appoints its head. The head of the company is managing the work and making strategic decisions about the development and implementation of ISO standards and is personally responsible for the final results of this work.

Operational management is relied (put) on the management representative responsible for the quality, which can be appointed and as the leader of the team as well. Management representative informs the company management regularly about the development process of quality management system and when it is necessary interferes into the process for adjusting or assistance. The development team (group, coordinating council) comprises leading specialists of the company. Employees of quality service department and team members must be trained by special programs, including the study of the requirements of ISO 9001:2008 quality management system and methods for creation and development of all necessary documentation.

Before the work begins the team makes a program (plan) of the work, which is approved by the head of the company. Within this task, they develop the so-called "matrix of distribution of SMC authority and responsibilities." Usually, companies are developing the matrix only for top-level management, which includes:

person responsible for the requirements of the relevant section (using notation ("B");

person responsible for the implementation of these requirements ("U");

person who should be informed about the results of the implementation of these requirements ("I").

The analysis of existing models of division the powers, duties, responsibilities of personnel at the quality oriented companies shows that despite the obvious expediency of forming and using this matrix, its main drawbacks are:

specific powers, duties and responsibilities are established only for the heads of the higher levels of management, for engineering and technical workers, professionals, employees and workers, despite the fact that the main work to meet the requirements of the standard is carried out by these categories of workers, such rules and regulations are usually not established;

powers, duties and responsibilities are established in fact only for those officials who have a letter "B" in a corresponding square of the matrix, for all the others there is a full uncertainty about the content of their work ("B" and "E") as both "participation" and "informing" can include multiple tasks, sub-tasks and requirements, and which relate to those who put the letter "U" or "I", from the matrix it is not seen.

So this very matrix if there is no matrix of a lower level does not allow segregation of duties, responsibilities and authority in order to introduce and implement the QMS within a given organization. In opinion of author, there is a need to develop these matrixes for a specific section (unit) standard (the matrix of the first level) and for the specific employees (the matrix of the second level).

Thus the first level matrix (matrix of responsibility for implementation of section / unit standard ISO 9001:2008 (DSTU ISO 9001-2009) is developed by the person responsible for carrying out the requirements of this standard. Further on the base of the first level matrix by the way of comparison of the tasks assigned to the unit concerning quality management with the

provisions of the unit, the head of the department should add functions (tasks) which in the connection with application of ISO 9001: 2008 became permanent for this unit.

Thus, the intermediate conclusion of the research shows that the formation of a three-level system matrix will help to identify: who is responsible for meeting the requirements of standard ISO 9001:2008 (DSTU ISO 9001-2009), what is his responsibility and authority; whose functional responsibilities will include participation in the implementation of these requirements, to what extent, what power and responsibility are provided to him; who receives information about the results of those actions necessary to carry out their duties.

Besides, if you add up all the job responsibilities and authority of the employees assigned to them, they all collectively should ensure coverage of all the requirements of ISO 9001:2008, i.e the effective operation of the QMS organization. In fact, this approach to business process determines the stage of the process, process owners, executors, input and output data, as well as indicators of the effectiveness of the process.

Distribution area of QMS at the municipal enterprise "International airport" Zaporozhye" embraced the provision of services to passengers and baggage, cargo and mail, operational aircraft (AC) maintenance; navigational, airfield lighting and maintenance operations; ensuring the flight regularity, flight safety and aviation security; training and staff development. From the airport regular flights to Kyiv, Moscow, Istanbul, Antalya, Hurghada, Sharm el Sheikh, as well as charter flights, including cargo to many countries of the CIS, Europe, Asia, Middle East are carried out. Analysis of actual practice of QMS implementation in municipal enterprise "International airport" Zaporozhye" allowed allocation of three main stages of the total process of transition to international management standards:

Development stage: the development and adoption of policy and quality objectives; analysis of existing documentation to determine its use in the developed QMS; identification processes of the QMS; scheduling program creation and implementation of the QMS, which requires a structured set of documents that regulate key aspects of the company, including mandatory documented procedures required by ISO 9001-2008; providing training seminars QMS consulting for employees at different levels: senior and middle level managers and documentation developers.

Implementation stage: development and approval of a large amount of QMS documentation in accordance with the program; establishing a system of internal quality audits to verify compliance with ISO 9001-2008; completion of the implementation in May 2011

Certification stage: choosing a certification authority (Bureau Veritas Certification); at the beginning of September 2011 pre-certification audit providing on compliance with QMS ISO 9001-2008 requirements, certified audit of the QMS on compliance with ISO 9001-2008 requirements.

QMS Process approach was realized by defining and eight processes management to ensure the consumer needs: the processes of the life cycle of products (services) are described in the technical descriptions and process charts. The responsibility for ensuring the rhythmic operation of production, daily flight plan fulfillment and meeting the technical documentation requirements is put on managers of operation services. The processes related to the consumer, are handled and analyzed in the units of the enterprise according to their directions to evaluate possibilities of request fulfillment at the stage before signing the contract demand (requirements) of the consumer.

Internal audit of the QMS is carried out systematically in order to confirm that the quality management system is effective and meets the requirements of ISO 9001:2000. The results of the audits and reports issued in "Letters of inconsistencies" are brought to the attention of managers and owners of units for the analysis, design and implementation of corrective actions. The conformity of Quality Management System of the International airport "Zaporozhye" to the requirements of ISO 9001:2000 is one of the most important conditions for the competitiveness of the enterprise at the national as well as in some areas of international market.

Thus, executed processes within the product life cycle are determined by construction of the organizational structure of the organization and the organizational structure of QMS. The performance of all processes for all elements of the organizational structure is documented. The effectiveness of the functioning of the quality system at every level is supported by relevant data

quality. Accordingly, QMS combines organizational structure, the structure of the documentation and information structure and processes, all that affect quality.

Conclusion. Algorithm of development and implementation of quality management system at the enterprise management is typical one, but it acquires branch specificity at all stages. It is proved that at the airport complex fundamental approach of QMS implementation is proving the duties, responsibilities and authority for the quality management of an employee who participates in this management, due to increased requirements for flight safety.

The next step of the research is to study contemporary global trends, namely a single concept, which was named the "Roadmap of aviation security," and scientific support program implementation Operational Safety Audit (IOSA); finalizing the audit program for ground handling (ISAGO); work on the creation of an integrated system for airlines (IAMS) management by international and regional airports, which may acquire additional chance for development after signing the Association Agreement with the European Union.

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Key words: the quality, management, quality management system, enterprise, airport, airports complex.

Ключові слова: якість, управління, система управління якістю, підприємство, аеропорт, аеропортовий комплекс.

Ключевые слова: качество, управление, система управления качеством, предприятие, аэропорт, аэропортовый комплекс.

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INNOVATIVE DEVELOPMENT OF THE WHOLESALE TRADE ENTERPRISES

Trubey O., PhD, assistant professor of economics and finance companies of Kyiv National Economic University

Trubey O. Innovative Development of the Wholesale Trade Enterprises.

The article is devoted to the necessity to introduce the instruments of innovative development of the wholesale trade enterprises. In the course of the investigation there is made the analysis of modern parameters and key indicators of performance of the enterprises which function in the wholesale trade. It enabled to reveal the range of problems in their functioning which are connected both with the absence of effective economic leverages in development of the wholesale trade at the macroeconomic level and with ineffective management at certain enterprises. The data analysis of financing of innovative development among the investigated trade enterprises showed a low level of financial support of innovations at the wholesale trade enterprises. In spite of a high growth rate of financing of innovation projects of development of the wholesale trade enterprises, the total sum of money spent for financing is thrice lower than that of financing of the retail trade enterprises. The research of the foreign experience of introducing wholesale trade innovations and innovation projects which are used at the retail enterprises enabled to distinguish main directions of innovation activity of the wholesale trade enterprises. It is determined that the enterprises of this sphere need introduction of specific technological and non-technological innovation transformations. These transformations may concern product strategy, marketing strategy, technological strategy and other innovative business-models, as well as improvement of the existing business-strategies or introduction of the new ones. It is proved that taking into consideration the main economic essence of functioning of the wholesale trade enterprises, namely mediation between producers and dealers, main innovative changes at these enterprises may be connected with the technical and engineering development and creation of new client-oriented business-models.

Трубей О. М. Інноваційний розвиток підприємств оптової торгівлі.

Стаття присвячена обґрунтуванню необхідності запровадження інструментів інноваційного розвитку підприємств оптової торгівлі. В перебігу дослідження здійснено аналіз сучасних параметрів та результативних показників діяльності підприємств, що працюють у сфері оптової торгівлі. Це дозволило виявити коло проблем у їх функціонуванні, що пов'язані, як з відсутністю дієвих економічних важелів регулювання сфери оптової торгівлі на рівні державного управління, так і з малоефективним менеджментом на окремих підприємствах. Аналіз даних щодо обсягів фінансування на інноваційний розвиток по обстежених торговельних підприємствах України виявив низький рівень фінансового забезпечення інновацій на підприємствах оптової торгівлі. Попри випереджаючі темпи росту обсягів фінансування інноваційних проектів розвитку оптових підприємств, загальна сума фінансування втричі менша ніж по підприємствах роздрібною торгівлі. Вивчення закордонної практики застосування інновацій в сфері оптової торгівлі та інноваційних проектів, що використовуються на підприємствах роздрібною торгівлі дозволило окреслити основні напрямки інноваційної діяльності оптових торговельних підприємств. Визначено, що підприємства цієї галузі потребують запровадження специфічних інноваційних перетворень, як технологічного так і нетехнологічного характеру. Ці перетворення можуть стосуватися, як товарної, маркетингової, технологічної чи інших стратегій підприємства, так і вдосконалення діючих або запровадження нових інноваційних бізнес-моделей розвитку. Доведено, що з урахуванням основного економічного змісту діяльності підприємств оптової торгівлі - посередництва між товаровиробниками і роздрібними торговцями, основні

інноваційні зміни на цих підприємствах мають стосуватися їх техніко-технологічного розвитку та формування нових клієнтоорієнтованих бізнес-моделей.

Трубей О. Н. Инновационное развитие предприятий оптовой торговли.

Статья посвящена обоснованию необходимости внедрения инструментов инновационного развития в деятельности предприятий оптовой торговли. В процессе исследования осуществлён анализ современных параметров и результативных показателей деятельности предприятий, которые работают в сфере оптовой торговли. Это позволило определить круг проблем их функционирования, которые связаны, как с отсутствием действенных государственных экономических рычагов регулирования сферы оптовой торговли, так и с малоэффективным менеджментом на отдельных предприятиях. Анализ объёмов финансирования на инновационное развитие по обследованным торговым предприятиям Украины выявил низкий уровень финансового обеспечения инноваций на предприятиях оптовой торговли. Несмотря на опережающие темпы роста объёмов финансирования инновационных проектов развития оптовых предприятий, общая сумма финансирования втрое меньше, нежели на предприятиях розничной торговли. Изучение зарубежной практики внедрения инноваций в сфере оптовой торговли и инновационных проектов, которые используются на предприятиях розничной торговли, позволило обозначить основные направления инновационной деятельности на оптовых торговых предприятиях. Определено, что предприятия этой отрасли требуют внедрения специфических инновационных преобразований, как технологического, так и нетехнологического характера. Эти преобразования могут касаться, как товарной, маркетинговой, технологической либо любой другой стратегии предприятия, так и усовершенствования или внедрения новых инновационных бизнес-моделей развития. Доказано, что с учетом основного экономического содержания деятельности предприятий оптовой торговли – посредничества между товаропроизводителями и розничными торговцами, основные инновационные изменения на этих предприятиях должны касаться технико-технологического развития и формирования новых клиентоориентированных бизнес-моделей.

Problem. The current state of Ukraine's economy is characterized by a general decline in domestic production and the crisis in all spheres of economic activity. One of the most crisis-resistant sectors of the national economy is internal trade. Despite the difficult political and economic situation, the industry is characterized by a slight decline in effective performance, compared with other industries, and the development of retail trade in general a very positive trend. Thus it is evident factor of retail trade turnover by selling imported products and increased price factor. This situation is not conducive to the normal functioning of the internal market and Ukraine. The solution to this problem is, including a plane improve the performance of wholesale trade enterprises that are able to organize the best goods movement on the market and the implementation of economic interests as producers and retailers. Performing this task requires wholesalers improving current practices and finding new, innovative ways and methods of doing business. It is obvious fact that wholesale long been in need of innovative reforms, as characteristic of the current state of development indicates the presence of a serious imbalance between the needs of the new economy, organizational and technical capabilities wholesale level [1]. In general, according to a sample survey conducted by the State Statistics Service of Ukraine in 2008-2010. Only 20.6% of surveyed wholesalers are active innovation [2]. This figure is extremely low and indicates the unused potential of wholesale trade on the application of innovative development tools. Strengthening the role of innovative changes in the wholesale trade as dictated by the poor financial performance of wholesale trade. During 2010-2012. More than one third of the total number of wholesale enterprises were unprofitable [3, s.499].

Analysis of recent research and publications. Problems of functioning and development of wholesale trade are in the field of scientific interests of local scientists, as Apop VV, VD Lagutin, NO Holoshubova, VM Toropkov, M. Balaban, YY Yurchenko and others. Particular

attention is paid to these scholars organizational and economic aspects of wholesale and identify priority principles of state regulation of the wholesale trade. The issue of innovation in the field of trade and the effectiveness of their implementation are devoted, LA Lihonenko, IN Pidkaminnoho IA Sovershenno, MS Molodozheni, TV Beetle and others, but these developments are generally related to the retail trade.

Singling out the unsolved problems. Ways, methods and directions of innovative development of wholesale trade in Ukraine studied very little. This type of economic activity requires specific justification innovative transformations as technological and netehnolohichnoho character. This will allow wholesalers at a higher quality level of performing their functions and increase their competitiveness in the market.

The purpose of the article is to determine the main lines and grounding (alternatives) innovation is a wholesale company that can ensure their sustainable economic development.

Results. Analysis of key performance indicators of wholesale trade in recent years demonstrates the significant problems of doing business in this area. This is due both to the lack of effective economic tools of this trade sector at the level of state regulation and with ineffective management in individual enterprises. Thus, the number of wholesale trade every year and was reduced in 2012 r.- 75,219 units, up 4555 units less than the corresponding figure in 2010 in the structure of enterprises dominated by small firms with a few employees who do not have adequate logistical base number of such enterprises is more than 94% of the total [3].

An important aspect that characterizes the performance of wholesale trade activities is an indication of the total turnover of the wholesale trade. Thus, the wholesale turnover in the whole Ukraine for 2009-2013. Tends to decrease. While in 2012 the rate of reduction halt in 2013 again held negative changes (- 18.5 billion. UAH. To 2012) [4; 5].

Another important characteristic of subjects wholesale evaluating its logistics capabilities. The basis of this study are indicators that characterize the presence and availability of these entities warehouse space. Analysis of total storage space allows to state that during the last period there was a tendency for its reduction [5; 6]. Thus, the average annual rate of reduction of the rate for five years is about 10%. The total storage area of 2013 decreased relative to 2009, at 4 384.2 thousand. M2, or 32.1%, and the area of storehouses 2 264.2 thousand. M2 or 23.8%. Reduction of storage space considered exclusively as a negative factor hindering the implementation of important wholesale functions as storage and course of sub goods transformation product range in trade.

Negative trends can be observed on Financial ratio wholesale. Yes, every year worse performance of their activities (period 2010-2012. Orbital period inventories increased by almost 7 days and a maximum rotation decreased by 3 points). Return on activities of wholesale trade also decreased. In 2012 the figure was only 1.4% compared to 4.1% in 2011. [3].

This indicates an objective need for introducing innovative changes in the wholesale trade enterprises to be to overcome the crisis in the activities of individual companies and the formation of a civilized, modern trade mediation institute.

Previous studies indicate that innovation in wholesale trade are significantly lower level than in the retail industry (Table. 1).

Despite the accelerated rate of growth of financing innovative projects of wholesale companies, the total financing for these enterprises is three times less than in the retail industry.

Thus, in 2011 one wholesale company accounted for 337.8 thousand. UAH. such funding, while one retailer spent on innovation in average 1 198.0 thousand. UAH. This may be caused as limited financial resources and low-interest (or awareness) wholesale business leaders in innovative

changes. The main problems that do not allow wholesalers to fully implement innovation specialists include: care innovation in the perception and concerns related to risk management; rejection of innovation as a way of enterprise development; lack of innovation infrastructure.

Table 1. Dynamics of the total amount of funding for innovative development by type of trading activity in trading companies surveyed Ukraine in 2009-2011. [6].

Підприємства за видами торговельної діяльності	Кількість обстежених підприємств, од.	Обсяг фінансування, тис. грн.			Темп росту 2011 р. / 2009 р., %
		2009 р.	2010 р.	2011 р.	
1. Оптові					
1.1 загальна сума фінансування	16	2 268,5	3 595,1	5 404,9	238,3
1.2 у розрахунку на 1 підприємство		141,8	224,7	337,8	
2. Роздрібні					
2.1 загальна сума фінансування	14	14 294,7	13 467,3	16 771,7	117,3
2.2 у розрахунку на 1 підприємство		1 021,0	962,0	1 198,0	
3. Оптово-роздрібні					
3.1 загальна сума фінансування	20	20 215,1	25 476,7	40 207,3	198,9
3.2 у розрахунку на 1 підприємство		1 010,8	1 273,8	2 010,4	
В цілому по обстеженим підприємствам					
загальна сума фінансування	50	36 778,3	42 539,1	62 383,9	169,6
у розрахунку на 1 підприємство		735,6	850,8	1 247,7	

However, the development of market relations, strengthening integration and globalization of the economy, increased trade and commodity requirements to service quality and service, forced domestic wholesalers to innovation. Given the global experience of the wholesale trade business innovations that are already widely used in retail, we can offer innovative lines of development of wholesale trade. These areas should be associated with the four types of innovation: grocery, protsesova, marketing and organizational enshrined in regulations «OSLO» OECD Secretariat and experts in cooperation with the industrial development of the Nordic countries [7].

Thus, product innovations is the introduction of the goods or services that are new or significantly improved on its properties or methods of use. This includes significant improvements in technical specifications, components and materials, embedded software, the level of compatibility with the user or other functional characteristics. The introduction of such innovations is critical for wholesale trade enterprises, most of which is established with the traditional range of products that do not always coincide with the current trends of the consumer market and advances scientific progress. These factors require a material adjustment to the product strategy of wholesale trade enterprises, it is through innovative products. Product innovations may relate not only difficult technical products or other types of non-food products but also because all the more urgent use of environmentally friendly, organic, safe for health products. Implementing product innovations

requires a detailed study of the characteristics of consumer demand and finding appropriate sources of procurement of innovative products.

The process of innovation is the introduction of a new or significantly improved production or delivery method of the product. This includes significant changes in technology, production equipment and / or software. The use of this kind of innovation is essential for businesses wholesale trade, given the low level of technical and technological equipment, warehouse handling of goods on the formation of political parties and deliveries. The main vectors protsesovyyh innovation in wholesale trade enterprises should be: first modernization or replacement of handling equipment; second improvement or introduction of automated processing of data warehousing goods movement. The introduction of such innovation lays the foundation for increasing mechanization and automation of warehouse operations; productivity of staff; efficiency of economic activities of wholesale trade. An example of such innovation can serve as a project of automated warehouse complex for meat products, developed by the German company Westfalia Storage Systems commissioned by Beef Products Ins. (USA) - world producer of canned and frozen meat products [8, p.186].

As for marketing innovations that involve the introduction of a new method of sale, including significant changes in the design or packaging of the product, its storage, market promotion or appointment of the sale price that aim to better meet the needs of consumers, their use in the wholesale trade enterprises should apply in especially improving existing or build new business models. Creation of business models, according to K. Markides [9, p.12], should be no attempt to compete with existing players on established rules, and in establishing their own business ideas that change the existing rules. These innovations, above all, should be client-oriented in nature, and business owners should adopt a new perspective on your business, portrait view client search for new customers. These business models are gaining market with new values other than those offering competitors, which in turn allows you to attract new customers who are not clients of companies that have long worked in the market.

Specificity of business in the wholesale trade opens significant opportunities such innovations. As an example is the business model of wholesale centers Cash & Carry, which are designed to provide wholesalers all necessary for its business portfolio, which can be obtained from one source at a significant discount.

Organizational innovation is the introduction of a new organizational method in the enterprise, the workplace or external relations. This type of innovation has a direct connection with the introduction of new business models. As is often the problem is not to create a business model, and to overcome organizational barriers hindering their implementation.

Conclusions and suggestions. Modern promote competition, proves the need for continuous improvement of each market entity. This fully applies to the wholesale trade functioning of mediation. The introduction of innovations in the wholesale trade enterprises is an effective and efficient tool for their further development. This conclusion should come as leaders and top managers of such companies. Subjects wholesale trading activities actually doomed to defeat in the competition without the use of innovation. These innovations may relate to individual parameters as overall development strategy and the creation of new business models that tend to lead to a significant economic effect. Such approaches to doing business in wholesale trade include mandatory concentration on the needs of the client (existing or identified), the availability of adequate financial resources and creative thinking leaders.

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Ключові слова: оптова торгівля, інновації, техніко-технологічний розвиток, інформаційні технології, бізнес-моделі.

Ключевые слова: оптовая торговля, инновации, технико-технологическое развитие, информационные технологии, бизнес-модели

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ORGANIZATIONAL SUPPORT OF INFORMATION POTENTIAL MANAGEMENT OF ENTERPRISES OF SOFT CARBONATED DRINKS MARKET IN UKRAINE

Markina I., Doctor of Economics, Professor, Vice-educational and international cooperation, head of the department of management and administration of Poltava National Technical University named after Yuri Kondratyuk

Diachkov D., assistant, Poltava National Technical University named after Yuri Kondratyuk

Markina I., Diachkov D. Organizational support of information potential management of enterprises of soft carbonated drinks market in Ukraine

In the article the problems of efficiency increase of the use of informative potential of enterprises of market of the soft carbonated drinks in Ukraine, that is mainly taken to that the informative system of enterprises does not allow effectively to organize making decision from the most substantial questions of economic and productive activity are considered by author. The educed problems demonstrate the low level analyzable enterprises of market of the soft carbonated drinks in Ukraine informative potential management. Possibilities of enterprises of market of the soft carbonated drinks informative potential in the cut of informative, organizational, programmatic and legal hardware are curtained. The necessity of creation of informative department with the selection of his functions and structure for the increase of efficiency of the use of informative potential of the investigated enterprises is substantiated. The functions of informative department must include: development of forms and methods of receipt and treatment of information, concordance of flow sheets of motion of information, informative market, introduction of new information technologies research, automation of informative activity, planning and management, planning and introduction of the single informative system, informative activity on enterprise, creation of database, implementation of calculable works, standardization of information. The sector of organization of informative activity, sector of planning of programmatic foods, sector of hardware, informative and calculable centers must be included in the structure of this department. The basic setting of the offered department consists in realization of the strategic planning of informative activity, development of new informative foods, realization of works in relation to protection of information, realization of standardization of documentation, informative and technical service and increase of educational level of personnel in industry of informative literacy is curtained. The creation of singular information department will result in the association of all informative resources of enterprise in the single system, management that will carry out a single center that will provide workers necessary information and systematizes informative streams.

Маркіна І. А., Дячков Д. В. Організаційне забезпечення управління інформаційним потенціалом підприємств ринку безалкогольних газованих напоїв в Україні

У статті автором розглянуто проблеми підвищення ефективності використання інформаційного потенціалу підприємств ринку безалкогольних газованих напоїв в Україні, які переважно зводяться до того, що інформаційна система підприємств не дозволяє ефективно організувати процес прийняття рішень із найбільш суттєвих питань економічної та виробничої діяльності. Виявлені проблеми демонструють низький рівень управління інформаційного потенціалу підприємств ринку безалкогольних газованих напоїв в Україні. Визначено можливості інформаційного потенціалу підприємств ринку безалкогольних газованих напоїв у розрізі інформаційного, технічного, організаційного, програмного і правового забезпечення. Для підвищення ефективності використання інформаційного потенціалу досліджуваних підприємств обґрунтовано необхідність створення

інформаційного відділу, з виділенням його функцій і структури. Функції інформаційного відділу повинні включати: розробку форм і методів отримання та обробки інформації, узгодження технологічних схем руху інформації, дослідження інформаційного ринку, впровадження нових інформаційних технологій, автоматизацію інформаційної діяльності, планування й керування інформаційною діяльністю, проектування й впровадження єдиної інформаційної системи на підприємстві, створення банків даних, виконання обчислювальних робіт, стандартизація інформації. До структури даного відділу повинні входити сектор організації інформаційної діяльності, сектор проектування програмних продуктів, сектор технічного забезпечення, інформаційний та обчислювальний центри. Визначено основне призначення пропонованого відділу, яке полягає у здійсненні стратегічного планування інформаційної діяльності, розробці нових інформаційних продуктів, здійсненні робіт щодо захисту інформації, проведенні стандартизації документації, інформаційного і технічного обслуговування і підвищенні освітнього рівня персоналу у галузі інформаційної грамотності. Створення єдиного інформаційного відділу призведе до об'єднання всіх інформаційних ресурсів підприємства в єдину систему, управління якою буде здійснювати єдиний центр, що забезпечить працівників потрібною інформацією та систематизує інформаційні потоки.

Марикна И.А., Дячков Д.В., Организационное обеспечение управления информационным потенциалом предприятий рынка безалкогольных газированных напитков в Украине

В статье автором рассмотрены проблемы повышения эффективности использования информационного потенциала предприятий рынка безалкогольных газированных напитков в Украине, которые в основном сводятся к тому, что информационная система предприятия не позволяет эффективно организовать процесс принятия решений по наиболее существенным вопросам экономической и производственной деятельности. Выявленные проблемы демонстрируют низкий уровень управления информационным потенциалом предприятий рынка безалкогольных газированных напитков в Украине. Определены возможности информационного потенциала предприятий рынка безалкогольных газированных напитков в разрезе информационного, технического, организационного, программного и правового обеспечения. Для повышения эффективности использования информационного потенциала исследуемых предприятий обоснована необходимость создания информационного отдела, с выделением его ключевых функций и структуры. Функции информационного отдела должны включать: разработку форм и методов получения и обработки информации, согласование технологических схем движения информации, исследование информационного рынка, внедрение новых информационных технологий, автоматизацию информационной деятельности, планирование и управление информационной деятельностью, проектирование и внедрение единой информационной системы на предприятии, создание банков данных, выполнение вычислительных работ, стандартизацию информации. В структуру данного отдела должны входить сектор организации информационной деятельности, сектор проектирования программных продуктов, сектор технического обеспечения, информационный и вычислительный центры. Определено основное предназначение предлагаемого отдела, которое заключается в стратегическом планировании информационной деятельности, разработке новых информационных продуктов, осуществлении работ по защите информации, проведении стандартизации документации, информационного и технического обслуживания и повышении образовательного уровня персонала в области информационной грамотности. Создание единого информационного отдела приведет к объединению всех информационных ресурсов предприятия в единую систему, управление которой будет осуществлять единый центр, что обеспечит работников нужной информацией и систематизирует информационные потоки.

Problem. Competitive industrial enterprise as the main link management, integrated into the global system of social production and reflects in its general tendencies of its development. At the end of XX century, humanity is faced with the need to review the classical models of interaction

between society, government and businesses that were not adequate information, environmental, economic and social supranational challenges. This is not only a brand new production machine industry, established on the basis of information technology, but also the formation of new social, political and economic relations. As a result of changing macroeconomic environment of the enterprise, improving the communication process between the two countries, enterprises and people. Economic space is converted to market goods and services of global corporations, new forms of cooperation between enterprises of different nationality.

With the advent of technology many processes were run in real time. It was formed global information society. Many industrial companies are faced with the need to review their activities based on trends of the information society. This gives them certain advantages of entering new markets, products, services, finance, labor markets and more. This is especially true of large industrial enterprises with rather complex control systems that require a lot of time on their adaptation to environment. The accelerated processes of interaction with the environment provides revolutionary change some aspects of their work. This requires reconsideration of the role of information in the enterprise, issues of economic evaluation creating an array of information, use, storage and potential for further development of information industry, including companies carbonated drinks market in Ukraine.

However, the information technology put forward new demands not only to the quantity and quality of information, but also to the need for change in enterprise management system, allowing maximum use of information technology to improve the efficiency of production and economic activity. So this explains the relevance of the chosen research topic.

Analysis of recent research and publications. Among the studies on this issue, it should be noted scientific works of domestic and foreign scholars, including: A. Alymov, A. Amosha, V. Barkanov, T. Baulin, I. Bystryakov, M. Blaug, V. Heyets, A. Demeshok, Zakharin S., S. Ibatullina, Koretsky, A. Kuzmin, L. Ladonko, V. Mikitenko, M. Palamarchuk, M. Peck, A. Stepanenko, M. Hvesyka, E. Khlobystov, M. Chumachenko, S. Shkarleta and others. In addition it should be noted that in the domestic practice this kind of question a long time have not received adequate attention. Research into the use of information technology for management focused on the problem of automated control systems (ACS), with emphasis on the technical side of things.

Tagging is not resolved before the general problem. Thus the development and introduction of management conducted on the premise of preservation of the existing management, while new information systems put as a priority - creation and effective management of the enterprise information potential. Works related to the consideration of issues regarding the development and effective management of potential information industry, including companies market non-alcoholic carbonated beverages in theoretical and practical terms, in domestic practice previously had very little.

The purpose of the study. The main purpose of this paper is to examine the problems concerning the improvement of organizational information management software companies market potential alcoholic carbonated beverages in Ukraine, to justify the need for a common information department of industrial enterprise market non-alcoholic carbonated beverages with the release of its key functions and structure, and identify measures to optimize information flow .

The main material. To improve management of enterprise market information potential alcoholic carbonated beverages in Ukraine should raise its role in business enterprise.

This is ensured by the following measures:

consideration of all available information resources in the financial statements

allows us to estimate the availability of information resources;

adequacy of information resources - should determine the need and form the desired amount of information resources;

ensure the availability of information resources - it needs to create conditions for information by all employees, improve their information literacy;

ensure the relevance of information resources, providing the company's employees to increase interest in the use of information resources, a clear definition of their rights and responsibilities in this area, as well as increased government support using advanced information technology.

As a result, the information capacity of the enterprise is not only a tool that improves the efficiency of enterprises, but also performs strategic functions, that is used to achieve strategic objectives. Information potential increases efficiency of other resources through their savings, improved quality control, productivity and logistics industrial and commercial activity, which results in increase in competitiveness in the market and increase its attractiveness.

Strategic management provides information potential of the enterprise: the creation of the enterprise information service, development regulations accounting information resources and information needs, creating a single database of information resources, increasing active part in the composition of information resources, creation of employee training programs to enhance information literacy, reducing the risk of unauthorized access to Enterprise information resources [1].

In addition, more effective use of information potential of the company involves consideration of its unique properties in terms of value of information resources for businesses and society as a whole. As information network resources are good, they have the following properties:

standardization and complementarity, admitting that information resources can be used in conjunction with existing;

use efficiency - Information Resources hardly lose their value when replicating, they can be used repeatedly.

The usefulness of information resources increases with the number of consumers. After reaching a maximum, it gradually decreases. The value of information resources characterized by their market value, which consists of the actual and potential information resources for the company. In case of loss of information resources company loses the opportunity to develop promising.

Information systems surveyed enterprises are mostly automated processing of accounting information, which does not allow the full use of the available hardware to work with information resources. Also, many domestic industry, including companies in the market of non-alcoholic carbonated beverage is used specialized software products that improve the efficiency of decision-making.

In business we have studied the market of soft carbonated drinks in Ukraine have attempted introduction of automated information systems, improved management processes separate, but did not affect all areas of the company. For example, "Obolon" PJSC implemented an automated information system work in the office, which will accelerate the processing of mail that comes and goes. This led to wastage of material resources and did not give a positive effect as other documents (internal, managerial and staff) are still subjected to manual processing.

In our view, the main drawbacks of enterprises in the field of information is its potential limitations and focus on solving current problems. Information system can not effectively organize

the decision-making of the most significant issues of economic and industrial activity. Due to imperfect information processing often loses its positive qualities, managers receive the necessary information incomplete, some of them duplicated in several separate information systems, resulting in additional time and materials. Research workstations showed that most of them remain isolated in the presence of local information network. This fact caused by heterogeneous software and formats of information processed in different parts of the enterprise that reduces the effectiveness of the use of information potential.

Failure to obtain objective information on the decisions taken by the governing bodies, causing employees guesses relative status of the enterprise that are negative and generate tension in the team. Not being able to get objective information about the facts, leaders often do not understand the causes of social tension [2; 3].

We identified in the study demonstrate the problems poor management of information potential of the analyzed companies carbonated drinks market in Ukraine. Also, we have identified opportunities unrealized potential of information analyzed enterprises. Thus, for JSC "Erlan" identified the following potential information potential:

1) automated analysis of the quality of products, including the assessment of the quality of products, providing methodological quality analysis, processing information about the quality of the goods;

2) costing and costing of works using information resources;

3) implementation available to the company and not used documentation to develop new products that is available and has no strategic value.

Company LLC "Akvaplast" Has unrealized potential opportunities of information:

1) the creation of enterprise information site that allows consumers to learn about agricultural products, order the desired product and offer their ideas on modernization and improvement of products;

2) the use of advanced software to work with suppliers;

3) increasing information literacy personnel.

For PJSC "Obolon" revealed the following information potential reserves:

1) to market for new products information processing administrative documents, which are being used in the enterprise;

2) expansion of enterprise information system through the use of new automated elements.

To improve management information analyzed potential companies, we have developed the following recommendations.

Software. Analyzed the company, according to the study, a high level of software. At the same time, if businesses want to buy new software, they must undergo significant revision due to the nature of its activities. Therefore, in the case of industrial enterprises should be necessary to conduct independent development on software that will significantly reduce the cost of its acquisition.

Technical support. To modernize and improve the efficiency of the use of technology used by enterprises pizh working with information resources need to buy a new advanced equipment. This requires substantial expenditures of material resources, which currently can not afford most domestic enterprises. Therefore, we propose to make a plan for updating of the information of enterprises, involving gradual replacement of means for three years.

Information support. Information systems analyzed enterprises were established for a long time, and they have an extensive database of great value to businesses. Rate in monetary terms, its

cost is not possible. However, as the information support of business critical loss of at least some of it may well appear on efficiency [4].

For example, loss of information or realizable production activities will result in lower production and sales volumes, increased production costs, the loss of a positive business reputation, reduce contact with the environment, which ultimately will reduce the occupied market share and loss of competitiveness.

Data loss and accountancy will gain the attention of regulatory bodies require extra effort from businesses recover information, considerable time and financial resources.

In case of loss of information support management decisions will increase the time spent heads that reduce the quality of enterprise management and lead to loss of competitive position in the market. Loss of specialized information on the companies reporting significantly reduce performance. Thus, the loss of special documentation for the development of new products will slow the production process, resulting in a decline in output, reducing revenues and profits.

Thus, total losses from the loss of any part of information provision will be significant and will cause a significant reduction in the market value of the company. This allows us to conclude that the analyzed company should pay particular attention to the protection of information support their work.

Organizational support. To improve the efficiency of organizational support information in enterprises need to improve information flow, increase automation of information processing by coding structure to improve information process. We also offer to create specialized departments in the company to work with information that will help improve the efficiency of information resources.

Legal support. In terms of improving the efficiency of providing legal information potential enterprises can develop instructions with respect trade secrets and prevent unauthorized access to information resources. In addition, companies need to set the order of the information - namely, to develop new job descriptions for staff, which will be reflected issues and information that can be used one or another worker. You should also take documents that increase liability for disclosure of confidential information on the company and its employees. The study of business information market carbonated beverages in Ukraine showed that none of the analyzed companies is their own information department that provides centralized activities for the collection, processing, storage and use of information resources. Now companies are two structural units [5]: Technical Department, whose role is to provide technical information activities; Department of automation involved, including the development and improvement of software process information in the enterprise.

For efficient use of information potential of the studied companies, we propose to establish an information department that has strategic planning of information activities, to develop new information products, make the job of protecting the information to carry out standardization, information and technical services, training in information literacy (Fig. 1).



Fig.1. Information service company [the authors]

The structure of the department should include information sector of activity, sector design software, logistics sector, information and computing centers.

Features Information Department should include the development of forms and methods for obtaining and processing; harmonization process information flow; research information market; introduction of new information technologies; automation of information; planning and management of information activities; design and implementation of a unified information system in the enterprise; creation of databases; perform computations; standardization of information.

Information service company should be established for the operating conditions of a single automated system to work with information, combining all the technical tools used in information activities. Proposed the creation of an information department must perform not only the provision of information, but also maintain the system management.

To accomplish this goal, the Department should conduct: Event Planning information activities to meet the needs of structural divisions, and perform the work under agreements with other companies; collection, storage and processing of all incoming, outgoing, domestic service, administrative documents; redistribution of the flow of information within the enterprise; monitor the implementation of regulations providing statistical reporting divisions, deadlines management decisions; detailed study of market information services in order to provide new information technology management process now; database design and ensure timely access to information;

identify and record all sources to obtain information for the effective functioning information system; development standards of the enterprise and the forms of information that allow the use of existing software, methodological basis, the company computer system; formation program for implementation of computational tools work in business units to improve performance of information; exercise leadership advisory support link from the Information of the company.

The duties of the Information Department should include keeping information archive, providing the necessary information to employees and control of its intended use, convert all incoming information to the company approved format. Also information department to teach employees to work correctly with the new software, technical means to prevent downtime caused by improper operation.

Conclusions. Creating a unified information will love to unite all information resources into a single enterprise system management which will provide a single center, which provides employees the necessary information and organizes information flows. As a result, increases the efficiency of information, increasing the efficiency of administrative decisions, increasing information security of all structural divisions, due to more accurate coordinate information flow.

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Keywords: information capacity of the enterprise, the enterprise information flow, information department, information technology, information systems, automated control systems (ACS).

Ключові слова: інформаційний потенціал підприємства, інформаційні потоки підприємства, інформаційний відділ, інформаційні технології, інформаційна система, автоматизованих систем управління (АСУ).

Ключевые слова: информационный потенциал предприятия, информационные потоки предприятия, информационный отдел, информационные технологии, информационная система, автоматизированных систем управления (АСУ).

UDC 332

ABOUT THE NATURE AND THE BASIS OF ECONOMIC SAFE OF REGIONS DEVELOPMENT UNDER GLOBALIZATION CIRCUMSTANCES

Makhmudova C. Mariupol State University graduate student Senior Lecturer, Institute of Odessa Azov Sea Marine National Academy.

Makhmudova C. About the nature and the basis of economic safe of regions development under globalization circumstances.

The article on the example of the Donetsk region conducted a study of economic safe at the regional level, the relationship and interdependence between the levels of economic safe (state, region, economic entities), proved the need to develop and implement strategies to ensure the economic safe of the region. Results of the study show that the level of economic safe at the regional level depends on government policy and performance of business entities. Economic development of the regions in the safe context of globalization, improvement in the economic sphere Donetsk region is hampered by lack of domestic strategic investor and effective owner, who would be able to invest, to ensure competitive production, is able to settle with the budget. Effective government strategy carried out in the interests of the development of civil society in Ukraine, will strengthen the position of individual rights and freedoms are the supreme value. Recognition, respect and protection of the rights and freedoms of citizen is the duty of the state. This strategy will increase the legal awareness of citizens of Ukraine, because without a sufficiently high level of legal consciousness both leaders of state structures and all citizens, to achieve the respective goals of economic growth and welfare of the citizens of Ukraine in today's globalized world is impossible.

Махмудова К. В. Про сутність і основи економічної безпеки розвитку регіонів в умовах глобалізації.

В статті на прикладі Донецького регіону проводиться дослідження економічної безпеки на регіональному рівні, показано взаємозв'язок і взаємозалежність між рівнями забезпечення економічної безпеки (держава, регіон, суб'єкти господарювання), доведено необхідність розробки і впровадження стратегії забезпечення економічної безпеки регіону. Результати дослідження доводять, що рівень забезпечення економічної безпеки на регіональному рівні залежить від державної політики і ефективності функціонування суб'єктів господарювання. Економічній безпеці розвитку регіонів в умовах глобалізації, поліпшенню ситуації в економічній сфері Донецької області перешкоджає відсутність вітчизняного стратегічного інвестора і ефективного власника, який би був у змозі вкласти інвестиції, забезпечити випуск конкурентоздатної продукції, своєчасно розраховуватись з бюджетом. Ефективна державна стратегія, що проводиться в інтересах розвитку громадянського суспільства України, закріпить положення про те, що людина, її права і свободи є найвищою цінністю. Визнання, дотримання і захист прав і свобод людини і громадянина - обов'язок держави. Ця стратегія призведе до підвищення рівня правової свідомості всіх громадян України, оскільки без досить високого рівня правової свідомості, як діячів державних структур, так і всіх громадян, досягнення високих цілей економічного зростання і добробуту громадян України в сучасних умовах глобалізації неможливо.

Махмудова Е. В. О сущности и основах экономической безопасности развития регионов в условиях глобализации.

В статье на примере Донецкого региона проводится исследование экономической безопасности на региональном уровне, показана взаимосвязь и взаимозависимость между уровнями экономической безопасности (государство, регион, субъекты хозяйствования),

доказана необходимость разработки и внедрения стратегии обеспечения экономической безопасности региона. Результаты исследования доказывают, что уровень обеспечения экономической безопасности на региональном уровне зависит от государственной политики и эффективности функционирования субъектов хозяйствования. Экономической безопасности развития регионов в условиях глобализации, улучшению ситуации в экономической сфере Донецкой области препятствует отсутствие отечественного стратегического инвестора и эффективного собственника, который бы был в состоянии вложить инвестиции, обеспечить выпуск конкурентоспособной продукции, своевременно рассчитываться с бюджетом. Эффективная государственная стратегия, проводимая в интересах развития гражданского общества Украины, закрепит положение о том, что человек, его права и свободы являются высшей ценностью. Признание, соблюдение и защита прав и свобод человека и гражданина - обязанность государства. Эта стратегия приведет к повышению уровня правового сознания всех граждан Украины, поскольку без достаточно высокого уровня правового сознания, как деятелей государственных структур, так и всех граждан, достижения высоких целей экономического роста и благосостояния граждан Украины в современных условиях глобализации невозможно.

Statement of the problem. Growth of economic potential and the effective operation of any enterprise and the region in general market conditions significantly depends on a reliable system of economic safe at various levels. A number of scholars argue about economic safe whether it is a universal category, reflecting the safe subjects of social and economic relations at all levels, beginning with the State and ending with its every citizen.

To achieve economic safe at the state level it's necessary to have the support of the corresponding state at the regional and individual enterprises. The regional level is the link that connects the state and business entities, economic safe at this level should be a priority of the operation. Moreover, each region has its own characteristics in terms of securing financing economic and social development programs, which is reflected in the creation of regional safe system.

Without economic safe it is almost impossible to solve any of the problems that Ukraine faces today.

Analysis of the experience of Ukraine's independence indicates that the issue of economic safe becomes extremely relevant. Destructive processes in all sectors of the economy, the financial vulnerability of the population and rising social tensions clearly emphasize this. It is the state that bears all the features to ensure financial safe of the population, enshrining the rights of citizens of Ukraine on protection of economic peril in the context of globalization. These measures will increase the level of legal consciousness of Ukrainian society.

Analysis of studies. Practice and research show that there is a need of processing and creating a safe system that takes into account the advantages and disadvantages of modern economic environment functioning of all economic agents. Selected scientific aspects of economic safe are covered in the scientific works of the Russian and foreign scientists, among them some should be defined: A. Baranowski [1], S. Glazyev [2, p.3-19;3, p.3-18] V.Oykne [4] B. Senchagova [5, p.97-106] and etc. The study of these authors were aimed either at national level or at the level of functioning of business entities by economic activities. Thus, the study of the state to ensure the economic environment at the level of a particular region is relevant and appropriate.

In the research of the Ukrainian scientists there is no influence on the development problems of economic safe of justice for the civil citizens. It does not reflect the links between economic safe and justice of citizens.

The purpose of this study is to determine the economic safe of regional development (for example, Donetsk region) in the context of globalization and the connection of this problem with a low level of legal consciousness in the Ukrainian society.

Presentation of the main material. In the international legal literature, there is a perception that the global problems facing humanity, are admissible and influence the possibility of superstate.

Global demand supranational regulation and safe issues of regional economic development. Safety of regional economic development and safe defines economic development throughout the country. These problems are related to the interests of the entire international community. The world is witnessing the progress of society, which is accompanied by a transition from a large number of communities in the gradual unification. Trend towards the internationalization of social life are enhanced.

Formation of the European Union with a single currency is also an expression of this objective process. The process of unification of humanity, which covers national and regional boundaries in the context of globalization, came to the world stage and is reflected in the globalization of the world development.

Currently there is a significant increase in production, which greatly enhances the process for unity of mankind. Tendency towards unity of mankind as a whole is progressive in its nature. Enhanced communication between representatives of various nations and nationalities, there is the internationalization of production and exchange. The international community used the experience of building political structures, increasing the level of information being exchanged spiritual values and the result is the formation of superstate structures.

In this regard, it must be recognized that the universal nature of global problems require multilateral solutions. The impact of globalization on economic, political and legal life of states and nations comes in different forms and by different methods. Power and direction of the impact of globalization depends on many factors. The most important factor is legal. It finds immediate expression in the constitutions of the majority of UN member states, including the Constitution of Ukraine.

Now there is a deterioration of the socio-economic situation in Ukraine. In this regard, highly relevant is the question of the development and implementation of the strategy of economic safe of Ukraine. The solution to this problem is one of the most important national priorities and requires increased attention from the authorities, political parties, academics and the society. We can say that economic safe in the context of globalization ensures state independence of the country, creating conditions for increasing legal awareness and the creation of the whole complex of optimal conditions for the life and development of the individual, socio-economic and military-political stability of the Ukrainian society, preserve the integrity and statehood of Ukraine, countering the influence of internal and external threats. Economic safe policy will come into force only if it is impeccably defined its strategy and tactics.

In a globalized economic safe of Ukraine depends on the economic safe of its regions. In the economic literature conceptual aspects of economic safe are well represented. With regard to the economic safe of the regions, this problem is studied insufficiently. The reasons for this situation are: firstly, the economic development of the regions of Ukraine has its own specificity, which is projected to meet the challenges of ensuring regional economic safe. It requires a modification of the indicators. Secondly, these problems are treated with various methodological positions that often contradict each other. Thirdly, to assess the level of regional economic safe insufficiently explored the problem of unification of regional statistics. As a result it is difficult to develop general principles for assessing the level of regional economic safe.

At the present stage of the world globalization and integration in the development of Ukraine's key acquire regional safe issues associated with the implementation of national unity, development and improvement of social relations, the problem of ensuring the implementation of the rights and freedoms of citizens and increase the level of legal consciousness. Analysis of the socio-economic situation shows that the causes of many threats to economic safe are present at the regional level.

The essence of economic safe of the region is the ability and capacity of its economy gradually improve the quality of life of the population at the level of common standards, resist the influence of internal and external threats in a cost all kinds of resources and sustainable use of natural factors to ensure the socio-economic and socio-political stability in the region [6, p.16].

The main criteria for characterizing the interests of the region's safe and providing acceptable living conditions for the majority of the population and personal development, sustainable socio-economic situation are [7, p.31-32; 8, p.136]:

- Expanded reproduction of economic and social infrastructure of the region;
- Boundaries of the critical region's dependence on major products import;
- Ensuring the necessary level of servicing the population in order to create conditions for normal life in the region.

Analysis of the situation in the region should be based on a set of indicators of economic safe that will identify and assess future threats, and implement the necessary range of program-target actions to reduce threats.

The significant differentiation of the Ukrainian regions in terms of economic development, which threatens the economic safe of the state, requires the organization an effective system of economic situation evaluation in the region, the identification of factors which lead the situation to different spheres beyond the economic safe and development on the basis of this program-targeted priorities neutralize threats, deadlines for their implementation, as well as resources are to be at the same time used.

Economic safe strategy of Donetsk region is to determine the nature of internal and external threats to its economic well-fare, in the formation of data on the conditions and factors that pose a threat to the vital economic interests of the region's population, market subjects and the creation of an effective response mechanism authorities to identify threats to the economic Safe.

Donetsk region has its own characteristics in terms of securing financing economic and social development programs, which is reflected in the creation of its regional safe system.

Without economic safe it is almost impossible to solve any of the problems that Ukraine faces today. Analysis of the experience of Ukraine's independence indicates that the issue of economic safe is extremely relevant. Destructive processes in all sectors of the economy, the financial vulnerability of the population and rising social tensions clearly emphasize it.

The research conducted in this field concerning the basic criteria of economic safe of the state shows different levels of development of these criteria. Currently new research is needed in connection with the ongoing reforms in the country: the level of GDP if we consider it on the macrolevel it's necessary to have a balanced and optimal state budget as well as its social determination.

Analysis of studies on the state, regional levels, which was held prior to the state reforms showed that the country was in an unstable economic situation. Therefore, there is a need for economic reforms that are currently taking place in Ukraine.

Conclusions. Studies conducted on the basic criteria show that the level of economic safe at the regional level is highly dependent on the government policies and performance of business entities. In the studies conducted before reforms the analyzes of the current state of the Donetsk region allowed us to determine the set of destabilizing factors, the presence of which interfere the implementation of both the economic interests on the regional level, on the state level as a whole. But now we need a new analysis of the factors of economic safe Donetsk region. It is proved that the main destabilizing factor today is the imperfection and incompleteness of legislation in the sphere of economic safe and cooperation. It is sufficient to mention only the main missing legislation acts: Tax and Financial Regulation, the economic, financial laws on and other documents Types safety etc. Referring to improvement of existing legislation in the economic sphere is carried out very slowly and it is of behind the changes which take place in it. Economic safe has increased the Donetsk region economy and improve the situation in the economic sphere. It is complicated by the lack of domestic strategic investor and effective owner, who would be able to invest, to ensure competitive production, who would be able to settle with the budget.

In the Donetsk region an effective system of economic safe has not created, strategies of economic safe in the region are not developed and implemented, which are the priorities for development of the state, region, enterprise (organizations, institutions). Specific and credible strategic measures to ensure the economic safe of the region will allow, on the one hand, to increase

the level of economic safe, a separate area (region), and on the other hand will determine the implementation of economic protection in the state and entities.

In our opinion, this is one of the reasons for today's difficult situation in our Donetsk region. The state strategy in the field of economic development of the regions safe should be developed and implemented within the framework of economic policy, the main priorities of which is to achieve sustainable economic status of the individual, social and economic stability of the society, the state, constitutional rights and freedoms, laws, without exception, including public authorities. This national strategy is pursued in the interests of the development of civil society in Ukraine, will strengthen the position of that person's rights and freedoms are able. Recognition, respect and protection the rights and freedoms of citizen is the duty of the state. This strategy will increase the legal awareness of citizens of Ukraine, because without a sufficiently high level of legal consciousness of government representatives and all citizens it's to impossible achieve the lofty goals of economic growth and welfare of the citizens of Ukraine in today's globalized world.

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Keywords: economic environment, economic safe strategy, globalization of justice.

Ключові слова: економічне середовище, стратегія економічної безпеки, глобалізація, правосвідомість.

Ключевые слова: экономическая среда, стратегия экономической безопасности, глобализация, правосознание.

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INNOVATIONS AS THE KEY FACTOR OF ECONOMIC AND FINANCIAL SECURITY OF THE ENTERPRISE CARRYING OUT INTERNATIONAL BUSINESS ACTIVITY

Turylo A., Doctor of Economics, Professor, Director of Economical Institute of State Higher Education Establishment "Kryvyi Rih National University".

Zinchenko O., Doctor of Economics, Professor, Head of Finance, Taxing and Insurance Department of State Higher Education Establishment "Kryvyi Rih National University".

Turylo A., Candidate in Economics, Associate Professor, Associate Professor of Accounting and Audit Department of State Higher Education Establishment "Kryvyi Rih National University".

Turylo A., Zinchenko O., Turylo A. Innovations as the key factor of economic and financial security of the enterprise carrying out international business activity.

The paper provides improved theoretical and methodological foundations for defining the essence of the category "economic security of the enterprise", as well as the approaches to broadening the base of economic security components, their essence and role, classification and assessment. The paper substantiates expediency of separating such components of economic security as foreign economic, communication and innovation ones, along with the generally acknowledged security components. The method for defining the innovation component of the enterprise economic security is suggested. Based on the analysis of the preliminary studies of the native and foreign scholars focused on the category "economic security of the enterprise", theoretical and experimental basis for assessment of the innovation component of the enterprise economic security is formulated. The procedure of its assessment is based on the system of resumptive, local and partial indicators and criteria for assessment of the enterprise innovatization. Such system is founded on dominancy of economic efficiency in defining of the results of any enterprise activity and particularly in assessing of the innovation component of the enterprise economic security.

Турило А. М., Зінченко О. А., Турило А. А. Інновації як ключовий чинник економічної та фінансової безпеки підприємства в умовах зовнішньо-економічної діяльності.

У статті удосконалено теоретико-методологічні засади визначення сутності категорії «економічна безпека підприємства», а також наведено підходи щодо розширення бази складових економічної безпеки, їх сутності та ролі, класифікації та оцінки. Обґрунтовано доцільність виокремлення окрім загально визначених складових безпеки також таких складових економічної безпеки, як зовнішньоекономічна, комунікаційна, інноваційна. Запропоновано методику визначення інноваційної складової економічної безпеки підприємства. На основі аналізу доробок вітчизняних та зарубіжних вчених щодо категорії «економічна безпека підприємства» запропоновано теоретико-прикладні основи щодо вимірювання інноваційної складової економічної безпеки підприємства. В основу її вимірювання покладено використання системи узагальнюючих, локальних і часткових показників та критеріїв оцінки інноватизації підприємства. Така система ґрунтується на домінантності економічної ефективності при визначенні результатів будь-якої діяльності підприємства і, зокрема, при оцінці інноваційної складової економічної ефективності.

Турило А. М., Зинченко Е. А., Турило А. А. Инновации как ключевой фактор экономической и финансовой безопасности предприятия в условиях внешнеэкономической деятельности.

В статье усовершенствованы теоретико - методологические основы определения сущности категории «экономическая безопасность предприятия», а также предложены

подходы по расширению базы составляющих экономической безопасности, их сущности и роли, классификации и оценки. Обоснована целесообразность выделения кроме общепризнанных составляющих безопасности также таких составляющих экономической безопасности, как внешнеэкономическая, коммуникационная, инновационная. Предложена методика определения инновационной составляющей экономической безопасности предприятия. На основе анализа исследований отечественных и зарубежных ученых относительно категории «экономическая безопасность предприятия» предложены теоретико-прикладные основы измерения инновационной составляющей экономической безопасности предприятия. В основу ее измерения положено использование системы обобщающих, локальных и частных показателей и критериев оценки инноватизации предприятия. Такая система основывается на доминантности экономической эффективности при определении результатов любой деятельности предприятия и в частности, при оценке инновационной составляющей экономической эффективности.

Problem definition. Recently development of macroeconomic processes at the domestic geopolitical stage is rather difficult and completely unpredictable. Substantial number of factors influencing activity of the enterprises is currently quite negative. Therefore, majority of the Ukrainian enterprises is functioning in the conditions characterized by the increased risks, sometimes even close to force-majeure. The situation becomes even harder when it goes about the enterprises that carry out international business activity.

Top management of the enterprises and all of their structural subdivisions place the highest priority on the problem of ensuring economic and financial security in the current conditions of economic development being quite difficult.

Analysis of recent researches and publications. The issues associated with theoretical and methodological approaches to defining the essence of economic and financial security are widely discussed in many papers [1-16].

There is a lot of approaches both to defining the essence of these categories, their components and classification, their role in economic processes and measuring method, and also the ways to increasing their level.

Thus, the papers [1-3] provide systematic and complex reflection of the essence of the category "economic security", theoretical and methodological approaches to measuring and classification of its components, including particularly production, financial, investment components, etc.

The paper [4] defines economic security as the state of the most efficient usage of resources for coping with hazards and ensuring stable functioning of the enterprise both in present and in future; the paper [5] – as the measure of time and space harmonization of the economic interests of the enterprise with the interests of the surrounding environment subjects acting outside of the enterprise; the paper [6, 7] – as ensuring the most efficient usage of economic entity resources to prevent hazards and create conditions for stable functioning of its elements.

The authors of the study [8] underline certain connection between the category "economic security" and the concept "hazard". The structure of the enterprise economic security components is based on complex multi-level classification of hazards, as well as on highlighting of such components of the enterprise economic security as economic security of the enterprise activity, reputation security and security of the surrounding environment as follows. "Economic security of the enterprise activity characterizes the state of the most efficient usage of the enterprise resources for carrying out (performing) its primary activity, that induce ensuring financial firmness, profitability, solvency, business activity and its assets liquidity. Reputation security lies in achieving perfect reputation of the enterprise and characterizes by absence of the negative information about the enterprise activity, its reliability as a partner ensuring increase of its market cost" [8].

The authors of the papers [9-13, etc.] also define the main approaches to studying the category "economic security of the enterprise".

However, presentation of such issue as consideration and assessment of innovation component of the enterprise economic security is almost missing in the modern economic literature.

Purpose of the article – to improve the approaches to classification of economic security components and to develop the method for measuring economic security basing on assessment of its innovation component.

Presentation of the main material. Economic security is an essential precondition for the enterprise existence. Only providing its stable level, the management and personnel are able to implement the measures for achievement of the enterprise target.

Except for the generally acknowledged components of security as production, financial, investment (considering availability of such other enterprise security components as social, ecological, legal, power, technical and technological, intellectual, HR, informational, etc), it seems reasonable to define also such components of economic security as: foreign economic; communication; innovation.

Relevance of defining foreign economic component of the enterprise economic security is explained by difficult and unpredictable foreign politic conditions of Ukraine. It is rather important to take into consideration such unstable and displeasing factors that influence functioning both of the whole economics and of the certain enterprises carrying out international business activity.

Separation of the communication component is predetermined by the importance of this aspect in conditions of permanent and prompt changing of velocities, circumstances, functions and communication systems. First of all, their broadening to the world level without certain set boundaries or limits. Thus, sufficient and effective usage of such possibilities is a required precondition for providing economic security of the enterprise, particularly of the enterprises carrying out international business activity. This will contribute to broadening and deepening of communication possibilities of the enterprise (including those for its top management and for the other personnel), and subsequently it will serve as a foundation for increasing the level of the enterprise economic security.

In the current conditions of development the main governing factor of economic security ensuring is innovations, because applying innovations is the key factor that allows achieving long-term competitiveness. The task of the top management is to ensure the right choice of the innovations application procedure considering available financial resources.

Transfer to a new economic system corresponding to the modern scientific and technical conditions and prospects of the world economics is possible only providing that the innovation development vector is applied. Focusing on the innovation development path in view of entering the market requires from the domestic enterprises, particularly from the enterprises carrying out international business activity, to reconstruct completely the system of controlling their economic security based on innovation approaches.

In view of the increasing competitiveness and possible force-majeure circumstances the issues of innovation development become highly important for the enterprises carrying out international business activity. The prospects and effectiveness of control over economic security of such enterprises primarily depend on their innovation component, specifically on the level of innovative development of the whole enterprise and of their particular structural subdivisions.

Analysis of recent economic researches of innovation development economic problems allowed to conclude that implementation of innovations can facilitate achieving required level of economic security only if the process is continuous, comprehensive, and available to every business entity, irrespective of their status and proprietary form. Besides, innovations at every company should not be single-time, though they must be multiple and re-creative.

Thus, it is reasonable to apply the method of the enterprise innovatization assessment as the most effective tool for determining the level of the innovation component of economic security.

Previously suggested [14] terms "enterprise innovatization" and "production innovatization" characterize the process best of all. The concept "production innovatization" is defined as the continuous process of introduction and production implementation of innovations, being complex, systematic and based on quality changes in manufacturing forces and production relations ensuring

current and future growth of the enterprise competitiveness and increase of its economic efficiency. The concept "enterprise innovatization" is a more concise category comparing to the concept "production innovatization", as it covers not only production sphere, but also sales (realization process), the whole scope of the enterprise activity to be more precise. Generally speaking, innovatization is a process associated with the trend of innovation activity growth, characterizing increase of the general level of the enterprise innovation development.

When assessing innovation component of the enterprise economic security, it is suggested to use the system of statistic indicators and criteria of the enterprise innovatization, such as:

the indicator of economic efficiency achieved as a result of implementing the complex of innovation activities at the enterprise during the "t" period;

the ratio of innovation factors in the enterprise activity;

production growth owing to the innovation factors during the "t" period generally for the enterprise;

the index of the enterprise competitiveness;

adjusted prime cost of the enterprise products;

the ratio of innovation costs in the total amount of the enterprise costs, the indicator of enterprise innovatization progress;

the ratio of the cost of intangible assets in the total cost of the enterprise intangible assets;

the index of organization and technical level of the enterprise;

complex, basic and corrective indicators of the enterprise innovation activity level.

For instance, an important basic part of the assessment method applied for innovation component of economic security includes the below approaches to calculation of generalized indicators and criteria.

1. Economic criteria of the enterprise innovatization:

$$\Pi_{e.e\phi.n.in.t} > E_H, \quad (1)$$

where $\Pi_{e.e\phi.n.in.t}$ – the indicator of economic efficiency achieved as a result of implementing the complex of innovation activities at the enterprise during the "t" period;

E_H – normative rate of economic efficiency of the costs.

Herewith, the indicator of economic efficiency achieved as a result of implementing the complex of innovation activities at the enterprise during the "t" period ($\Pi_{e.e\phi.n.in.t}$) is calculated as follows:

$$\Pi_{e.e\phi.n.in.t} = \frac{E\phi_{n.in.t.}}{B_{n.in.t}}, \quad (2)$$

where $E\phi_{n.in.t}$ – economic effect from implementation of innovation activities at the enterprise during the "t" period;

$B_{n.in.t}$ – investment and innovation costs of the enterprise during the "t" period that made possible such value of economic effect $E\phi$.

2. Economic criteria of the enterprise growing innovatization:

$$\Pi_{e.e\phi.n.in.t} > \Pi_{e.e\phi.n.in.(t-1)} \quad (3)$$

where $\Pi_{e.e\phi.n.in.t}$, $\Pi_{e.e\phi.n.in.(t-1)}$ – indicators of economic efficiency achieved as a result of implementing the complex of innovation activities at the enterprise during the "t" and the "t-1" periods respectively.

3. The ratio of innovation factors influencing the enterprise activity:

$$\Pi.B_{in.\phi.t} = \frac{\Delta Q_{in.\phi.t}}{\Delta Q_t} \cdot 100, \% \quad (4)$$

where $\Pi.B_{in.\phi.t}$ – the ratio of innovation factors in the enterprise activity during the "t" period;

$\Delta Q_{in.\phi.t}$ – production growth owing to the innovation factors during the "t" period;

ΔQ_t – increase of the production volumes during the "t" period, %.

Herewith, production growth owing to the innovation factors during the "t" period is suggested to be determined as follows:

$$\Delta Q_{in.\phi.t} = Q_t - K_{П.В} \cdot B_t, \tag{5}$$

where Q_t – the volume of products manufactured during the "t" period;

$K_{П.В}$ – efficiency rate of the current costs during the "t-1" period, being normative in this case;

B_t – current costs for the products during the "t" period.

4. The index of the enterprise competitiveness:

$$I_{КОН} = \frac{Y \cdot \Pi_{КОН.t}}{Y \cdot \Pi_{КОН.(t-1)}}, \tag{6}$$

where $I_{КОН}$ – the index of the enterprise competitiveness during the "t" period;

$Y \cdot \Pi_{КОН.t}$, $Y \cdot \Pi_{КОН.(t-1)}$ – generalized (integral) indicator of the enterprise competitiveness during the "t" and the "t-1" periods respectively.

The enterprise competitiveness index is very important for general assessment of innovation component level of the enterprise economic security.

Thus, the following method can be used as a criterion for selection of the enterprise development path among several possible ones (7):

$$R_B = \frac{\sum_{m=1}^N (\Pi_{Б.m} \cdot Q_{Б.m} - C_{Б.m} \cdot Q_{Б.m})}{O \cdot B_B}, \quad R_{in1} = \frac{\sum_{m=1}^N (\Pi_{Б.m} \cdot Q_{Б.m} - C_{in1.m} \cdot Q_{Б.m})}{O \cdot B_{in1}},$$

$$R_{in2} = \frac{\sum_{m=1}^N (\Pi_{in2.m} \cdot Q_{in2.m} - C_{in2.m} \cdot Q_{in2.m})}{O \cdot B_{in2}},$$

$$R = \max \{R_B; R_{in1}; R_{in2}\} \tag{7}$$

where R_B , R_{in1} , R_{in2} – profitability calculated by the basic, the first and the second option of production innovatization respectively;

$\Pi_{Б.m}$, $\Pi_{in2.m}$ – the sales price of one piece of m-type products in the basic and the second option of production innovatization respectively (i.e. the price has not changed against the basic level upon innovatization by applying the first option);

$Q_{Б.m}$, $Q_{in2.m}$ – product sales volume, the basic one and the one achieved by applying the second option of production innovatization respectively (i.e. the sales volume has not changed against the basic level upon innovatization by applying the first option);

$C_{Б.m}$ – basic prime cost of one piece of m-type products;

$C_{in1.m}$ – prime cost of one piece of m-type products in the first option of production innovatization (i.e. the costs are calculated for the basic sales volume);

$C_{in2.m}$ – prime cost of one piece of m-type products in the second option of production innovatization;

$O \cdot B_B$ – basic one-time costs (before production innovatization);

$O \cdot B_{in1}$, $O \cdot B_{in2}$ – one-time costs (applied resources) calculated by the new and the basic options of production development respectively;

N – the number of end product types.

Herewith, according to the model one-time costs (applied resources) calculated by the new and the basic options of production development respectively are initial basic one-time costs (before innovatization) increased by the amount of the one-time costs for production innovatization depending on the option under consideration:

$$O \cdot B_{in1} = O \cdot B_B + I_n \cdot O \cdot B_{in1}, \tag{8}$$

$$O.B_{in2} = O.B_B + IH.O.B_{in2}, \quad (9)$$

where $IH.O.B_{in1}$, $IH.O.B_{in2}$ – one-time costs for innovatization of iron ore production calculated by the first and the second options of production innovatization (by the new and the basic scopes of the product sales).

Conclusions: Theoretical and methodological approaches suggested in this study for classification of economic security components, as well as the method of estimating economic security by the results of assessing its innovation component will help to improve the enterprise management process.

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Key words: economic security, innovation component of economic security, innovations, foreign economic activity.

Ключові слова: економічна безпека, інноваційна складова економічної безпеки, інновації, зовнішньоекономічна діяльність.

Ключевые слова: экономическая безопасность, инновационная составляющая экономической безопасности, инновации, внешнеэкономическая деятельность.

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CALCULATION OF LOSSES OF ECONOMIC BENEFITS IN THE PROCESS OF GROWING OF AGRICULTURAL CROPS UNDER THE OCCURRENCE OF INSURED EVENTS

Ostapenko O., PhD. on Economics, associate professor, associate professor of Department of finance and credit, Poltava state agrarian academy.

Ostapenko O. Calculation of losses of economic benefits in the process of growing of agricultural crops under the occurrence of insured events.

Yearly losses of agricultural producers in the process of their activity are caused by natural factors and show considerable amounts. Consequently, there is a need of permanent protection of agricultural producers. Insurance is recognized as the most effective instrument of reimbursement of dealt losses. The article considers the evaluation of the losses of economic benefits, which are sustained by agricultural producers in the process of growing of agricultural crops and are caused by an influence of the nature. In the process of evaluation the author used appropriate methodical instruments, especially, statistical methods. The evaluation of the losses of economic benefits in the process of growing of agricultural crops under the occurrence of insurance events obviously give an opportunity to certify that such evaluation may be used as an objective instrument of calculation of the money form of losses of agricultural producers in the process of growing of crops.

The author of article calculated the economic loss of an agricultural producer in the plant industry, which are sustained due to natural emergencies. To solve this task the author used statistical methods and proper information, namely, the actual area of death of agricultural seedlings in Ukraine and their productivity, the selling price of a product unit of a particular agricultural crop or a group of crops. In the process of determination of an amount of the economic loss the author have been making the calculations, using the susceptibility concept (susceptibility is peculiar characteristic that occur due to an influence of numerous factors and different processes and in the aggregate enhance resistance of anybody to emergencies).

Having calculated the loss of harvest of agricultural crops from natural disasters, the author determined that a lack of agricultural crops is mainly associated with decrease of their productivity and death of seedlings caused by an influence of natural factors, namely, floods, droughts, hails, etc.

Остапенко О. М. Розрахунок втрати економічних вигід за вирощування сільськогосподарських культур при настанні страхових випадків.

Щорічні втрати сільськогосподарських товаровиробників за їх господарської діяльності через дію природних факторів, характеризуються великими розмірами. Найбільш дієвим інструментам для відшкодування завданих збитків останнім на сьогодні визнано страхування. Стаття присвячена оцінці втрат економічних вигід аграріями за вирощування сільськогосподарських культур, зумовлених дією природи на них через застосування відповідного методичного інструментарію, зокрема, статистичних методів. Оцінка втрат економічних вигід за вирощування сільськогосподарських культур при настанні страхових випадків з усією очевидністю дає можливість засвідчити те, що вона може служити об'єктивним інструментом у розрахунку вартісного вираження втрат сільськогосподарських товаровиробників, понесених при їх вирощуванні. Автором статті здійснено розрахунок економічного збитку аграрія в рослинницькій галузі від природних надзвичайних ситуацій через застосування статистичних методів, опираючись на відповідну інформацію, а саме: фактичну площу загибелі посівів сільськогосподарських культур в Україні та їх урожайність; ціну реалізації одиниці продукції відповідної сільськогосподарської культури або групи культур. Також, при визначенні розміру економічного збитку, розрахунки здійснювалися

опираючись на концепцію вразливості (вразливість – це умови, що формуються під впливом багатьох чинників та процесів різноманітного характеру, які у сукупності підвищують сприятливість будь-кого до надзвичайних ситуацій). Провівши розрахунок збитку врожаю сільськогосподарських культур від стихійних лих природного характеру, встановлено, що недобір сільськогосподарських культур відбувається в основному, через зниження їх врожайності та загибелі посівів шляхом впливу на них природних факторів: повені, посуха, градобиття та інше.

Остапенко О. Н. Расчет потери экономических выгод за выращивание сельскохозяйственных культур при наступлении страховых случаев.

Ежегодные потери сельскохозяйственных товаропроизводителей за их хозяйственной деятельности через действие природных факторов, характеризуются большими размерами. Наиболее действенным инструментом для возмещения нанесенного ущерба последним, на сегодня признано страхование. Статья посвящена оценке потерь экономических выгод аграриями за выращивания сельскохозяйственных культур, обусловленных действием природы на них из-за применения соответствующего методического инструментария, в частности, статистических методов. Оценка потерь экономических выгод за выращивания сельскохозяйственных культур при наступлении страховых случаев со всей очевидностью дает возможность засвидетельствовать то, что она может служить объективным инструментом в расчете стоимостного выражения потерь сельскохозяйственных товаропроизводителей, понесенных при их выращивании. Автором статьи осуществлен расчет экономического ущерба агрария в растениеводческой отрасли от природных чрезвычайных ситуаций путем применения статистических методов, опираясь на соответствующую информацию, а именно: фактическую площадь гибели посевов сельскохозяйственных культур в Украине и их урожайность; цену реализации единицы продукции соответствующей сельскохозяйственной культуры или группы культур. Также, при определении размера экономического ущерба, расчеты осуществлялись, опираясь на концепцию уязвимости (уязвимость - это условия, которые формируются под влиянием многих факторов и процессов различного характера, которые в совокупности повышают склонность кого-либо к чрезвычайным ситуациям). Проведя расчет ущерба урожая сельскохозяйственных культур от стихийных бедствий природного характера, установлено, что недобор сельскохозяйственных культур происходит в основном, из-за снижения урожайности и гибели посевов путем воздействия на них природных факторов: наводнения, засухи, града и пр.

Formulation of a problem. A process of production of agricultural goods is accompanied by a considerable quantity of events, which are of an unpredictable character; frequently do not depend on consumers of natural resources; are influenced by climate conditions. All of these factors determine a risky character of the process. We suggested using insurance as an effective instrument of counteraction of such risks. Furthermore, a moment of calculation of a loss of economic benefits related with agricultural growing under occurrence of insured events is rather interesting.

Analysis of last researches and publications. Nowadays, the economics has some attainments concerning research of a problem of agricultural producer interest protection on the basis of insurance, which include working papers of such scholars as V.D. Bazylevych, O.V. Voitko, K.H. Voblyi, S.A. Navrotskyi, R.P. Smoleniuk, N.M. Vnukova, M.Ya. Demianenko, A.V. Dzhurynskyi, V.P. Dubishcheva, H.A. Matviienko, S.S. Osadets etc. Their scientific attainments are concerned with a considerable set of problems and are important. However, peculiarities of calculation of the loss of economic benefits related with agricultural growing under occurrence of insured events are not sufficiently considered.

An aim of an article. The main aim of the research is determination and analysis of current techniques related with agricultural growing under occurrence of insured events on the basis of usage of statistical methods of analysis.

Presentation of the main results of research. An economic loss is expenses related with an influence of pollution on health, additional expenses for compensation of intensive depreciation of a fixed capital of industry, housing and communal services, different expenses and underproduction of agricultural and forest goods caused by pollution and expenses for depreciation etc. [1].

To calculate the loss of an agricultural producer related with growing of agricultural goods, the author suggests analyzing sown areas of particular crops and factual harvesting areas (Table 1).

Table 1

Factual area of the losses of crop seeds in Ukraine and their yield *

Crops	1990	1995	2000	2005	2008	2009	2010	2011	2012	Deviation (+;-) from 1990 to 2012
1	2	3	4	5	6	7	8	9	10	11
Sown areas, thousand of hectares										
Cereals and grain legumes	14583	14152	13646	15005	15636	15837	15090	15724	15449	+866
Sugar beets (industrial)	1607	1475	856	652	380	322	501	532	458	-1149

Table 1 continuation

1	2	3	4	5	6	7	8	9	10	11
Sunflowers	1636	2020	2943	3743	4306	4232	4572	4739	5194	+3558
Potatoes	1429	1532	1629	1514	1413	1409	1408	1439	1440	+11
Vegetables	456	503	538	465	458	451	462	498	494	+38
Harvesting areas, thousand of hectares										
Cereals and grain legumes ¹	4522.2	3962.5	2586.8	4605.2	15381	5469.7	4575.7	5321.3	4792.1	+269.9
Sugar beets (industrial) ²	1605.4	1448.5	747.0	623.3	377	319.7	492.0	515.8	448.9	-1156.5
Sunflowers ³	1626.3	2007.6	2841.6	3689.1	4279	4193.0	4525.8	4716.6	5081.7	+3455.4
Potatoes ⁴	1432.7	1530.6	1631.0	1515.9	1409	1411.8	1411.8	1443.2	1444.1	+11.4
Vegetables ⁵	447.2	489.3	518.6	464.4	458	456.4	467.8	504.1	502.8	+55.6
Deviation ¹ (+;-)	-60.8	-189.5	-1059.2	-399.8	-255	-367.3	-514.3	-403	-656.9	-
Deviation ² (+;-)	-1.6	-26.5	-109	-28.7	-3	-2.3	-9	-16.2	-9.1	-
Deviation ³ (+;-)	-9.7	-12.4	-101.4	-53.9	-27	-39	-46.2	-22.4	-112.3	-
Deviation ⁴ (+;-)	+3.7	-1.4	+2	+1.9	-4	+2.8	+3.8	+4.2	+4.1	-
Deviation ⁵	-8.8	-13.7	-19.4	-0.6	-	+5.4	+5.8	+6.1	+8.8	-

(+;-)										
Yield, tons per hectare										
Cereals and grain legumes	35.1	24.3	19.4	26.0	34.6	29.8	26.9	37.0	31.2	-3.9
Sugar beets (industrial)	275.7	204.7	176.7	248.2	356	314.9	279.5	363.3	410.8	135.1
Sunflowers	15.8	14.2	12.2	12.8	15.3	15.2	15.0	18.4	16.5	0.7
Potatoes	116.8	96.2	121.6	128.4	139	139.3	32.5	168.0	161.0	44.2
Vegetables	149.0	120.2	112.3	157.1	174	182.8	78.2	195.0	199.2	50.2

* Calculated by the author, using the source [2]

During the period from 1990 to 2012, the sown areas of cereals and grain legumes have been increasing by 866 thousand of hectares and the gross harvest of cereals and grain legumes have been increasing by 269.9 thousand of hectares. A record harvest was equaled to 566 888.1 thousand of tons and was detected in 2011. The sown areas and the gross harvest of sunflowers, potatoes, and vegetables have been also increasing.

A rather negative tendency concerning amounts of the sown areas and the gross harvest of sugar beets is observed. In 2012 the sown areas of sugar beets in Ukraine decreased by 1149 thousand of hectares. The gross harvest of this crop decreased by 1156.5 thousand of hectares. Reduction of the sown areas by 71.5% in 2012 comparing to 1990 was the main factor of decrease of a sugar beet production amount.

Existence of areas, which seeds of cereals, grain legumes, sugar beets, and sunflowers have been lost during 1990-2012, is caused by agricultural and meteorological conditions. The worst figures of the losses of agricultural seeds were observed in 1995, 2000, 2005, 2010, and 2012.

Growing of potatoes and vegetables is characterized by almost positive dynamic. Increase of production of the mentioned agricultural crops occurs due to extension of their sown areas.

Let's calculate an amount of the economic loss of the crop production caused by natural emergencies (U) on the basis of Table 1 – information on the factual area of the losses of crop seeds. O.V. Voitko in his working paper [3] presents statistical methods of evaluation of the agricultural crop losses under occurrence of insured events.

Calculation of the amount of the economic loss is made according to the formula:

$$U = \sum S_j \times y_j \times C_j, (1)$$

where S_j – a factual area of losses of seeds of a crop J or a group of crops;

y_j – yield of a crop J or a group of crops;

C_j – a distribution price of a unit of a product of a crop J or a group of crops [3].

Yield of agricultural crops or a group of crops is equal to average figures or to yield of a researched period. Calculation of average figures is made on the basis of 5-year information. Significantly low or significantly high figures are excluded. A distribution price for products of an agricultural crop or a group of crops is equal to a factual one, which exists in a year of calculation in a particular region of a country.

Statistical estimation of the economic loss in the crop production caused by natural emergencies (U) is made on the basis of the susceptibility concept. Such method of estimation of harvest losses is appropriate at higher levels of management (territorial, regional ones). In such case the losses of harvest caused by natural emergencies (U) are calculated according to the formula:

$$U = \sum V_j \times K_j, (2)$$

where V_j – susceptibility of a crop J or a group of crops;

K_j – value of a harvest of a crop J or a group of crops.

Susceptibility (V_j) is determined as an extent of losses of seeds of agricultural crops caused by natural emergencies. It is equal to relation between areas of lost seeds of agricultural crops and their sown areas:

$$V_j = S_{j_{\text{зн.}}} / S_{j_{\text{зн.}}}, (3)$$

where $S_{j_{\text{зн.}}}$ – areas of lost seeds of a crop J or a group of crops;

$S_{j_{\text{зн.}}}$ – a sown area of a crop J or a group of crops [3].

An amount of value of a harvest is computed by multiplication of average yield per hectare for the last five years determined on the basis of insurer accounting, a price of one centner of goods, which was established in the previous year (or, on the basis of an agreement between parties, a mortgage price of this type of goods determined in accordance with an established procedure), and a factual area, from which crops will be harvested.

Let make computation of the mentioned indices (Table 2).

Table 2

Amount of the economic loss in the crop production caused by natural emergencies (U) in 2012 *

Crop	Parameters of the formula used to determine the amount of the economic loss in the crop production caused by natural emergencies (U)			Result (grn)
	S_j	y_j	C_j	
Cereals and grain legumes	656.9	31.2	1364.1	27957611.45
Sugar beets (industrial)	9.1	410.8	326	1218679.28
Sunflowers	112.3	16.5	2762	5117847.9
Σ	-	-	-	34294138.63

* Calculated by the author, using the sources [4, 5, 6]

Consequently, having calculated the economic loss in the crop production caused by natural factors, we may state that value of the loss was 34 294 138.63 grn in 2012. Such loss is a significant detriment for the economy of country.

Table 3

Statistical evaluation of the loss in the crop production caused by natural emergencies (U) in 2012 *

Crop	Parameters of the formula V_j used to determine susceptibility of a crop J or a group of crops		Results
	$S_{j_{\text{зн.}}}$	$S_{j_{\text{зн.}}}$	
Cereals and grain legumes	656.9	15449	0.043
Sugar beets (industrial)	9.1	458	0.020
Sunflowers	112.3	5194	0.022
Crop	Parameters of the formula U used to provide statistical evaluation of the economic loss in the crop production caused by natural emergencies (U)		Results
	V_j	K_j	
Cereals and grain legumes	0.043	703061434.46	30231641.68
Sugar beets (industrial)	0.020	67987791.68	1359755.83
Sunflowers	0.022	316973282.30	6973412.21
Σ	0.085	1088022508.44	92481913.22

* Calculated by the author, using the sources [4, 5, 6]

Having calculated the amount of the economic loss caused by natural emergencies based on the susceptibility concept in the crop production in 2012, we may state that value of the economic loss was equal to 92481913.22 grn in 2012.

Having done the research, we are confident that statistical evaluation of the loss in the crop production should be systematically done by usage of the techniques mentioned below in the remit of the economic concept. This usage will provide more precise calculation of the amount of the losses of economic benefits in the process of economic activity performance. Furthermore, we noted that statistical estimation of an economic loss based on the susceptibility concept is more precise.

Consequences. The most important methodical peculiarities of evaluation of economic losses related with growing of agricultural crops aim at providing of susceptibility of evaluation's results and, as a result, formation of objective consequences.

Having calculated the economic and statistical loss of the harvest of agricultural crops caused by natural emergencies, the author determined that a lack of agricultural crops is mainly caused by reduction of yield and the losses of seeds due to an influence of natural factors. Thus, we highlight a significant influence of violations of the technology related with growing of mentioned agricultural crops and a defining role of natural factors, emphasizing equivalence of their influences.

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Key words: losses, agricultural crops, productivity, price, emergencies, accidents.

Ключові слова: збитки, урожайність, ціна, стихійні лиха, нещасні випадки.

Ключевые слова: убытки, урожайность, цена, стихийные бедствия, несчастные случаи.

UDK: 631.5

OUTSTAFFING AS A POSSIBLE FORM OF ORGANIZATION OF COST CONTROLLING IN AGRICULTURE

Ostapenko T. PhD. on Economics, associate professor, associate professor, Department of accounting, Poltava state agrarian academy

Ostapenko T. Outstaffing as a possible form of organization of cost controlling in agriculture.

The article reveals the main aspects of outstaffing as a possible form of organization of cost controlling in agriculture. The author analyzed the regulatory and legislative framework of outstaffing in Ukraine, which includes the Law of Ukraine "On Employment of Population", the Tax Code of Ukraine, and the Order of giving of permissions on employment of employees who will further perform work proposed by other Ukrainian employers (confirmed by the Decree of the CMU from 20 May 2013 № 359). The author determined that permissive procedures are not required in order to provide outstaffing and entities, which employ a staff that will further perform work proposed by other employers, are to be registered by the State Employment Service of Ukraine. Such employers are registered in accordance with the Ukrainian codes of the CTEA (Classification of Types of Economic Activities). According to data of the official website of the State Employment Service of Ukraine, shares of entities, which provide outstaffing services, are calculated for the regions of Ukraine. Obligatory conditions of outstaffing providing in Ukraine are considered. Elements, which form value of outstaffing services and an order of making of payments for outstaffing services are observed. The article summarizes the main advantages of the mentioned type of services for agricultural enterprises – that is, companies that receive employees (advantages include reduction of indirect costs and costs for search and hiring of qualified staff; optimization of tax costs; decrease of a tax amount). An author's definition of outstaffing is proposed. Firstly, outstaffing is considered as services of employers, who hire workers that will further perform work proposed by other employers. Secondly, the concept is defined as a strategy of controlling aimed at reduction of enterprise's costs.

Остапенко Т. М. Аутстафінг як можлива форма організації контролінгу витрат в сільському господарстві.

У статті висвітлено основні аспекти аутстафінгу, як можливої форми організації контролінгу витрат в сільському господарстві. Здійснено аналіз нормативно-правового забезпечення аутстафінгу в Україні, що включає Закон України «Про зайнятість населення», Податковий кодекс України та Порядок видачі дозволу на наймання працівників для подальшого виконання ними роботи в Україні в іншого роботодавця (затверджений Постановою Кабінету Міністрів України від 20.05.2013 р. № 359). Встановлено, що для здійснення аутстафінгу дозвільні процедури не вимагаються, а суб'єкти господарювання, які займаються наймом працівників для подальшого виконання ними роботи в інших роботодавців, службою зайнятості України підлягають реєстрації. Реєстрація таких суб'єктів відбувається у відповідності із кодами КВЕД України. За даними офіційного сайту Державної служби зайнятості України встановлено за областями частку суб'єктів господарювання, які надають послуги з аутстафінгу. Розглянуто обов'язкові умови здійснення аутстафінгу в Україні. Розглянуто елементи, які формують вартість послуг з аутстафінгу та порядок здійснення оплати послуг аутстафінгу. Узагальнено основні переваги даного виду послуг для сільськогосподарських підприємств – підприємств, які отримують персонал (в їх складі: зниження загальногосподарських витрат та витрат на пошук й найм кваліфікованого персоналу; оптимізація податкових витрат; зменшення розміру податкових

платежів). Сформовано авторське трактування аутстафінгу, під яким пропонується, по-перше, розуміти послуги роботодавців, які наймають працівників для подальшого виконання ними роботи в іншого роботодавця, по-друге, розглядати як стратегію контролінгу по зниженню витрат підприємства.

Остапенко Т. Н. Аутстафінг как возможная форма организации контроллинга затрат в сельском хозяйстве.

В статье освещены основные аспекты аутстафінга, как возможной формы организации контроллинга затрат в сельском хозяйстве. Осуществлен анализ нормативно-правового обеспечения аутстафінга в Украине, который включает Закон Украины «О занятости населения», Налоговый кодекс Украины и Порядок выдачи разрешения на наем работников для дальнейшего выполнения ими работы в Украине у другого работодателя (утвержден Постановлением КМУ от 20.05.2013 г. № 359). Установлено, что для осуществления аутстафінга разрешительные процедуры не требуются, а субъекты хозяйствования, которые занимаются наймом работников для дальнейшего выполнения ими работы у других работодателей, службой занятости Украины подлежат регистрации. Регистрация таких субъектов происходит в соответствии с кодами КВЭД Украины. По данным официального сайта Государственной службы занятости Украины установлена по областям доля субъектов хозяйствования, предоставляющих услуги с аутстафінга. Рассмотрены обязательные условия осуществления аутстафінга в Украине. Рассмотрены элементы, которые формируют стоимость услуг с аутстафінга и порядок осуществления оплаты услуг аутстафінга. Обобщены основные преимущества данного вида услуг для сельскохозяйственных предприятий – предприятий, которые получают персонал (в их составе: снижение общехозяйственных расходов и расходов на поиск и найм квалифицированного персонала; оптимизация налоговых расходов; уменьшение размеров налоговых платежей). Сформирована авторская трактовка аутстафінга, под которым предлагается, во-первых, понимать услуги работодателей, которые нанимают работников для дальнейшего выполнения ими работы у другого работодателя, во-вторых, рассматривать как стратегию контроллинга по снижению затрат предприятия.

Formulation of a problem. Outstaffing may be perceived as one of possible forms of controlling organization, which enables to decrease costs of agricultural enterprises. Naturally, expediency of cost controlling organization in the form of outstaffing is caused not only due to reduction of costs, but due to necessity of enhancement of quality of particular works, necessity of overcoming of lack of qualified staffs, i.e. providing efficiency of cost formation. Enhancement of figures that characterize financial result of enterprise's activity (for instant, increase of net profit in a report period) is a proof of an economic sense of outstaffing providing.

Analysis of last researches and publications. The working papers of such scholars as H.P. Dombrovska, I.O. Herashchenkov, V. Orlov, O.S. Sharipova, I.M. Sedova, T.V. Perehudova, I.M. Sesina, M.I. Karlin, O.V. Borysiuk etc. are devoted to research of peculiarities of outstaffing usage in Ukraine. However, importance of outstaffing in the process of activity of agricultural enterprises has not been still actively researched by the domestic scientists. Thus, we may agree on appropriateness of such decision for agricultural enterprises, having substantially summarized benefits of outstaffing for a customer company and having considered the mechanism of its action in Ukraine, the legislative acts on outstaffing, the order of formation of value of outstaffing services, payment making etc. The previous thesis is **an aim of the article.**

Presentation of the main results of research. In the remit of the world practice, usage of outstaffing is regulated by the Convention on Private Employment Agencies № 181 [1] confirmed on 19 June 1997. The convention № 181 is not ratified by Ukraine. Therefore, the legislation does not include the concept. However, in our opinion, Ukraine pays attention to it.

The regulatory and legislative acts of Ukraine do not propose a direct definition of outstaffing. Taking into consideration that outstaffing is a service aimed at transferring of employees beyond a customer company's staff and registration of them as members of a provider

company's staff (an opinion adhered by the most of the domestic scientists); a task-oriented transfer of employees to other enterprises (English definition of the concept "outstaffing"), the definition of the concept in the remit presented in the Tax Code of Ukraine is completely obvious. According to the chapter 14.1.183 of the Tax Code, a service on staff transferring is an economic or a civil and legal arrangement that entitles a person, who provides the service (a resident or a non-resident), to transfer one or a few individuals to be at other person's disposal (a resident or a non-resident) in order to execute functions determined in this arrangement [2].

The Law of Ukraine "On Employment of Population" from 05.07.2012 № 5067-VI [3] regulates such type of services (services of staff transfer) in accordance with the Order of giving of permissions on employment of employees who will further perform work proposed by other Ukrainian employers (confirmed by the Decree of the CMU from 20.05.2013 № 359 [4]). Obtaining of such permission is not completely legislated, because the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on giving of permissions on employment of employees who will further perform work proposed by other Ukrainian employers" did not come into force. In other words, permissions for providing of outstaffing are not virtually required and the State Employment Service of Ukraine only registers (forms a list) of entities, which provide employment of employees who will further perform work proposed by other Ukrainian employers.

Such entities are included in the mentioned list on the basis of the codes of the CTEA, announced by an enterprise: 78.10 "Activities of employment agencies", 78.20 "Activities of agencies of temporary employment", 78.30 "Other activity on providing of labor resources" [5, 6].

As of 02.04.2014, 421 entities were included in the list. They encompass individuals and legal entities of 24 regions and AR Crimea (Figure 1).

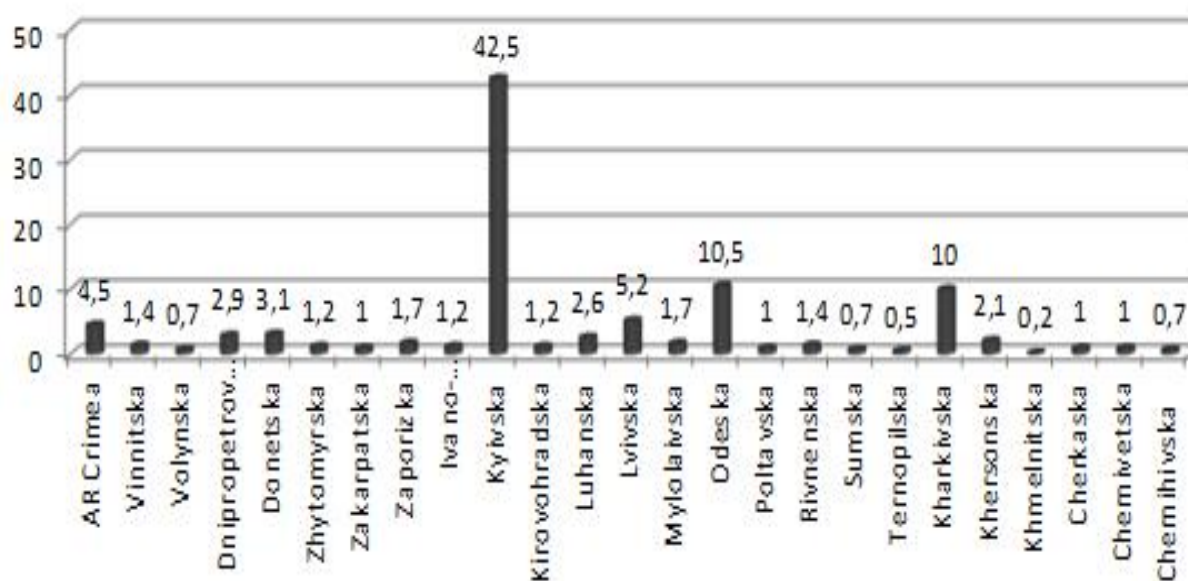


Figure 1. Shares of entities providing outstaffing services
(the data are presented as of 02.04.2014)

Source: developed according to data of the official website of the State Employment Service of Ukraine.

The Law № 5067-VI establishes conditions to be obligatory for an outstaffing company and a customer company. A collective bargaining agreement, which stipulates possibility of involvement of external staffs, must be arranged [7]. The next step is to arrange an outstaffing contract (service providing contract) between a customer company and an outstaffing company (a private employment agency, a staff agency, a provider, and a contractor), a subject of which is a service of receiving of employees from an outstaffing company, who will perform work in a customer company. Terms of the contract establish salary for an employee, which amount must not be lower than both a minimal salary and a salary of a worker of a customer company for performance of the same amount of work [8]. Terms of the contract contemplate, as a rule, transferring of an employee from a staff of a customer company to a staff of an outstaffing company and continuation of performance of previous obligations. Terms of the contract may also contemplate ordinary hiring of employees (“leasing of employees”). Results of work performed by hired staffs are paid according to outstaffing contracts.

Simultaneously, an outstaffing company starts to execute obligations of an employer (maintenance of documentation concerning each employee, payment of salary, vacation allowances, hospital allowances, other allowances, calculation and payment of the single social payment, the individual income tax on such allowances etc.). As a rule, supplementary employers are transferred beyond a staff (lawyers, translators, assistants, managers, accountants, tax consultants, auditors, HR workers, economists etc.). To explain the process of outstaffing, the author presents it in a schematic form (Figure 2).

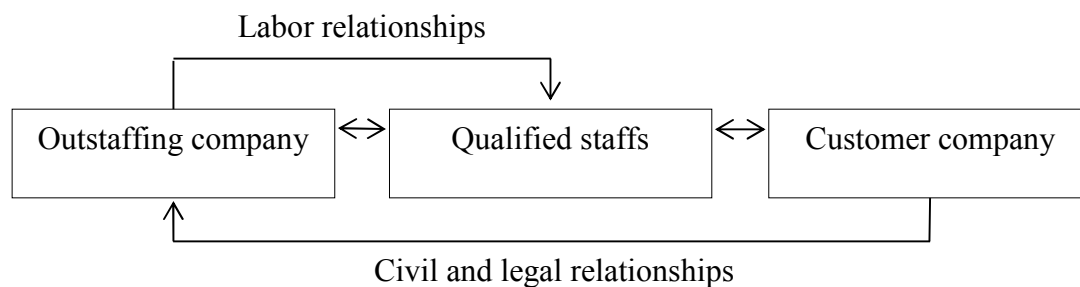


Figure 2. Outstaffing scheme (developed by the author)

Payment for the service is made on a basis of either a fixed sum (per one employee monthly) or a sum including such components as allowances determined by the contract, the individual income tax, the single social payment, a premium to an outstaffing company, which is concerted by parties of the contract (10-30% of a minimal salary of an employee). Value of services depends on quantity of employees transferred according to the contract. As a rule, performance of services requires payments in advance (includes a salary fund and a premium). Payments concerning the outstaffing contract are made on a monthly basis.

Expediency of outstaffing for agricultural customer companies is retrenchment of indirect costs, e.g. post and telegraph, phone and clerical ones; costs for prepayment of periodical publications, regulatory acts; costs for business trips; costs for purchasing, retirement, and technical support of office equipment or formation of an office workplace; blanks of typical documents and

reports; costs for public utilities; transportation costs etc. A company, which receives staffs under terms of outstaffing, achieves reduction of costs for search and hiring of qualified employees and do not pay for a cash and settlement service due to opening of an individual banking account for each employee. Outstaffing is expedient for agricultural companies, which need periodical or one-time performance of particular works (marketing, managerial, retiring, accounting, consulting, legislative, and auditing ones and works on estimation of estate). Agricultural companies, which sustained losses in the result of the activity, may temporarily release employees, using such method. It is expedient for agricultural companies to use outstaffing because of seasonality of production. In agriculture outstaffing may be used for the majority of jobs.

If agricultural production need optimization of tax costs, for example, is accounted on the basis of the simplified system of taxation (is a payer of the single tax and does not want to change a type of tax to the income tax or the fixed agricultural tax), it can increase a quantity of employers to the required one, not paying attention to legally determined limitations (the second group must not have more than 10 employees, the third group – more than 20 employees, the forth group – more than 50 employees).

Releasing of some categories of a staff also provides decrease of costs. Such reduction is provided by absence of an accountant on crop production, animal husbandry, or an additional HR worker, an accountant on salary payments.

It is important to notice that economy received by a customer company of outstaffing services occurs owing to tax payments, namely, the individual income tax and the single social payment. Such economy is achieved by outstaffer's paying of a minimal salary, which is of 1218 grn established by the Law of Ukraine "On State Budget for 2014", to a staff. In such situation a staff will receive salaries, which are equal to the amount paid by a customer company, using a rest of a salary fund of employees determined by the terms of the outstaffing contract and the individual income tax, which each of them will pay from the received sum. The single social payment is not charged on payments of a rest of a salary fund of employees. It will significantly decrease costs of a customer company.

An outstaffing company (according to p. 1 ch. 39 of the Law on Employment) charges and pay the single social payment in favor of an employee according to a class of a professional risk of an employer who use labor of an employee (from 36,76 % to 49,7 %).

Hence, taking into account the considered information and the thesis of the Law № 5067-VI, the Tax Code of Ukraine, the author may suggest that outstaffing is services of employers that hire employees who will further perform work proposed by other Ukrainian employers.

Consequences. Having analyzed the contemporary peculiarities of outstaffing in Ukraine, the author concludes that outstaffing can be actively used by agricultural companies in order to decrease costs. In contemporary conditions of the globalization of the economy, choice of outstaffing as a possible form of organization of cost controlling in agricultural companies facilitates execution of effective managerial decisions by managerial bodies and gives opportunity of defining of outstaffing as a controlling strategy aimed at reduction of company's costs.

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Key words: outstaffing, staff, customer company, costs, services.

Ключові слова: аутстафінг, персонал, підприємство-замовник, витрати, послуги.

Ключевые слова: аутстаффинг, персонал, предприятие-заказчик, расходы, услуги.

УДК 339.186.001.3

THE SYSTEM OF TENDER PROCEDURES: THEORETICAL AND METHODOLOGICAL APPROACHES TO THE DEFINITION AND CLASSIFICATION

Naumenko S., PhD in Public Administration, Assistant Professor, Associate Professor, Department of Foreign Economic Management, Donetsk State University of Management

Naumenko S. The system of tender procedures: theoretical and methodological approaches to the definition and classification.

The approaches of national and foreign researchers to the definition of "public procurement" was analyzed. Differences, identity and sameness of the concepts of "tender", "competitive bidding", "competition", "trades", "procurement" used by theorists and practitioners in the interpretation of procurement of goods, works and services for state budget was detected. The differences of the mentioned definitions and, simultaneously, their partial identity, significantly expanding the number of facilities that might be subject to this kind of trade. Approaches to the classification of the tender procedures was systematized. The multiplicity of approaches to classification of the tender procurement provides opportunities to the entities – participants bidding process – to selection and implementation of management decisions, contributes to the efficacy of tender mechanism. Classification of government procurement to centralized, decentralized and mixed, which can also be regarded as models of the procurement was substantiated. The emphasizing of public procurement to centralized, decentralized and mixed in the contemporary of the Ukrainian economic fully reflect the organizational and economical component of the procurement process by public funds, indicates the division of functions and powers of the institutions involved in these processes, with further study provides further improvement of the organizational and economic mechanism for public procurement.

Науменко С.М. Система тендерних закупівель: теоретико-методологічні підходи до дефініції і класифікації.

Проаналізовано підходи вітчизняних та зарубіжних дослідників до визначення поняття «державних закупівель». Визначено відмінності, а також тотожність і синонімічність понять «тендер», «конкурсні торги», «конкурси», «торги», «прок'юремент», що застосовуються теоретиками і практиками при трактуванні процесу закупівель товарів, робіт і послуг за кошти державного бюджету. Відмінності вказаних дефініцій і, одночасно, їх часткові тотожності, значно розширюють перелік об'єктів, які можуть бути предметом такого роду торгівлі. Систематизовано підходи до класифікації видів тендерних закупівель. Численність підходів до класифікації тендерних закупівель надає можливості суб'єктам господарювання – учасникам тендерних процедур – вибору і реалізації управлінських рішень, сприяє зростанню ефективності застосування тендерного механізму. Обґрунтовано класифікацію процедур державних закупівель на централізовані, децентралізовані і змішані, які також можна вважати моделями прок'юременту. Поділ державних закупівель на централізовані, децентралізовані і змішані в сучасних умовах господарювання України повною мірою відображує організаційно-економічну складову процесу закупівлі за рахунок державних коштів, вказує на розподіл функцій і повноважень інституцій, задіяних у вказаному процесі, при подальшому дослідженні забезпечує подальше удосконалення організаційно-економічного механізму державних закупівель.

Науменко С.Н. Система тендерных закупок: теоретико-методологические подходы к дефиниции и классификации.

Проанализированы подходы отечественных и зарубежных исследователей к определению понятия «государственных закупок». Определены различия, а также

тождественность и синонимичность понятий «тендер», «конкурсные торги», «конкурсы», «торги», «прокьюремент», применяемых теоретиками и практиками при трактовке процесса закупок товаров, работ и услуг за средства государственного бюджета. Различия указанных дефиниций и, одновременно, их частичные тождества, значительно расширяют перечень объектов, которые могут быть предметом такого рода торговли. Систематизированы подходы к классификации видов тендерных закупок. Многочисленность подходов к классификации тендерных закупок предоставляет возможности субъектам хозяйствования – участникам тендерных процедур – выбора и реализации управленческих решений, способствует росту эффективности применения тендерного механизма. Обоснована классификация процедур государственных закупок на централизованные, децентрализованные и смешанные, которые можно считать моделями прокьюремента. Разделение государственных закупок на централизованные, децентрализованные и смешанные в современных условиях хозяйствования Украины в полной мере отражает организационно-экономическую составляющую процесса закупки за счет государственных средств, указывает на распределение функций и полномочий институтов, задействованных в указанном процессе, при дальнейшем исследовании обеспечивает дальнейшее совершенствование организационно-экономического механизма государственных закупок.

Problem. Socio-economic development of Ukraine is not possible without proper functioning of public procurement for interaction among all institutional units of the economic system. Tenders are an important tool in the modern market economy mechanism, promote the development of domestic trade, which, in turn, is a means of ensuring a high rate of growth of the national economy. Tender is an indicator of economic civilized countries, because of the degree of public procurement mechanism can determine the level of the entire economic system. The main task of the state were and are the economy and improve people's lives Ukraine. Public procurement is an effective tool that allows you to achieve these goals.

Analysis of recent research and publications. The theoretical basis and regulatory studies are, Cabinet of Ministers of Ukraine, regulations, instructions, programs and other legislative acts of tender operations, works of local scientists, namely: NB Tkachenko, V.V.Smyrychynskoho, VV Morozov, AG Kal'chenko, EV Krykavsky, AM Okladera NI Chukhrai, RR Larina, VT Alexandrov, PK Germanchyuk, AP Shatkovsky and foreign scientists - Bauersoksa D., S. Johnson, J. Kloss, Christopher M., R. Anikin, A. Hadzhynskoho, K. Kuznetsov, L. Mirotina, A. Semenenko V. Sergeeva A Tyapuhina. The mentioned study in its most defining problems of development of tender sales and procurement activities and related organizational aspects of financial and other mechanisms of development and practical implementation of businesses and government agencies, however, still unresolved is the etymological aspect tender concept, and hence the problem prok'yurementu functioning at all.

The purpose of the article - the analysis of theoretical and methodological approaches to determining the economic category "tender" species identification competitive and non-competitive tender procurement features building on this basis prok'yurementu ways.

Statement of the basic material. One of the problems that arose during the transition to a market economy country, was the failure of the market mechanism of formation of economic relations in several sectors of the economy to operate with the required efficiency without taking special measures. First, the problem concerns the public market. Violations in the procurement of goods and services as barter and for own funds began to wear massive scale, causing huge loss to the state. First of all goods and services purchased at inflated prices in droves. Second, because of sloppiness and irresponsibility contractual relations company supplied poor, old equipment under

the guise of new and price. Third, different supplier firms receiving the advance payment from businesses to supply, eventually disappear, increasing receivables hopeless enterprise. In addition, civil servants were opportunities to solve their financial problems, shortcomings mechanism using public procurement. As a result, created the conditions for the emergence and development of corruption in the government procurement. It should be noted that at various stages of development with this problem had almost all countries, forcing them to seek measures to counter corruption in the sector. The main way to solve this problem in the world was prok'yurementa regulatory control system, which includes a number of institutions, combined organization operating within the legal framework defined and used in the activity as competitive or non-competitive procurement. And it focuses on public procurement.

Today the world has developed a general interpretation of the definition of "public procurement". The study involved the content of the term domestic and foreign scholars, but the only treatment is not defined. In foreign and domestic economic literature, regulatory definition there are public procurement, tender, competitive bidding, bidding, purchasing, prok'yurement, public procurement. By this means the tender purchases. It is necessary to consider the definition of the economic category.

Interpretation of the term "tender" (from the English. Tender - official offer) has many meanings [1, 2, 3]: 1. A written proposal, application offer. 2. The application for subscription of securities trades, the intention to enter into a contract or deliver the goods. 3. Notification of intention to deliver the goods on futures contracts. 4. The method offers bonds or treasury bills market. 5. Invite vendors offer goods or equipment that meets the requirements; competitive form of placing an order for the purchase of equipment on the market and attract contractors for the construction of complex objects and other works, including engineering. Competition announced in advance. 6. The price offered now, in determining which come primarily from prices that competitors may designate, and not of their own costs and the demand for goods. 7. Request the possibilities and conditions repair ships sent a ship repair firms. 8. International Trade, in which competition for sellers announces the buyer, he also establishes technical and economic characteristics of the goods. Terms such competitions are announced in advance.

The mentioned interpretation tender significantly expand facilities tender procedures, but require generalization.

Overall, tender (tender) - is the implementation of a competitive selection of participants to determine the winner of the tender (bidding) according to the procedures (procedures except single-source procurement) or ad buyer (customer) competition for sellers (suppliers) with pre-defined characteristics.

There are several definitions of competition or tender, including definition is provided by LP Batenko, OA Zagorodnya, VV Lishchynskyy, that is to say - a way of placing orders for goods, works or services where the customer or the organizer of the competition in one way or another artificially creates conditions for competition between suppliers participate in this competition for the order to select the best conditions for acquiring the necessary goods and services [4, P. 67].

Competitive bidding, according to VM Kolotiya - a way of issuing orders for goods, services procurement or grant contracts for certain works on a pre-announced in a special document conditions that involve a certain date on the basis of race offers several bidders to ensure the most favorable conditions for their agreement organizer [5, P. 24].

Thus, under the tender (competitive bidding) often understand the competition provided by applicants of offers in terms of their compliance with the criteria contained in the tender documents

or competition held by the buyer or customer of suppliers in order to choose the most advantageous offer. In our opinion, the terms "tender" and "Competition / Competitive Bidding" - synonymous (with the exception of competitions held in Russia).

International tenders (auctions) - is a form of organized markets due to the fact that at a certain time and in a particular city is organized matching offers with pre-defined and characterized in demand. This mediation between the buyer (importer) and the seller (exporter) takes the tender committee formed by the importer. International bidding stimulate competition between vendors, allowing customers to choose the most technically advanced and commercially viable option for them the many proposed, and the winners of the tender for this fact is an official recognition of their competitiveness.

In terms of features international trade auctions are one of the kind of deal with the use of offer and acceptance, the very same practice of international trading involves four stages, each of which is drafting and signing of relevant documents.

In international practice English speaking countries to refer tender procurement mechanism uses the term «procurement». Procurement - a set of practices and techniques that allow to ensure the interests of the customer during the procurement campaign through competitive bidding. [6]

Russian scientists Korepanov-Kama DS procurement defines as a system of procurement at the federal, municipal budgets, loans to the World Bank, which is used in the West and is based on the principles of transparency, fairness, efficiency, effectiveness and accountability [7, P. 75].

A more detailed definition procurement provides Ukrainian scientist V. Smyrychynskyy: procurement - competitive system of procurement of products in a market economy based on the principles of transparency of tendering, commodity exchange equity, efficiency, effectiveness and accountability exchange transactions, contractual obligation conditions [8, P. 12].

So procurement responsible for the content of the term "tender", "competition" or "competitive bidding" and is a system of procurement methods and techniques that allow you to meet the immediate needs of socio-economic development in a competitive environment, reducing government expenditures in carrying out such purchases.

In international law procurement means the acquisition by any means goods or services. In domestic legislation use the term "government procurement" - acquisition of customer goods, works and services for public funds in the manner prescribed by law, with one customer procurement for the benefit of another is prohibited, except in cases of procurement of goods on the basis of interagency coordination [9]. As you can see the definition of international and national legislation on interpretation of "public procurement" is very limited.

Based on the key characteristics of public procurement, given the definition of the definitions provided by domestic and foreign scholars, for the purposes of this study suggest the following interpretation of the economic substance of the concept of "public procurement". Public procurement of goods (works, services) - a system of ordering state agencies of goods (works, services) needed to complete the implementation of programs of development and economic growth of the country, according to the contest announced in advance that the enforcement of certain conditions on the principles of fair competition among bidders to ensure maximum efficiency and save money for their customers.

As the number and complexity of the situations that arise in the process of public procurement procedures is increasing, procurement management should be evidence-based classification of public procurement, which will increase the possibility of choosing and implementing management decisions. Reasonable classification of public procurement is necessary

to understand the correct selection and organization procedures, the organization of the Tender Committee, informational and financial components of the process.

The study of scientific literature revealed insufficient level of research questions concerning the classification of public procurement. The lack of clear classification made considerable uncertainty in this regard. Uncertainty classification of public procurement due to insufficient levels of formation of the conceptual apparatus of public procurement as a young sphere of economics. Yes, VV Zhukov shared procurement into two categories [11 C 48]: the procurement of goods and services within the framework of public procurement (eg purchase of arms and military equipment departments); Procurement for projects financed by public funds (in this case non-state agency procurement exercise and organization (company), which has been defined in terms of public funds for the project).

Other domestic scientists Batenko LP, Zagorodnya AA, VV Lishchynska [4, P. 97] extend the areas of public procurement, the procurement of goods and services within the public procurement; Procurement for projects financed by public funds (in this case the purchase does a company receives under certain conditions public funds for the project); procurement undertaken within projects funded by international financial institutions - the World Bank, EBRD, regional development banks, etc .; procurement of resources for investment projects under project finance.

Classification of competing (competitive and non-competitive) and non-competitive (sole source procurement in) procurement tender is successful enough in terms of compliance with the principle of competition, declared tender legislation of Ukraine.

You can select a classification method for the procurement of construction: centralized, decentralized and mixed models. In the centralized model established centralized purchasing authority defined range, output and range of customers for which the product is purchased. Within the branch office can distributive centralization. Researcher NB Tkachenko said that public procurement in Ukraine is built on the principles of decentralized model, whereby customers as stewards of public funds independently carry out public procurement and enter into a contract with a party, except for purchases based on interagency coordination is carried out by a centralized model [11, S. 102 -103]. A decentralized model predicts that the purchase is made directly stewards of public funds. Mixed model involves the use of centralized and decentralized models simultaneously.

Conclusions:

1. Public procurement of goods and services - a system for ordering state agencies goods necessary for full implementation of the programs of social development and economic growth of the country, announced in advance for the contest, which provide compulsory compliance with the principles of fair competition procurement participants to ensure effective and maximum savings funds.

2. An important condition for rational organization of public procurement is their classification. It provides a combination of theory and practice by developing a sound methodology and techniques of public procurement procedures that allow customers to avoid mistakes in the design of tender documentation, analysis and evaluation of tenders, determining the winner and more.

3. Reasonable classification of government procurement provides further improvement of organizational and economical procurement, efficiency and quality of.

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Keywords: tender, public purchase, purchase from public funds, competitive bidding, competitions, procurement.

Ключові слова: тендер, державні закупівлі, закупівлі за рахунок державних коштів, конкурсні торги, конкурси, прок'юремент.

Ключевые слова: тендер, государственные закупки, закупки за счет государственных средств, конкурсные торги, конкурсы, прокьюремент.

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MATHEMATICAL MODELING OF ENTERPRISE ADVERTISING ACTIVITY FUNCTION

Lisovska V., Candidate of physics and mathematics, Associate Professor, chair of higher mathematics FUP ta M SHEI "Kyiv National Economic University named after Vadim Hetman" Kyiv.

Moshenska A., Postgraduate student, chair of higher mathematics FUP ta M SHEI "Kyiv National Economic University named after Vadim Hetman" Kyiv.

Lisovska V., Moshenska A. Mathematical modeling of enterprise advertising activity function

The paper reflects the relevance of enterprise appeals advertising modeling process and famous analytic functions of the distribution reaction in the form of a logistic curve. It models a response of marketing costs which in turn affects the volume of sales. Economic and mathematical simulation of advertising notifications with the rational allocation of funding for each channel with maximum profit through a gradient descent is also considered.

Besides the software for accounting enterprise advertising expenses the article considers common enterprise optimization technologies for simulation the process of enterprise advertising notifications, including a use of SAS Marketing Optimization which predicts the expected response on each client's specific proposal. The key features of the system are also stated.

The article states that the advertising department should cooperate with all other departments. A diagram of information sharing is depicted together with a model which shows the advertising activity reaction function which links the optimization parameter with various factors that affect the advertising activity.

The article also shows factors that affect the enterprise advertising activity function and highlights the following problem: the average speed of advertising activity function in time is inversely proportional to the potential advertising activity function component when it is at max value of its aspect ratio, which assesses the level of enterprise advertising activity.

The mathematical simulation of the enterprise advertising notifications process with the help of analytic alignment of the time series for the enterprise advertising activity function is shown as a logistic curve if the asymptote value is not stated.

Лісовська В. П., Мошенська А. В. Математичне моделювання функції рекламної активності підприємства.

В статті відображена актуальність проблематики моделювання процесу рекламних звернень підприємства та розглянуто відомі аналітичні функції реакції збуту у вигляді логістичної кривої, які моделюють відклик від витрат на маркетинг, що в свою чергу впливає на об'єм збуту. Також розглядається економіко-математичне моделювання поширення рекламних звернень з раціональним розподілом фінансування по кожному каналі з максимізацією прибутку методом градієнтного спуску. В статті окрім програмного забезпечення для врахування рекламних витрат підприємства розглядаються поширені технології умовної оптимізації для моделювання процесу рекламних звернень підприємства, що включають в собі використання системи SAS Marketing Optimization, що прогнозує очікувану віддачу від кожного клієнта по окремих пропозиціях, причому зазначені ключові можливості цієї системи. В статті підкреслено, що рекламний підрозділ повинен бути у взаємодії з усіма підрозділами підприємства та приведена схема інформаційного руху між підрозділами підприємства та приведена модель, в якій розглядається функція реакції рекламної активності, що зв'язує параметр оптимізації з чинниками, що впливають на

рекламну активність. В статті представлені чинники, які впливають на функцію рекламної активності підприємства та виокремлено наступну постановку задачі: середня швидкість функції рекламної активності за часом обернено пропорційна потенційній складовій функції рекламної активності при встановленому її максимальному значенні з коефіцієнтом пропорційності, що оцінює рівень рекламної активності підприємства. Математичне моделювання процесу рекламних звернень підприємства за допомогою аналітичного вирівнювання часового ряду для функції рекламної активності підприємства представлено у вигляді логістичної кривої, якщо не задане значення асимптоти.

Лисовская В. П., Мошенская А. В. Математическое моделирование функций рекламной активности предприятия

В статье отражена актуальность проблематики моделирования процесса рекламных обращений предприятия и рассмотрены известные аналитические функции реакции сбыта в виде логистической кривой, которые моделируют отзыв от затрат на маркетинг, что в свою очередь влияет на объем сбыта. Также рассматривается экономико - математическое моделирование распространения рекламных обращений с рациональным распределением финансирования по каждому каналу с максимизацией прибыли методом градиентного спуска. В статье кроме программного обеспечения для учета рекламных расходов предприятия рассматриваются распространенные технологии условной оптимизации для моделирования процесса рекламных обращений предприятия, включающие в себя использование системы SAS Marketing Optimization, что прогнозирует ожидаемую отдачу от каждого клиента по отдельным предложениям, причем указаны ключевые возможности этой системы. В статье подчеркивается, что рекламное подразделение должно быть во взаимодействии со всеми подразделениями предприятия, приведена схема информационного движения между подразделениями предприятия и приведена модель, в которой рассматривается функция реакции рекламной активности, связывающей параметр оптимизации с факторами, влияющими на рекламную активность. В статье представлены факторы, которые влияют на функцию рекламной активности предприятия и выделена следующая постановка задачи: средняя скорость функции рекламной активности по времени обратно пропорциональна потенциальной составляющей функции рекламной активности при установленном ее максимальном значении с коэффициентом пропорциональности, который оценивает уровень рекламной активности предприятия. Математическое моделирование процесса рекламных обращений предприятия с помощью аналитического выравнивания временного ряда для функции рекламной активности предприятия представлено в виде логистической кривой, если не задано значение асимптоты.

Problem setting

Modeling of the enterprise advertising notifications to increase the advertising response and profit through passing of information to the aware end consumer – is a burning issue for any enterprise.

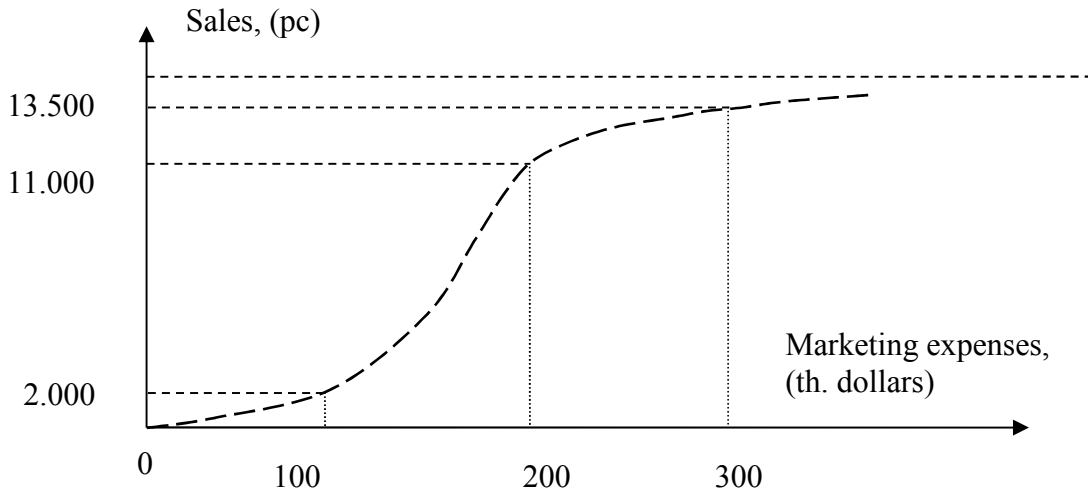
The simulation of the advertising notifications process should first of all help to increase marketing efficiency. At the same time the market players have problems with predicting enterprise profitability which should include the level of advertising response, assets rate or risks.

The analysis of the major sources.

In economic literature the problem of advertising notifications processes simulation can be found in the works of such scholars as Y.Bazhenov, R.Batra, G.Bernet, M.Guzia, F.Jeffkins, T.Lukyanets, Y.Lysenko, D.J.Meirs, S.Moriarti, F.Pankratov, L.Percy, E.Romat, J.R.Roceter, C.Sandidge, W.Wells, V.Freiburger, S.Shapiro and others.

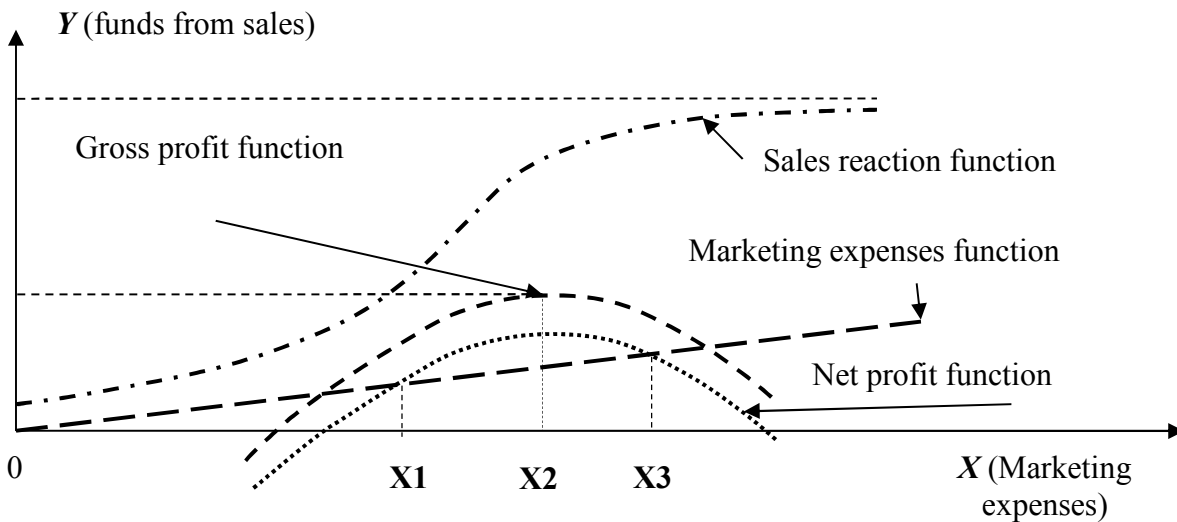
But still there are many problems requiring a solution amongst which we can point out determining the optimal value of the enterprise advertising budget during advertising notifications processes simulation and media planning optimization.

In this study [1] in the form of a logistic curve we see the analytic function of the sales reaction (Pic.1), simulating the withdrawal of marketing costs which affects the sales volume. P.Kotler in his statistical research noticed the effect of excessive marketing when the excessive level of marketing expenses has no effect on the increase of sales. The excessive level of marketing expenses can be explained by reaction of the competition in the time of market economy under the condition of prior data collection on previous sales and varying levels of marketing expenses



Pic.1. Excessive marketing effect according to P.Kotler [1]

Pic.2 shows the functional dependencies of sales funds from marketing expenses [1].



Pic.2. Sales funds function, sales reaction, gross and net profit from marketing expenses [1]

In the study [1] we see graphical representation of the optimal borders of marketing expenses (X1,X3) under the condition that the functions of gross and net profit reach their max in point X3 which determines the level of marketing expenses to achieve maximum net profit.

The study [2,3,4] describes economical and mathematical simulation of advertising notifications spreading with the rational division of financing for each channel with the maximum profit increase F as:

$$F = \sum_{i=1}^I \sum_{t=1}^T a_{it} x_{it} (1 - p_{it})^{x_{it}} \rightarrow \max,$$

$$\begin{cases} \sum_{i=1}^I \sum_{t=1}^T x_{it} \leq \tilde{A}, & \sum_{i=1}^I x_{it} \leq W_t, \sum_{t=1}^T x_{it} \leq Q_i, \\ x_{it} \geq 0, & b_{it} \leq x_{it} \leq B_{it}, \quad t = \overline{1, T}, i = \overline{1, I}. \end{cases} \quad (1)$$

where i, t - identifiers of the advertising notifications channel and time trend; I - channels quantity; T - time periods quantity; a_{it} - expected profit rate for i channel during the t period with the x_{it} expenses from the monetary funds;

p_{it} - risk of loss when b_{it} - is minimum and W_t - maximum expenses; B_{it} - maximum allowed amount of funds in each channel with the value of maximum allowable amount of funds \tilde{A} .

The problem was solved using a gradient descent method [5, p. 8] and is based on the fact that the main channels of advertising funding are known [6, c.65-66]. According to this method the price of j advertising application in i advertising media equals:

$$a_{ij} = c_i v_j, \quad (2)$$

where i – number of advertising media, where the notifications are planned. The model presupposes that $i = \overline{1, N}$, meaning that for the advertising campaign exist N advertising media; j – quantity of advertising notifications: $j = \overline{1, M}$, M – max quantity of notifications; c_i - price for advertising one notification in i advertising media; v_j - volume of j notification.

To optimize the calculations the model is introduced with corresponding matrix:

$$C = \begin{pmatrix} c_1 \\ \cdot \\ \cdot \\ \cdot \\ c_N \end{pmatrix} \quad V = \begin{pmatrix} v_1 \\ \cdot \\ \cdot \\ \cdot \\ v_M \end{pmatrix}$$

C - column-matrix of advertising prices; V - column-matrix of advertising

$$R = \begin{pmatrix} r_{11} & \cdot & \cdot & \cdot & r_{1M} \\ \cdot & \cdot & \cdot & \cdot & \cdot \\ \cdot & \cdot & \cdot & \cdot & \cdot \\ \cdot & \cdot & \cdot & \cdot & \cdot \\ r_{N1} & \cdot & \cdot & \cdot & r_{NM} \end{pmatrix}$$

notifications volume; R - decision making matrix, the elements of which show where and how many advertising notifications should be placed. For example if $r_{ij} = p$, this means that j advertising notification will be placed in i advertising media p amount of times.

Thus the general expense level A which should allocate the enterprise advertising activity is:

$$A = CRV = (c_1 \quad \cdot \quad \cdot \quad \cdot \quad c_N) \begin{pmatrix} r_{11} & \cdot & \cdot & \cdot & r_{1M} \\ \cdot & \cdot & \cdot & \cdot & \cdot \\ \cdot & \cdot & \cdot & \cdot & \cdot \\ \cdot & \cdot & \cdot & \cdot & \cdot \\ r_{N1} & \cdot & \cdot & \cdot & r_{NM} \end{pmatrix} \begin{pmatrix} v_1 \\ \cdot \\ \cdot \\ \cdot \\ v_M \end{pmatrix}$$

Lately technologies to optimize the simulation of enterprise advertising notifications process became common and include the use of SAS Marketing Optimization [7]. The usage of this system

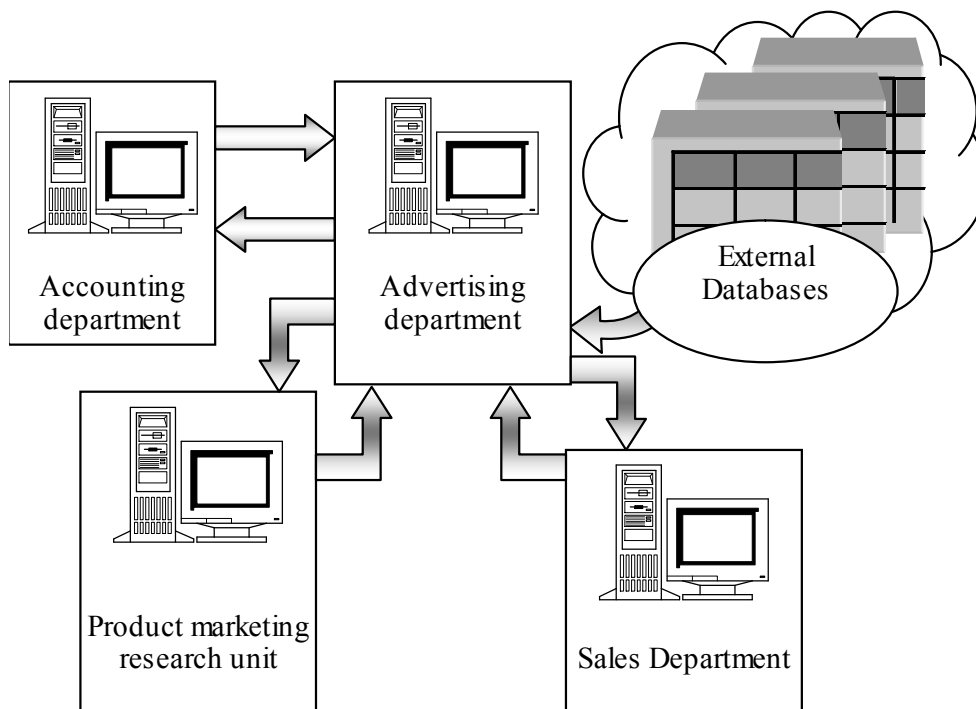
provides the user with a framework for calculating likely impact of available information on benefits, disposition and profitability of customers as well as data on the cost of the proposals. SAS Marketing Optimization System predicts the expected return on each client's specific proposal. This information is then analyzed with the aim of choosing the optimal combination of channels and offers for individual customers which determines:

1. More effective use of the marketing budget.
2. Increase of channel efficiency.
3. Exclusion of inconsistent and conflict communications.

Let us state the key features of the SAS Marketing Optimization System:

1. Reporting tools and graphical presentation of optimization results.
2. Summary reports, graphs, histograms reflecting the overall cost, the real cost of products sold, the number of proposals and the real cost of each proposal and channel.
3. Visual representation of sensitivity analysis on all constraints.
4. OLAP - cubes which allows a more detailed analysis of the various sections.
5. Detailed reports in which the comparison is made not only through various parameters of one scenario but also between scenarios.

Let us emphasize that the advertising department should be in full cooperation with all departments of the enterprise (Pic.3).



Pic.3. Information sharing between enterprise departments [8, p. 307]

We can point out the following software that will calculate the advertising expenses of the enterprise: Galaxy-Marketing (Accounting automation); Strategy (Consultant and expert tool), FinExpert-Marketing (Enterprise sales and marketing automation), Clientele (Customer Service and Support) [7, p. 478-479].

In the study [5] we see the Nerlove-Arrow model as a differential equation of 1st order, which described the process of advertising activity average speed on the basis of promotional product disregard that provided a linear growth of consumer response as a result of promotional activity.

Problem.

On pic.4 we see a model where the advertising activity reaction function is depicted which links the optimization parameter with factors affecting the advertising activity. Let us have a look at the following functions:

- ✓ $a(t)$ – advertising activity function, which is statistically determined using time series analysis of enterprise marketing expenses for the period t ,
- ✓ $R(t)$ - advertising activity reaction function of targeted consumer groups, which is statistically determined by analysis of time-series change of pace of company’s sales.



Pic.4. Consumer behavior model

In pic.4 the advertising activity function $a(t)$ is an input parameter and the advertising activity reaction function of the targeted consumer group $R(t)$ is an output parameter measuring the response of advertising activity.

From economic point of view for the advertising activity function $a(t)$ of interest is its

average speed $\frac{a'(t)}{a(t)} = \frac{\dot{a}}{a}$. We need to find the max value a_{max} of the advertising activity function $a(t)$, which depends not only on the maximum sales and the enterprise’s potential capacity but also from the market share of its competitive positions.

In pic.5 we see factors influencing the enterprise advertising activity function.

Let’s consider the ratio (dimensionless function):

$$0 < \frac{a(t)}{a_{max}} < 1$$

the equation is:

$$1 - \frac{a(t)}{a_{max}} = \frac{a_{max} - a(t)}{a_{max}} > 0$$

from economic point of view we can state this as a potential (unused) part of the advertising activity function at the max value a_{max} of the enterprise.

Problem. The average speed of the advertising activity function is inversely proportional to the potential advertising activity function component when it is at max value a_{max} with the aspect ratio A – evaluation of the enterprise’s advertising activity level.

Thus from all of the above mentioned we have a differential equation of 1st order:

$$\frac{\dot{a}}{a} = A \cdot \frac{a_{max} - a}{a_{max}}, \quad a = a(t), \quad a(0) = a_0 \quad (1)$$

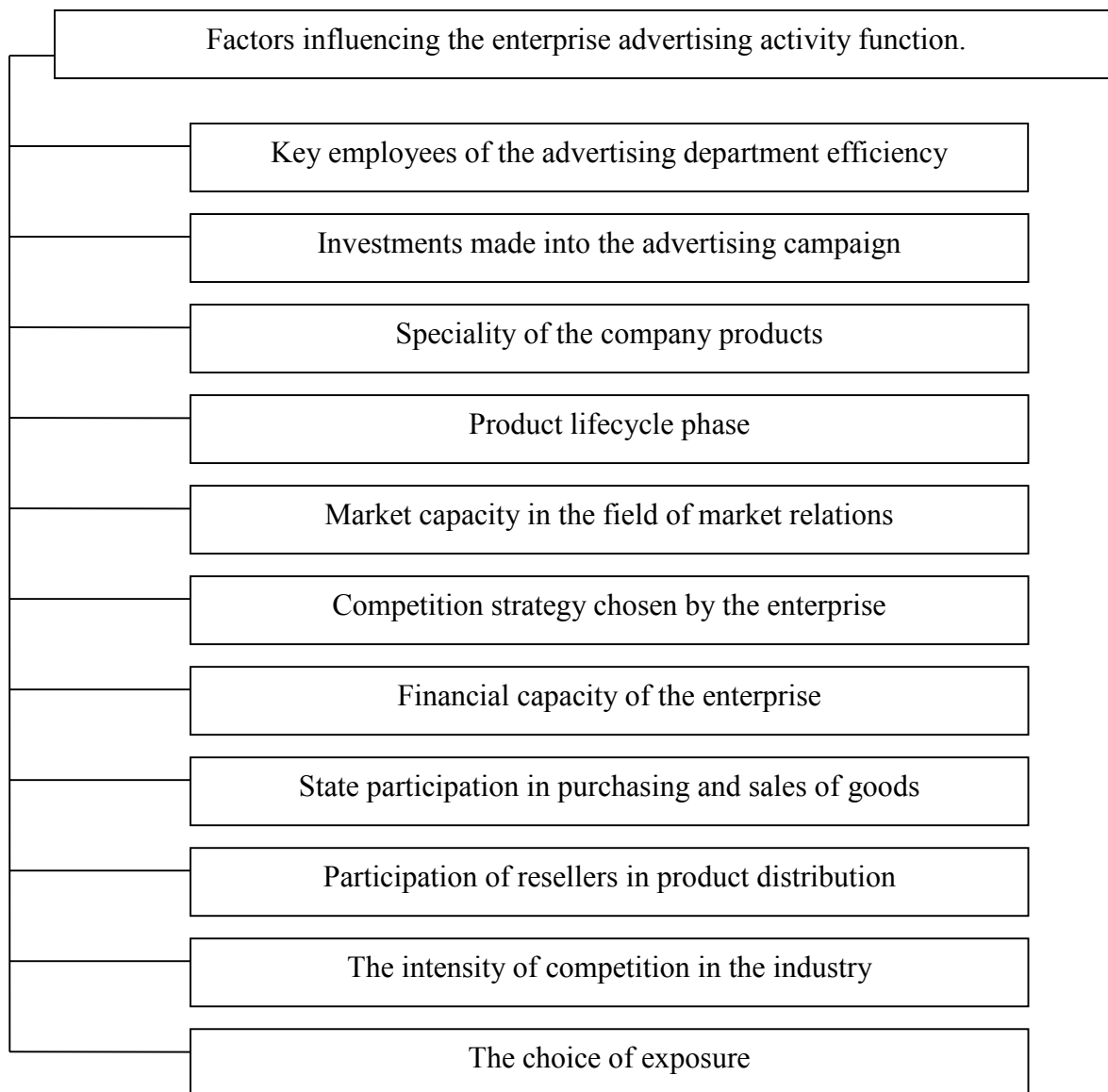
With the initial conditions allowing us to assume that in the starting point of time without means of marketing stimulation we still have a certain advertising activity a_0 .

Main scope.

Equation (1) is reduced to the following form:

$$-\frac{\dot{a}}{a^2} + A \cdot \frac{1}{a} = \frac{1}{A \cdot a_{max}}, \quad a(0) = a_0, \quad a = a(t). \quad (2)$$

Change of $\frac{1}{a} = s, -\frac{\dot{a}}{a^2} = \dot{s}$ brings (2) to a linear differential equation of 1st order:



Pic.5. Model of factors influencing the size of the enterprise advertising activity

$$\dot{s} + A \cdot s = \frac{A}{a_{\max}}$$

The solution to which is:

$$s = \frac{1}{a} = -e^{-At} \cdot \left(-\frac{1}{a_{\max}} \cdot e^{At} + C \right) = \frac{1}{a_{\max}} - C e^{-At}, a(0) = a_0, \quad a = a(t). \tag{3}$$

or, solving the Cauchy problem $\left(C = -\frac{1}{a_0} + \frac{1}{a_{\max}} = -\frac{a_{\max} - a_0}{a_0 a_{\max}} \right)$, we have a desired partial solution of the differential equation (1):

$$a(t) = \frac{a_{\max}}{1 + b \cdot e^{-At}}, \quad b = \frac{a_{\max} - a_0}{a_0}$$

or

$$b \cdot e^{-At} = \frac{a_{\max}}{a(t)} - 1, \quad b = \frac{a_{\max} - a_0}{a_0}$$

which, after logarithm is reduced to the following form:

$$\ln b - At = B(t),$$

$$B(t) = \ln \left(\frac{a_{\max}}{a(t)} - 1 \right), \quad b = \frac{a_{\max} - a_0}{a_0} \quad (4)$$

In this case normal equations have the following form:

$$\begin{cases} \sum B(t) = n \ln b - A \sum t, \\ \sum B(t) \cdot t = \ln b \sum t - A \sum t^2, \end{cases} \quad (5)$$

If the asymptotic value a_{\max} is unknown then at first through regression we evaluate the parameters a_{\max} and $-A$ of the equation.

$$\hat{a}(t) = \frac{a_{\max}}{1 + b \cdot e^{-At}}, \quad (6)$$

then we define the parameter b. To convert the logistic function we define the difference between two inverse values of adjacent members in the time series:

$$\frac{1}{\hat{a}(t+1)} - \frac{1}{\hat{a}(t)} = \frac{b \cdot e^{-At} \cdot (e^{-A} - 1)}{a_{\max}} = \frac{\left(\frac{a_{\max}}{a(t)} - 1 \right) \cdot (e^{-A} - 1)}{a_{\max}},$$

From here we find:

$$\frac{1}{\hat{a}(t+1)} = \frac{(e^{-A} - 1)}{a_{\max}} + e^{-A} \cdot \frac{1}{\hat{a}(t)},$$

$$\frac{(e^{-A} - 1)}{a_{\max}}$$

According to parameter evaluation a_{\max} and e^{-A} we determine the function minimum:

$$\min \left\{ \sum \left(\frac{1}{a(t)} - \frac{1}{\hat{a}(t)} \right)^2 \right\}, \quad (7)$$

In this case normal equations have the following form:

$$\left\{ \begin{aligned} \sum_{t=1}^{n-1} \frac{1}{a(t+1)} &= (n-1) \cdot \frac{(1-e^{-A})}{a_{\max}} + e^a \cdot \sum_{t=1}^{n-1} \frac{1}{a(t)}, \\ \sum_{t=1}^{n-1} \frac{1}{a(t+1)} \cdot \frac{1}{a(t)} &= \frac{(1-e^{-A})}{a_{\max}} \cdot \sum_{t=1}^{n-1} \frac{1}{a(t+1)} + e^{-A} \cdot \sum_{t=1}^{n-1} \frac{1}{a(t)^2}, \end{aligned} \right. \tag{8}$$

The solution to this system:

$$e^{-A} = \frac{(n-2) \cdot \left((n-1) \cdot \sum_{t=1}^{n-1} \frac{1}{a(t)^2} - \left(\sum_{t=1}^{n-1} \frac{1}{a(t)} \right)^2 \right)}{(1-e^{-A}) \cdot \sum_{t=1}^{n-1} \frac{1}{a(t+1)} \cdot \sum_{t=1}^{n-1} \frac{1}{a(t)} - \sum_{t=1}^{n-1} \frac{1}{a(t)} \cdot \sum_{t=1}^{n-1} \frac{1}{a(t+1)} \cdot \frac{1}{a(t)}} = D.$$

$$a_{\max} = \frac{1-e^{-A}}{D} \tag{9}$$

Thus we have evaluated parameters a_{\max} and $-A$ of the equation (7). To evaluate parameter b , we transform the equation (7):

$$\frac{a_{\max}}{\hat{y}(t)} - 1 = b \cdot e^{-At},$$

which, after logarithm has the following form:

$$\frac{\sum_{t=1}^n \ln b}{n} = \frac{A \cdot \sum_{t=1}^n \frac{n(n+1)}{2}}{n} + \frac{\sum_{t=1}^n \ln \left(\frac{a_{\max}}{\hat{a}(t)} - 1 \right)}{n}.$$

Let's assume that

$$\sum_{t=1}^n \ln \left(\frac{a_{\max}}{\hat{a}(t)} - 1 \right) = \sum_{t=1}^n \ln \left(\frac{a_{\max}}{a(t)} - 1 \right),$$

We receive:

$$\ln b = \frac{A \cdot (n+1)}{2} + \frac{1}{n} \cdot \sum_{t=1}^n \ln \left(\frac{a_{\max}}{a(t)} - 1 \right). \tag{10}$$

Thus on the basis of this (7)-(10) we will make the analytic alignment of the time series for the enterprise advertising activity function $a(t)$ with the help of a logistic curve. The data of the advertising activity function time series (for a 12 months period in 2013) is shown in Table.1.

Table 1 Advertising activity function time series (th. UAH)

t	1	2	3	4	5	6	7	8	9	10	11	12
$a(t)$	7,62	10,41	12,75	17,18	22	29,61	39,89	47,81	62,5	69,3	87,3	105,3

For equations (8) we will determine:

$$\sum_{t=1}^{n-1} \frac{1}{a(t)} = 0.531, \sum_{t=1}^{n-1} \frac{1}{a(t+1)} = 0.4093, \sum_{t=1}^{n-1} \frac{1}{a(t)^2} = 0.04,$$

$$\sum_{t=1}^{n-1} \frac{1}{a(t+1)} \cdot \frac{1}{a(t)} = 0.0311.$$

Receive parameter values:

$$e^{-A} = 0.7449 \Rightarrow -A = -\ln 0.7449 = 0.2945, D = 0.01244, a_{\max} = \frac{1 - 0.7449}{0.01244} = 205.06,$$

$$\ln b = \frac{0.2945 \cdot 13}{2} + \frac{1}{12} \cdot \sum_{t=1}^{12} \ln \left(\frac{205.06}{a(t)} - 1 \right) = 3.6405 \Rightarrow b = 38.12.$$

Thus we get:

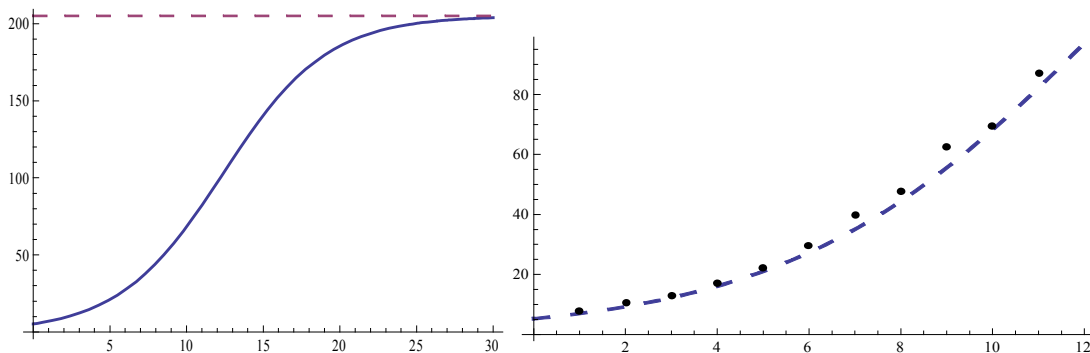
$$\frac{1}{\hat{a}(t+1)} = 0.0125 + 0.7449 \frac{1}{\hat{a}(t)},$$

In such a case analytic alignment of the time series for the enterprise advertising activity function a(t) with the help of a logistic curve looks as follows (Pic.5):

$$\hat{a}(t) = \frac{205.06}{1 + 38.12 \cdot e^{-0.2945t}},$$

Where a dotted line shows the asymptote, which equal $a_{\max} = 205.06$.

Let's input the data from Table.1. on the logical curve graph for the enterprise advertising activity function a(t) (Pic.6).



Pic.6. The graph of enterprise advertising activity function a(t) and time series points

Note that in Pic.6 on the OX axis we have time t, and the OY axis – the value of functional dependence of enterprise advertising activity a(t).

Conclusion:

The main purpose of the time series study is prediction relevant events in the future. For this one of the most important research problems of the time series – identification of the main trends in the indicator values change – is solved. The value of any time series is the result of the interaction of many reasons. Some operate continuously and for a long time they are dominant and determine the trend. Other reasons act rarely and over a short period of time they are random and obscure the

trend changes. Thus to generate the right conclusions about patterns of change of an indicator we need to point out the main trend separating it from the fluctuations caused by random factors.

The level of the dynamics row characterizing the development of economic phenomena can be represented as a sum of four components which cannot be directly measured: long-term, cyclical, seasonal components and random fluctuations.

We emphasize that the received aspect ratio A from the time series – is the evaluation of the enterprise advertising activity level which can be also determined with the help of the Saaty method taking into account all its forming factors such as:

- probability of positive occurrence of marketing policy components;
- likelihood of consumer awareness about products' manufacturer;
- effectiveness of promotion policy;
- likelihood of enterprise's product preference;
- efficiency of commercial policy;
- effectiveness of pricing policy;
- efficiency of the distribution policy.

In the study we see the methodology of analytic alignment of the time series for the enterprise advertising activity function $a(t)$ with the help of a logistic curve if the asymptote value is not stated.

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Key words: banking sector, loans, assets, deposit, international financial organizations.

Ключові слова: функція рекламної активності, часовий ряд, аналітичне вирівнювання, логістична крива

Ключевые слова: функция рекламной активности, временной ряд, аналитическое выравнивание, логистическая кривая.

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**THE ASSESSMENT OF THE GLOBAL PROCESSES IMPACT ON
THE HIGHER EDUCATION SYSTEM COMPETITIVENESS****Terovanesov M.**, Ph.D., Associate Professor, Donetsk Institute of Railway Transport, Donetsk.**Terovanesov M. The assessment of the global processes impact on The higher education system competitiveness.**

The article is devoted an analysis and methods of evaluation of motive forces of higher education's development. Underline, that they affect an inertia, which allows to optimize a management an educational sphere. It is indicated that globalization of the education shows up as integration or internationalization, informatization and commerce. Each of the indicated processes is characterized own parameters, that determines different methods of calculate of their level. As basic data statistical indexes and ratings indicators are used. The analysis of criteria and indicators of the most known world ratings is conducted. They characterize international cooperation in the field of higher education. The most informing sign of integration, which can be certain numeral, is academic mobility. This index reflects in a numeral form efficiency of the educational system, its advantages and failings, differs availability and authenticity. The statistical indexes for the evaluation of informatization's level is required by the uses of the generalized integral values which characterize quality of education. The variety of ratings criteria and indicators, determining the level of commerce, allows comprehensively to compare higher schools of different countries. The method of calculation of level of higher education's competitiveness is offered. A total score is presented by an evaluation cartoonist, which reflects the ratings indexes of competitiveness. For the account of different factors, influencing on a competitiveness, used and value of risks which allow more correctly provide comparison of the educational systems.

Терованесов М.Р. Оцінка впливу глобальних процесів на конкурентоспроможність системи вищої освіти.

Стаття присвячена аналізу і методам оцінювання рушійних сил розвитку вищої освіти. Підкреслено, що вони є складовими інерційності, облік якої дозволяє оптимізувати управління освітньою сферою. Вказано, що глобалізація в освіті виявляється у вигляді інтеграції або інтернаціоналізації, інформатизації і комерціалізації. Кожен із вказаних процесів характеризується власними параметрами, що обумовлює різні підходи до визначення їх величини. Як вихідні дані використовуються статистичні показники і рейтингові індикатори. Проведений аналіз критеріїв та індикаторів, що характеризують міжнародну співпрацю у сфері вищої освіти, найбільш відомих світових рейтингів. Найбільш інформативною ознакою інтеграції, яка може бути визначена чисельно, є академічна мобільність. Цей показник відображає у чисельній формі ефективність освітньої системи, її переваги та недоліки, і відрізняється доступністю й достовірністю. Невірогідність статистичних показників для оцінювання рівня інформатизації вимагають використання узагальнених інтегральних величин, які характеризують якість освіти. Різноманітність рейтингових критеріїв та індикаторів, що визначають рівень комерціалізації, дозволяє всесторонньо порівнювати вищі школи різних країн. Запропонований метод розрахунку рівня конкурентоспроможності вищої освіти. Підсумковий показник представляє оцінний мультиплікатор, який відображає рейтингові показники конкурентоспроможності. Для обліку різних чинників, що впливають на конкурентоспроможність використовуються і компенсатори ризиків, які дозволяють коректніше проводити зіставлення освітніх систем.

Терованесов М.Р. Оценка влияния глобальных процессов на конкурентоспособность системы высшего образования.

Статья посвящена анализу и методам оценивания движущих сил развития высшего образования. Подчеркнуто, что они являются составляющими инерционности, учет которой позволяет оптимизировать управление образовательной сферой. Указано, что глобализация в образовании проявляется в виде интеграции или интернационализации, информатизации и коммерциализации. Каждый из указанных процессов характеризуется собственными параметрами, что обуславливает различные подходы к определению их величины. В качестве исходных данных используются статистические показатели и рейтинговые индикаторы. Проведен анализ критериев и индикаторов наиболее известных мировых рейтингов, и характеризующих международное сотрудничество в сфере высшего образования. Наиболее информативным признаком интеграции, который может быть определен численно, является академическая мобильность. Этот показатель отражает в численной форме эффективность образовательной системы, ее преимущества и недостатки, и отличается доступностью и достоверностью. Недостоверность статистических показателей для оценивания уровня информатизации требуют использования обобщенных интегральных величин, которые характеризуют качество образования. Разнообразие рейтинговых критериев и индикаторов, определяющих уровень коммерциализации, позволяет всесторонне сравнивать высшие школы разных стран. Предложен метод расчета уровня конкурентоспособности высшего образования. Итоговый показатель представляет оценочный мультипликатор, который отражает рейтинговые показатели конкурентоспособности. Для учета различных факторов, влияющих на конкурентоспособность, используются и компенсаторы рисков, которые позволяют более корректно проводить сопоставление образовательных систем.

The problem statement in general. The higher education system (HES), as a social and economic system, except for its inherent contradictions, is influenced by the global economic processes. They determine the main forces of change in higher education. And countering external influences, sustainability and conservation of the development parameters are associated with the universal property of higher education - its inertia. Taking it into account allows you to optimize the processes in this important area of public life. The existing methods of external impacts valuation, based on the use of statistical data, are not well developed because of differences between the approaches of the national and international statistics to the analysis of the educational systems functioning. Therefore the study of indicators of the higher school system development main forces requires an additional analysis and is an important task, which will allow determining HES development inertia value.

Analysis of Recent Publications. The problems of the existing educational statistics and the development of the criteria and indicators system for monitoring the quality of training and the characteristics of the global processes in education is paid increased attention by the scientists from different countries. N. M. Avsheniuk analyzes the social and economic determinants of the transnational higher education development and stresses that its primary indicator in modern conditions is quite rapid growth of the students' international academic mobility [1]. O. V. Chabala researches the Bologna process as one of the measurements and the most important trends of globalization in the world [2]. T. M. Nosulich examines region development globalization factors, paying attention to the positive and negative consequences of globalization for social sphere and its manifestations in higher education [3]. G. C. Tovkanets considers higher professional education of the Czech Republic in the context of globalization and focuses on the education quality problems, which becomes a performance indicator of global innovations [4]. I. G. Utiuzh determines the main directions of globalization in higher education, highlighting the main factors [5]. O. A. Homeriky pays attention to two aspects of globalization - internationalization and integration, and examines their impact on the development of higher education in detail [6]. N. I. Konstantiuk describes the basic principles of higher education competitiveness increase according to global economy forming. [7].

Unsolved problems. These examples demonstrate the relevance of the questions in the field of the study of global processes in higher education. However, scientists do not pay attention to the determination of the indicators that determine various aspects of globalization, namely, the driving forces, which are the components of the HES inertia. The issues of determining the numerical values that reflect the external factors influence on the education development are not solved, and it reduces the efficiency of the HES management.

The purpose of work is in the analysis of indicators, which characterize the external forces influence on the development of the higher education system, and methods of their formalization, that will determine inertia value theoretically and take it into account in the education management.

The main material. Global processes that occur in the world economy in the early 21st century, due to objective trends, include the desire of each state to use the advantages of social transformation to ensure the proper level of its development. According to T.M.Nosulich globalization is the greater interdependence between the states and the associations of the national markets which leads to the significant increase of the international goods, capital, services, technology, information flows, development strengthening [3,p.141].

In addition to economic integration, globalization also determines the movement of the global community through comprehensive cooperation and development, unification and harmonization of education. O.V.Chabala emphasizes that the education globalization content includes bringing national legislation in the field of education to European standards, increasing access to educational resources, increasing students' academic mobility [2,p.79]. Studying higher education in the Czech Republic G.V.Tovkanets shows the following aspects: improving the states competitiveness, international labour mobility, mutual recognition of qualifications, the increase of the domestic and foreign students' number [4,p.162]. I.G.Utiuzh, researching trends of the HES globalization, concludes that it refers to the processes of internationalization, informatization and westernization [5,p.52]. O.G.Petrovych higher school globalization also sees through the description of similar features [8,p.32].

Such interpretation of globalization processes in education can be traced in the other scholars researches. O.A.Homeriky believes that modernization changes in higher education during globalization are the internationalization and integration [6,p.80]. According to the scientist integration has a higher level of cooperation, harmonization of the higher school main characteristics, and the absence of the boundaries between educational systems.

Many scientists defining globalization emphasize that one of the approaches is "westernization" of education. Some of them see this process as the expansion of the society western model and the adaptation of the world to it [9,p.60]. On the other hand, states accession to the Bologna process is also a "westernization" manifestation and contributes to the promotion of advanced educational technologies and the improvement of national HES functioning [5,p.62]. The use of the developed countries educational models developed countries can be considered as a trend in the educational sphere.

The most obvious manifestations of globalization are the informatization of higher education, the level of information determines HES criteria of the education quality.

Global manifestations in education are its commercialization, which includes higher education economic role strengthening and its transformation into an industry that is attractive for investment and makes profit. N.M.Avsheniuk focuses on enhancing competition between educational services suppliers both in the state and between "transnational institutions" [1,p.57]. N.I.Constantiuk emphasizes that global competition in the economy has resulted in increasing the competitiveness of higher education [7,p.26]. Similarly T.D.Antonyuk interprets these processes studying issue of improving educational services quality and linking them with the factors of globalization [10,p.35].

To determine the level of educational systems integration we should analyze the factors that determine it.Ch.Entsyn identifies the following main directions of international integration: exchanging programs, students, graduate students, professors and researchers between higher

education institutions; development and implementation of jointly developed programs; participation in the international projects in the field of education, science and culture; participation in developing systems for sharing information resources [11,p.144]. Y.V.Nanivska and O.A.Podsolonko consider integration as an educational systems movement to the unified criteria and standards, which includes fundamental reconstruction and modernisation of the higher education system, the democratization of educational policy, increasing teachers and students mobility, the introduction of credit and modular training system, establishment of individual based pedagogical system [12,p.238]. So, T.G.Poluhtovych adds that the higher education integration in the context of globalization requires appropriate reforms based on the priority of innovation – receptivity to innovations and the ability to reproduce them into educational practice [13, p.186].

The sign of integration, which can be quantified, is the academic mobility. This indicator is quite informative and reflects efficiency of the educational system, its advantages and disadvantages in numerical form. Of all the quantities characterizing the integration it is the most accessible. Thus, the state statistics service of Ukraine gives such data on foreign students [14,p. 92]: the total number and distribution across countries; the number received in the initial cycle of education; the number of graduates after completion of the full training cycle.

Determining the value of the academic mobility indicator is proposed to hold, using a system of multipliers, which show the ratio between the base value and any indicator. As a base it is advisable to use the total number of students. Thus, the formula for determining the multiplier, which is calculated indicator of academic mobility, in general form is as follows:

$$I_i = M_{am} = \frac{k}{n_b},$$

where M_{am} – the academic mobility multiplier;

k - metric (the number of foreign students);

n_b – the total number of students.

The rankings compiled by the independent public organizations include various indicators of integration in the sphere of higher education. The indicators showing the integration of the most famous higher educational establishments' ranking are summarized in table1.

These values can also be converted to the multipliers, which are relative. Then the level of integration that reflects academic mobility, international cooperation in educational and scientific spheres, is calculated by the formula:

$$I_{int} = M_{am} \cdot \prod M_i,$$

where M_i - multipliers, characterizing international cooperation in educational and scientific spheres.

For the evaluation of the next component of HES globalization – informatization of the education system, it is also advisable to use statistical data and rating indicators. The disadvantage of using statistical indicators is that they do not give accurate picture because of the rapid changes occurring in the information sphere.

A variety of rating criteria and indicators make it possible to compare the educational systems of different countries comprehensively. A large number of input data provides the indicator of HES commercialization as estimated multiplier including ratings:

$$I_{kom} = \prod_i^n M_i + \sum_{i=1}^j g_i,$$

where M_i — the i-th multiplier, which reflects the ratings of competitiveness;

g_i - risk compensator.

Table 1

The most well-known ranking criteria and indicators reflecting the integration processes

Ranking	Criterion	Indicator	Source
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The ranking of the UK universities (version of "The Times")	International recognition	The share of foreign teachers and foreign students	Relevant ministries, statistical agencies (e.g. Higher Education Statistics Agency in the UK), with Internet resources
The Shanghai ranking of world universities	Scientific work	The number of articles published in the journals Nature and Science for the previous 5 years	Nature(journal), http://www.nature.com/nature/index.htm
"New global ranking of world universities" (Russia)	International activities	Membership of the University in the international academic associations The share of foreign students among the students of the educational institutions	Information was provided by the University /received from the web site of the University, other sources
Ranking of Ukrainian higher educational establishments "Sophia of Kyiv"	International relations	The idea of which higher educational establishments pay the most attention to the development of international relations in education	Survey of young people and experts
Ranking of Ukrainian higher educational establishments of Education and Science Ministry of Ukraine	Achievements (the international level)	International relations, students' achievements at the international level	Information of Education and Science Ministry of Ukraine

Compensators are introduced to account for the factors affecting the competitiveness of higher education.

Thus the estimation of the HES development driving forces is reduced to the calculation of the indicators reflecting the basic processes of higher school globalization: integration, development and commercialization.

Conclusions and prospects for further research. The information mentioned above can make the following conclusions. First, the main driving forces for the HES development during globalization are the integration or internationalization, development and commercialization of education. Secondly, the most informative sign of integration which can be quantified is the academic mobility. Thirdly, the unreliability of statistical indicators to assess the level of informatization because of the rapid changes occurring in the information sphere requires the use of the generalized integral quantities characterizing the quality of education, because they involve the assessment of the level of informatization. Fourth, a variety of rating criteria and indicators describing commercialization (competitiveness) of the graduate school allows you to compare the educational systems of different countries comprehensively.

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Keywords: higher education, motive forces, statistical index, rating indicator, estimation, multiplier, inertia.

Ключові слова: вища освіта, рушійні сили, статистичний показник, рейтинговий індикатор, оцінка, мультиплікатор, інерційність.

Ключевые слова: высшее образование, движущие силы, статистический показатель, рейтинговый индикатор, оценка, мультипликатор, инерционность.

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FINANCIAL SECURITY OF THE STATE AND THE WAYS OF ITS PROVIDING**Gaponiuk O.**, Ph.D, Associate Professor, Mariupol State University, . Mariupol**Gaponiuk O. Financial security of the state and the ways of its providing.**

The article presents the interpretation of the term «financial security» from different points of view of many scientists. The composition of financial security is indicated, which includes budget, monetary, credit, debt security, security of the insurance market and the security of the stock market. The mechanism of the financial security of the country is examined; it consists of the elements, the providing system and the levels.

The directions of state activity to provide of financial security of the country are presented. They are clarification of the deviation cases of actual or projected parameters from thresholds, organization of activities of the implementation of measures to avoid or to prevent the threats emergence of financial security, examination of the decisions made with financial issues from a position of financial security, evaluation of preventing possible damage from adverse effects on financial security. The author proposes a system of measures to strengthen the financial security of Ukraine (regulation of the insurance market, monetary and currency policy improving, stock market regulation, regulation of corporate relations, budget system reforming).

Гапонюк О. І. Сучасна світова валютна система: трансформація розподілу світових золотовалютних резервів.

Сучасна світова валютна система характеризується наявністю певних особливостей, поява яких обумовлена економічними та політичними зрушеннями у світовому господарстві. Так, основними ознаками сучасної світової валютної системи є те, що вона: 1) створена і діє на основі норм міжнародного права; 2) метою діяльності є запобігання валютних криз і надання допомоги у випадку їх настання; 3) об'єктом регулювання виступає валюта та валютні цінності; 4) наявність міжнародного механізму правового регулювання; 5) має публічно-правовий характер, але діє в інтересах як держав, так і приватних осіб; 6) одночасно поєднує елемент наднаціональності і приватноправового регулювання. Однією з ключових умов функціонування сучасної світової валютної системи є наявність світових золотовалютних резервів. Резервна валюта виконує кілька функцій у системі міжнародних фінансових відносин: забезпечення міжнародної ліквідності країни, стабілізації вартості резервів, реалізації цілей валютно-курсової політики шляхом валютних інтервенцій на ринку. З огляду на зазначене, виникає необхідність забезпечення міжнародної ліквідності вимагає курсової стабільності такої валюти – непередбачуване її знецінення призводить до знецінення валютних резервів та створює загрозу валютній стабільності як на національному, так і на глобальному рівнях світової валютної системи.

Гапонюк О. И. Современная мировая валютная система: трансформация распределения мировых золотовалютных резервов.

Современная мировая валютная система характеризуется наличием определенных особенностей, появление которых обусловлено экономическими и политическими сдвигами в мировом хозяйстве. Так, основными признаками современной мировой валютной системы является то, что она: 1) создана и действует на основе норм международного права; 2) целью деятельности является предотвращение валютных кризисов и предоставление помощи в случае их наступления; 3) объектом регулирования выступает валюта и валютные ценности; 4) наличие международного механизма правового регулирования; 5) имеет публично-правовой характер, но действует в интересах, как государств, так и частных лиц; 6) одновременно сочетает элемент наднациональности и частноправового регулирования.

Одним из ключевых условий функционирования современной мировой валютной системы является наличие мировых золотовалютных резервов. Резервная валюта выполняет несколько функций в системе международных финансовых отношений: обеспечение международной ликвидности страны, стабилизации стоимости резервов, реализации целей валютно-курсовой политики путем валютных интервенций на рынке. Учитывая отмеченное, возникает необходимость обеспечения международной ликвидности путем курсовой стабильности такой валюты – непредсказуемое ее обесценивание приводит к обесцениванию валютных резервов и создает угрозу валютной стабильности, как на национальном, так и на глобальном уровнях мировой валютной системы

Statement of the problem. One of the fundamental factors of the independence of a sovereign state in the current economic environment is a condition of financial security. Due to the rapid changes at market conditions in global financial markets and due to the coherent system of economic relations in the structure of the world economy the state of domestic financial sector is difficult to be controlled because of the internal and external environment instability. In this situation measures of financial security protection should be initiated.

Analysis of the latest research and publications. Many scientists carry out a research into financial security and ways of its providing (e.g. O.I. Baranovskyi, S. Kulpinskyi, V.K. Senchahov, E.A. Oleinikov, O. Savytska, A.I. Sukhorukov, M.M. Yermoshenko, Ya.A. Zhalilo, V.A. Predborskyi, G. Pasternak-Taranushenko, V.I. Muntiyan, V.M. Fedosova, I.O. Revak, T.O. Lutsyk-Dubova, O.M. Kolodizev, A.V. Seredina).

The aim of the article is to determine the characteristics of financial security and ways of its providing that will help to develop a more effective system of national security.

Presentation of the basic material. Analysis of scientific publications has shown the definitions' diversity of «financial security». Every scientist has his own approach to the definition of the term. According to M. Yermoshenko, financial security is a state of financial and credit sector, which is characterized with balance and quality system of financial interests, adequacy of financial resources for all business entities and general population, that provides effective functioning of the national economic system and social development [1].

A.I. Sukhorukov in his monograph defines financial security of the state as interest security of the state in the financial sector, or as a state of budget, tax and monetary systems that guarantees state's ability to make rational use of financial resources [2]. S. Kulpinskyi suggests to use «the concept of financial security» as a set of actions to achieve, specifically the implementation of measures of fiscal and monetary policies in order to achieve stability of the financial system and to create a favorable investment climate [3]. O.I. Baranovskyi has given the definition of financial security as «the degree of protection of financial interests; level of financial resource capacity of all business entities; state of the financial market components; quality of financial tools and services; state of the financial flows in the economy, which makes it one of the most important systemic elements of economic security of the state «[4].

It's hard to not agree with O. Savytska, that financial security is a complex multi-level system, which is formed by a number of subsystems, each of which has its own structure and development character. The financial security system of the state includes budget, monetary, credit and debt security, insurance market and stock market security. Providing of safe level operation of the financial and credit sector is possible only with development and implementation of robust strategy for the development of all segments of the domestic financial market, with conducting of the effective credit, monetary, debt and investment policies, with the implementation of concrete measures to avoid a risk of monetary flows, exchange market, budget system, public debt, improving of the investment climate in Ukraine. Financial security strategy should be focused on the development and consistent implementation of measures for consolidation and development of positive processes and negative trends' overcoming in the financial relations. In this situation next targets of the strategy and mechanism of its implementation should be determined [5].

According to a group of authors [6], financial security is based on the mechanism of the state financial security arrangements, which is a system of organizational, institutional and legal

enforcement actions aimed at early recognition, prevention, neutralization and elimination of threats to financial security of the state. The scientists include following elements to the mechanism of the financial security: an objective and comprehensive monitoring of the economy and the financial sector aimed to identify and predict internal and external threats to the interests of the objects of financial safety; a calculation of threshold, maximum allowable values of the financial and socioeconomic indicators, the excess of which can provoke financial instability and financial crisis; state activities to detect and to prevent internal and external threats to financial security. [7] Fig. 1 shows a mechanism of financial security.

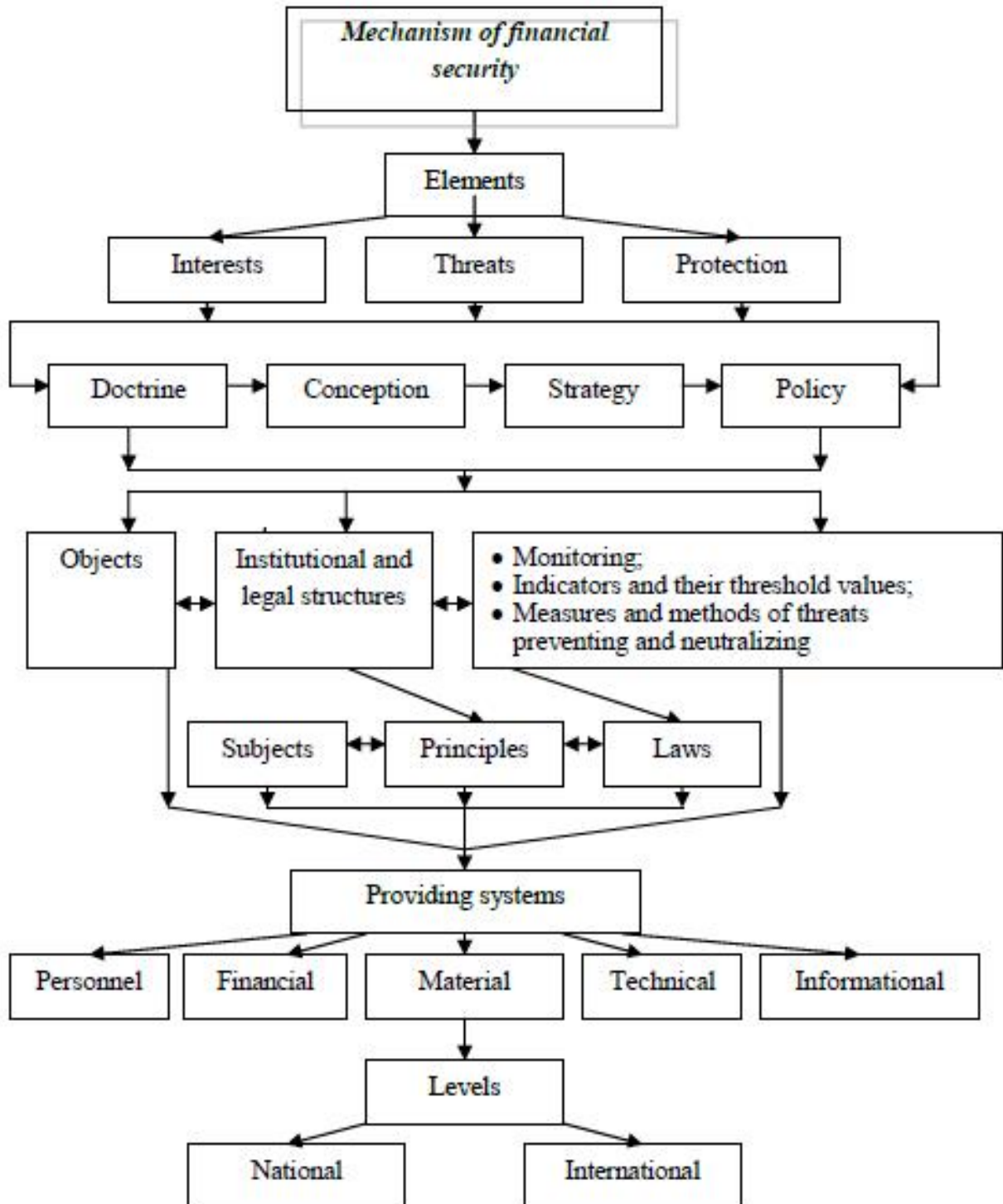


Fig. 1 – Mechanism of financial security. [8]

Analysis of the mechanism of financial security has shown that this mechanism has a complex structure that requires appropriate infrastructure. The President of Ukraine, the Verkhovna Rada of Ukraine, the National Security and Defense Council of Ukraine and other structures, which are coordinated by NSDC of Ukraine, should be responsible for financial security as a whole. And the economic bloc of the Cabinet of Ministers of Ukraine with the release of relevant departments, the Accounting Chamber of Ukraine and the National Bank of Ukraine, the local state administrations, the local government authorities, the judicial and the prosecution authorities should be responsible for functional courses of the financial security. [8] The state activities of the financial security should be carried out as follows (Fig. 2).



Fig. 2 Directions of state activities to provide financial security.

The increase of the level of financial security of the state requires systematic actions that should include mechanisms in the field of budget and monetary policy, stock market, and in the field of corporate sector regulation in economy. Lutsyk-Dubova T.O. has proposed the following system of measures to strengthen the financial security of Ukraine: [9]

1. To reform the budgetary system: budget reform implementation based on scientific study and coordination (conceptions' development), strategy and budgeting tactics), improving the quality of macroeconomic forecasts used in budget planning; complex approach to reforming the budget

process at the state and local levels, at the intergovernmental relations; effectiveness rising of budget costs through the use of target-oriented business principles, the budget system targeting for certain results (due to the relevant development programs); reduce of the external debt of Ukraine by direct reduction of net foreign assets of government and retirement of long-term assets of real economy sector; the budget statistics system improving of and diagnostics in system analysis with indicators of credit, debt and monetary security; phased development of budget deficit reduction strategy through increase of own potential revenue, improvement of the management level of state debt by implementing of the modern strategy to attract debt capital, to inventory and to classify of all debts, to transform debt structure, to prevent the practice of exceptional decision-making, not subordinated to the debt policy, to eliminate the hidden deficit.

2. To improve the monetary policy: to meet the needs of economic growth of the state through liberalization of credit policy, but not its direction mainly at minimizing inflation, that will lead to reduced demand, unemployment rising; to regulate (moderate decrease) the level of monetization of the economy; to overcome deficit balance of payments; to reduce the amount of cash in the total monetary stock that automatically will worsen the conditions of black market; to balance monetary and product markets, i. e to reduce inflation level; to terminate the capital outflow abroad with a help of favorable condition creating for the repatriation of exported capital.

3. To improve monetary policy: to reduce dollarization of the state economy by means of policy for targeted support of the national currency, for transaction stimulation with its use; to optimize the structure of gold and foreign exchange reserves by accumulation in their share of gold; to develop the conceptual principles of monetary policy that will provide the allocation of short-term and long-term goals for development and implementation.

4. To regulate the stock market: to increase capitalization and liquidity of the organized securities market; to organize a universal national stock market, which will operate on the principles of EU regulated markets and will integrate into the international financial area; to ensure the gradual creation of a unique central depository of Ukraine based on international experience in integration of accounting and financial infrastructure; to improve the institutional structure of capital markets aiming to diversify the resource base and to attract personal savings of the population.

5. To regulate corporate relationships: to adjust national legislation with international standards and requirements of modern financial relations; to improve the corporate governance requirements; to define the rights and obligations of issuers and investors by developing the effective state regulation of capital markets, by strengthening control over compliance with the laws, by fraud preventing.

6. To regulate the insurance market: to promote the insurance market development and to improve the licensing of insurers, to comply with the requirements of sources of the nominal capital and the financial situation of the founders; to establish a fund to guarantee insurance payments under insurance contracts; to introduce international standards of corporate governance for insurers and to develop state target program of scientific research in the field of insurance and training for insurance market specialists.

Conclusions: Thus, financial security is an important component of national security of the state and the whole well-being of the state depends on its level. To achieve the highest level of financial security the state should develop a mechanism to provide a financial security and also it should implement an effective infrastructure that will provide financial security. The main aspect in financial security achieving is a permanent monitoring, evaluation of its level and also development and measure applying for financial security strengthening of the state.

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Keywords: financial security, mechanism, infrastructure, state, system, financial security providing.

Ключові слова: валюта, офіційні золотовалютні резерви, резервні валюти, долар, євро.

Ключевые слова: валюта, официальные золотовалютные резервы, резервные валюты, доллар, евро.

UDC 338.482.2

FEATURES OF ECONOMIC SECURITY OF ENTERPRISES OF TOURIST SPHERE

Lazareva A., Assistant Professor, Department of Economics, financial and economic security Mariupol State University, Mariupol

Lazareva A. Features of economic security of enterprises of tourist sphere.

The features of economic security of enterprises of tourist sphere are certain in the article. In particular, essence of determination of economic security exactly of tourist enterprise is exposed. The basic constituents of economic security are enumerated in tourism (economic security of country; economic security of tourist-rekreatsiynogo complex; economic security of tourist destinations; economic security of enterprises of sphere of tourism; economic security of face (of tourist, local habitant), in accordance with the objects of safety. Also, from a functional orientation such constituents of economic security of tourism are exposed as: financial constituent, technical and technological constituent, protective constituent, informative constituent, political and legal constituent, ecological constituent, intellectually-skilled constituent. The chart of influence of state administration is brought around to the state of economic security of tourist enterprises. A matrix is presented «Economic security of tourist enterprise is Risk», that is based on distribution of tourist enterprises after the zones of risk, and ranges of distance to the standard point of integral index of economic security of tourist enterprises. The possible measures of increase of economic security of sphere of tourism are exposed: increase of competitiveness of tourist destinations on internal and international markets by a way, steady development of tourism as a result of, reduction of seasonality of demand for an account, use in the process of production of tourist service of foods and commodities of local production, development of internal and entrance tourism.

Лазарева А.П. Особливості економічної безпеки підприємств туристичної сфери.

В статті визначено особливості економічної безпеки підприємств туристичної сфери. Зокрема, розкрито сутність визначення економічної безпеки саме туристичного підприємства. Перераховано основні складові економічної безпеки в туризмі (економічна безпека країни; економічна безпека туристско-рекреаційного комплексу; економічна безпека туристської дестинацій; економічна безпека підприємств сфери туризму; економічна безпека особи (туриста, місцевого мешканця), відповідно до об'єктів безпеки. Також, з функціональної спрямованості розкрито такі складові економічної безпеки туризму як: фінансова складова, техніко-технологічна складова, охоронна складова, інформаційна складова, політико-правова складова, екологічна складова, інтелектуально-кадрова складова. Наведено схему впливу державного управління на стан економічної безпеки туристичних підприємств. Представлено матрицю «Економічна безпека туристичного підприємства – Ризик», яка базується на розподілі туристичних підприємств за зонами ризику, і діапазонів відстані до еталонної точки інтегрального показника економічної безпеки туристичних підприємств. Розкрито можливі заходи підвищення економічної безпеки сфери туризму: підвищення конкурентоспроможності туристських дестинацій на внутрішньому і міжнародному ринках шляхом, стійкий розвиток туризму внаслідок, скорочення сезонності попиту за рахунок, використання в процесі виробництва туристської послуги продуктів і товарів місцевого виробництва, розвиток внутрішнього і в'їзного туризму.

Лазарева А. П. Особенности экономической безопасности предприятий туристической сферы.

В статье определены особенности экономической безопасности предприятий туристической сферы. В частности, раскрыта сущность определения экономической безопасности именно туристического предприятия. Перечислены основные составляющие

экономической безопасности в туризме (экономическая безопасность страны; экономическая безопасность туристическо-рекреационного комплекса; экономическая безопасность туристской дестинаций; экономическая безопасность предприятий сферы туризма; экономическая безопасность лица (туриста, местного жителя), в соответствии с объектами безопасности. Также, из функциональной направленности раскрыты такие составляющие экономической безопасности туризма как: финансовая составляющая, технико-технологическая составляющая, охранительная составляющая, информационная составляющая, политико-правовая составляющая, экологическая составляющая, интеллектуально-кадровая составляющая. Приведена схема влияния государственного управления на состояние экономической безопасности туристических предприятий. Представлена матрица «Экономическая безопасность туристического предприятия - Риск», которая базируется на распределении туристических предприятий за зонами риска, и диапазонов расстояния к эталонной точке интегрального показателя экономической безопасности туристических предприятий. Раскрыты возможные мероприятия повышения экономической безопасности сферы туризма: повышение конкурентоспособности туристских дестинаций на внутреннем и международном рынках путем, устойчивое развитие туризма в результате, сокращение сезонности спроса за счет, использование в процессе производства туристской услуги продуктов и товаров местного производства, развитие внутреннего и въездного туризма

Problem. In the current context of tourist enterprise shall be an open system that operates in an uncertain and dynamic environment that creates threats and dangers effective management of tourist activity. In the face of uncertainty and variability of the environment problem of economic security of tourism enterprises, which is largely determined by the effective system of protection against internal and external threats is sufficiently relevant and is one of the priorities of modern scientific research. [1]

Analysis of recent publications. The issue of providing economic security companies now dedicated work of many scholars, including: A. Aref'eva, TG Vasylytsiv, A. Zayichkovskyy, AV Zanosko, TN Ivaniuta, SM Ilyashenko, D. Kovalev, A. Kal'chenko, GV Kozachenko, OV Kokorev, NV Korzh, TS Pokropyvnyy, TV Red, T. Sukhorukov, SM Shkarlet and others.

Purpose of the article - to determine the nature, components of economic security tourism companies, to identify possible threats to the security of the economic and identify measures to improve it.

The main material. The essence of economic security of tourism enterprises is to ensure the best use of prevention resources for threats to the enterprise, creating conditions for effective operation and maintenance of steady state for external and internal environmental changes. The stability of the company proposed to relate to the calculation of the equilibrium safe condition, which is characterized by a balance of threats and countermeasures within the living space enterprise. [2]

According to security objects tourism sector are the following components of economic security in tourism: economic security of the country; economic security of the Tourist-recreational complex; economic security of tourist destinations; economic security sphere turyhsu; economic security of the person (tourists, local residents).

In the tourism sector threats of tourist activities can be defined as a term describing the effect of the process or phenomenon, in which there is a possibility of reducing the competitiveness of the tourism product, which reduces the demand for it, the shortfall in the expected value of profits or losses incurred now. [1]

Depending on the functional orientation are the following components of economic security of tourism enterprises: [1]

1. The financial component: economic uncertainty and global economic crisis; high rates of inflation; untimely and incomplete funding programs for tourism development; volatility in exchange rates; unstable conditions of taxation of tourism activities; bankruptcy or insolvency of the counterparty; fluctuations in prices for components of tourism product; decrease in purchasing

power of potential consumers of tourism product; low level of investment in the tourism sector; inefficient financial planning, weak oversight of financial flows.

2. Technical and technological component: insufficient level of tourism enterprises use the latest computer and communication technology innovation; moral and physical aging of logistics tourism sector; incomplete load capacity; insufficient advances in market infrastructure; opportunity to market competition with its new tourist products based on the use of new technologies.

3. Intellectual and staffing component, low staff development; low level of management in the enterprise; use of imperfect forms and methods of work and production; low corporate culture; social insecurity of workers.

4. Information Component: inability to timely obtain the necessary information on tours, travel products and so on; inability to timely obtain the necessary information from the partners; undermining the reputation of the company.

5. Political and legal component: international political or military conflicts; political instability in the country; complications visa or restricting travel or entry of citizens; threats to law and legal nature (eg, changes in legislation on licensing and certification of tourist activities); unfavorable state tourism policy; Legal professional employees.

6. The environmental component, natural or man-made disasters; adverse weather conditions; failure tourist firms current environmental standards; fines and revocation of licenses for violation of environmental norms and standards.

7. Security component: the danger of hiking trails; physical danger tourists; physical danger employees; insufficient protection of property and enterprise information resources from negative influences.

I we see there is quite a large number of threats to economic security. It is therefore necessary to make effective management decisions to minimize these threats. Thus, it is necessary that there should be a system to ensure the economic security of tourist enterprises, which will have important influence governance in tourism.

The system of government includes the following components [3]:

- a) control subjects, ie executive power;
- b) control objects, ie fields and sectors of society under the influence of the organizing country;
- c) management activities (process), that is some kind of social relations are realized through multiple forward and backward linkages between subject and object management.

Fig. 1 shows a diagram of governmental influence on economic security of travel companies.

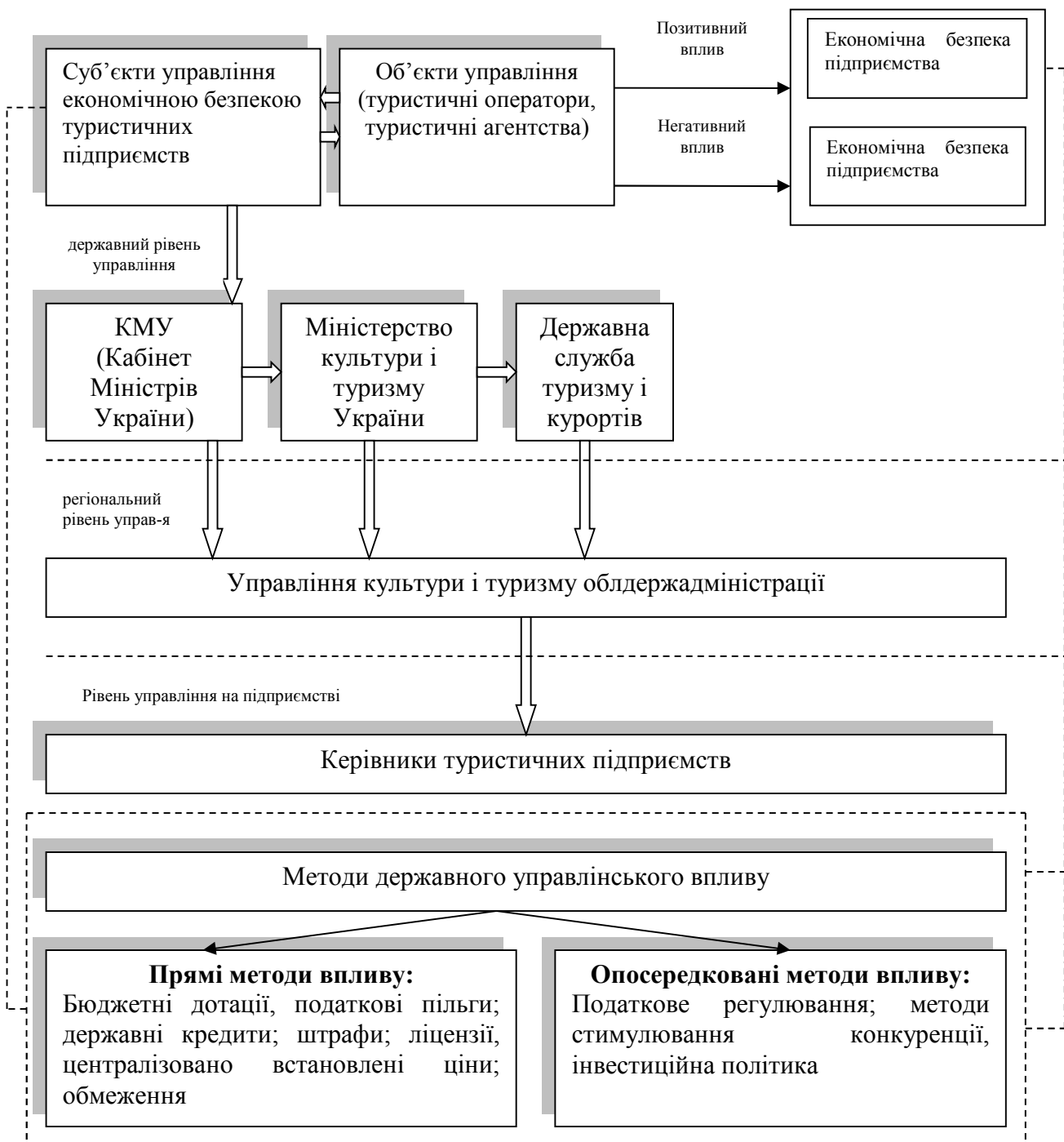


Figure 1. Scheme of governmental influence on economic security of tourism enterprises [4]

To implement an effective system support the safety of tourism enterprises, both from the state and of the management must continually monitor risks and hazards and assess the level of economic security.

With integral index of economic security of tourist enterprises can testify to its level of security risks and threats. To speed up making effective management decisions Kokorev OV suggests using a matrix of "economic security of tourist enterprises - Risk" (Fig. 1), based on the distribution of tourism enterprises by risk zones (based on risk probability ranges for Chebyshev VI), and ranges of distance to the reference point of the integral index of economic security tourism enterprises (IEBTP). [5]

Table 1 - Matrix "The economic security of tourist enterprises - Risk" [5]

Діапазон відстані до еталонної точки І _{ЕБТП}	0,0-0,2 Високий рівень ЕБТП	0,21-0,3 припустимий рівень ЕБТП	0,31-0,4 середній рівень ЕБТП	0,41-0,6 низький рівень ЕБТП	0,61-0,8 критичний рівень ЕБТП	0,81-1,0 катастрофічний рівень ЕБТП
Діапазон ймовірностей рівня						
0,0-0,1 мінімальний	Підтримка рівня ЕБТП на основі прийняття ризику; кластерна форма співробітництва		Пошук слабких складових ендегенної компоненти ЕБТП та впровадження заходів щодо управління рими			
0,1-0,3 невисокий						
0,3-0,4 середній	Впровадження заходів щодо мінімізації ризиків (хеджування, диверсифікація); кластерна форма співробітництва		Пошук слабких складових ендегенної компоненти ЕБТП та впровадження заходів щодо управління рими			
0,4-0,6 високий	Передача ризиків; кластерна форма співробітництва		Рішення щодо антикризового управління ЕБТП			
0,6-0,8 максимальний	Впровадження заходів щодо мінімізації ризиків					
0,8-1,0 критичний	(хеджування, диверсифікація)					

An essential factor in the range of economic security tourism companies is to develop a strategic plan for the company and identify threats to overcome decreases in economic security.

Measures increasing the economic security of tourism may include the following:

- Improving the competitiveness of tourist destinations in the domestic and international markets through: improving the quality of tourism products and services; improve service quality and working conditions; creating a favorable business environment; development of brand management; improving the safety of tourists and the local population; formation of professional personnel in the tourism sector;

- The development of domestic and inbound tourism;

- Reducing the seasonality of demand due to: pozasezonnyh development of tourism (social, business, medical, event); development of winter tourism;

- Use in the production of tourism products and services of domestic goods;

- Sustainable tourism development due to: the preservation of natural and cultural heritage; support cooperation and improving the quality of life in terms of active development of tourism; reduce the use of natural resources and industrial waste; environmental quality of tourism infrastructure and develop safety standards for all services that are part of the tour, and the personal safety of tourists.

Conclusions: Thus, given the development of the tourism sector and its significant contribution to the economy is the need for the introduction of measures to improve the efficiency of the companies in this industry. The effectiveness of the company, in turn, requires a high level of economic security. Therefore, it was necessary to define the features of economic security tourism

companies, its components, management of economic security and identifying measures to improve the economic efficiency of tourism businesses.

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Keywords: tourism enterprises, economic security, the tourist-recreational complex governance matrix internal and external threats.

Ключові слова: туристичні підприємства, економічна безпека, туристско-рекреаційний комплекс, державне управління, матриця внутрішні та зовнішні загрози.

Ключевые слова: туристические предприятия, экономическая безопасность, туристско-рекреационный комплекс, государственное управление, матрица внутренние и внешние угрозы.

UDC 339.732.6:336.3

METHODOLOGICAL PRINCIPLES OF ASSESSING THE LEVEL OF INTERNATIONAL DEBT BY INTERNATIONAL FINANCIAL INSTITUTIONS

Tyupa D., lecturer in International Economics and Management of foreign economic activity of Kharkiv National University of Economics

Tyupa D. Methodological principles of assessing the level of international debt by international financial institutions.

The article covers the principles of the Washington consensus in the context of economic reforms in developing countries through international credits and resolve the problem global debt. A negative opinion is given by J. Stiglits on these principles. The nature and mechanisms for providing stabilization programs of the IMF and external debt is analyzed. The impact of IMF adjustment programs on economic development by different economists are presented. The author is analyzes the Washington consensus and the opposite point of view, in particular of American experts M. Kordey and M. Douglas to solve the problem of economic growth and external debt. The article analyzes the system of economic indicators recommended by the World Bank concerning the external debt analysis.

Тюпа Д. І. Методологічні принципи оцінки рівня міжнародної заборгованості міжнародними фінансовими інститутами.

У статті розглядаються принципи Вашингтонського консенсусу відносно проведення реформ у країнах, що розвиваються за рахунок міжнародних кредитів і рішення проблеми світової заборгованості. Наведена негативна думка Дж. Стігліца про ці принципи. Аналізується сутність і механізми надання стабілізаційних програм МВФ та погашення зовнішньої заборгованості. Дається оцінка впливу стабілізаційних програм МВФ на економічний розвиток різними економістами. Автор аналізує і протилежну Вашингтонському консенсусу точку зору американські фахівці М. Кордеу і М. Дугли на вирішення проблеми економічного зростання і погашення зовнішнього боргу. У статті проаналізовано систему економічних показників, що рекомендовані Світовим банком при проведенні аналізу зовнішньої заборгованості.

Тюпа Д.И. Методологические принципы оценки уровня международной задолженности международными финансовыми институтами.

В статье рассматриваются принципы Вашингтонского консенсуса в контексте проведения реформ в развивающихся странах за счет международных кредитов и решения проблемы мировой задолженности. Приведено негативное мнение Дж.Стиглица об этих принципах. Анализируется сущность и механизмы предоставления стабилизационных программ МВФ и погашения внешней задолженности. Дается оценка влияния стабилизационных программ МВФ на экономическое развитие разными экономистами. Автор анализирует и противоположную Вашингтонском консенсуса точку зрения американские специалисты М. Кордеу и М. Дуглы на решение проблемы экономического роста и погашения внешнего долга. В статье проанализирована система экономических показателей, рекомендованных Всемирным банком при проведении анализа внешней задолженности.

Strategic prerequisites to enter a country out of crisis due to non-payment is a high rate of economic development. They allow the government and the central bank to focus sufficient monetary funds to restore the regime agreed with creditors external debt. A significant role is played by the adoption of the borrower obligations of economic policy coordination with the IMF,

World Bank, Paris Club and several other major international organizations. In response to the global debt crisis, the need for market economy reform in developing countries were formulated statements and recommendations of the Washington Consensus. These provisions are reflected in the work of the Washington Institute for International Economics in the works of John. Williamson, who also belongs to the term "Washington Consensus". Regulations and guidelines of the Washington Consensus have received government approval and major financial institutions of developed countries and major international economic and financial organizations.

The main obstacle to sustainable economic growth were considered excessive state intervention in the economy, its incompetence, low efficiency of public sector enterprises, inefficient use of subsidies. Therefore, the basis of the recommendations and requirements of the IMF, he began to put forward as a condition for granting loans to countries experiencing economic and financial difficulties in the late 80's. Went to the provisions of the Washington consensus, which included the privatization of state enterprises; deregulation and legislative strengthening property rights; strict internal anti-inflation program which includes significant cuts in public spending and reduce the deficit to no more than 2% of GDP (control of credit banks to increase their interest rates and increase the value of reserves, control over wages to its growth lagged behind the pace inflation, ie rejection of wage indexation; removal of various forms of price controls and the promotion of freedom of markets); tax reform; liberalization of the financial system, including the abolition or liberalization of foreign exchange and import controls; encouraging foreign investment; reduce exchange rate; liberalization of foreign trade; eliminate barriers to foreign capital inflows.

The principles of the Washington Consensus have played an important role in the choice of the main directions of economic reforms in these countries in the 90's. The practical application of the principles set out in the Washington consensus recommendations of the IMF and other international lenders, however, did not lead to effective problem solving debt. On the contrary, during the late XX century. and the beginning of the XXI century. marked chain management international debts, which were involved in many of the developing countries and countries with emerging market. This provided the basis of some economists to criticize the IMF and countries in crisis, their thoughtless use of prescriptions of the Washington Consensus [1, 2, 3, 4].

J. Stiglitz believes that the recommendations "Washington Consensus" more harm than benefit to countries with developing economies and emerging market. In support of his position, he gives the example of China, which "reached perhaps the greatest success among low-income than growth and for poverty reduction in" and Ukraine in which "poverty rate jumped to nearly 50 percent" and that "on the former is in a desperate situation." Ukraine had to first create the "institutional infrastructure of a market economy - from legal structures that enforce contracts, regulatory bodies, making the financial system workable" and then resort to "shock therapy." Before privatization the need to create a genuine competition, says John. Stiglitz [5].

The purpose of the IMF stabilization program is to restore and maintain stability in the balance of payments situation of price stability and sustainable economic growth. The main reasons for the crisis in the national economy, according to the IMF are internal and external shocks. External shocks include a sudden increase in the price of oil or declining terms of trade for the country for basic goods exported and termination remittances of migrant workers. Internal shocks related to military conflicts, corrupt government, political instability, government deficits, earthquakes, floods, etc. According to the IMF all the reasons are internal shocks. Critics of the IMF say that the causes of the economic crisis and external shocks act.

The countries with balance of payments difficulties, put the Letter of Intent with the IMF cooperation, which increases the confidence of the recipient country to other donors. After that, the program provides for stabilization and structural reforms. Methods of stabilization of the national economy are: reduction in aggregate demand, aggregate supply. Stabilization programs take 1-3 years while the program of structural reforms often take 3-5 years.

At the heart of the negotiations on the external debt is the idea timing of payment of principal and interest on it, and get access to new sources of funding at favorable conditions.

However, the normal procedure was prior of the debtor country negotiations with the IMF, and only after that the consortium of international banks agreed to a long-term process and of rigid "stabilization policy" IMF to gain access to the fund over the size of their quotas. Private banks considered successful negotiations with the IMF witness restore credit and serious intent countries owe, pay off debt and earn currency to pay off the accumulated debt.

Table 1. Empirical evaluation of the effectiveness of the IMF [7, c. 13]

research	All time	number of programs	number of countries	Effect on:			
				pay balance	checking account	inflation	growth
<i>before and after program implementation</i>							
Stilson and Richman (1978)	1963-1972	79	...	0	..	0	+
Connors (1979)	1973-1977	31	23	0	0	0	0
Kylyk (1984)	1974-1979	38	24	0	0	-*	0
Zulu and Nsudi (1985)	1980-1981	35	22	..	0	0	0
Pastor (1987)	1965-1981	...	18	+	0	0	0
Killik, Malik and Manuel (1995)	1979-1985	...	16	+	+	-*	+
Shadler (1993)	1983-1993	55	19	+	-	-	+
<i>with and without programs</i>							
Donovan (1981)	1970-1976	12	12	-	+
Donovan (1982)	1971-1980	78	44	+	+	-	-
Loxley (1984)	1971-1982	38	38	0	0	-*	0
Dzhylfason (1987)	1977-1979	32	14	+	0
<i>generalized assessment</i>							
Goldstein and Montyel (1986)	1974-1981	68	58	-	-	+	-
Khan (1990)	1973-1988	259	69	+	+	-	-*
Conway (1994)	1976-1986	217	73	..	+	-	-, +*
Bahchi and Perrodyn (1997)	1973-1992	...	68	+	+	-	+
Dix-Miro (1997)	1986-1991	88	74	-	+
<i>modeling</i>							
Khan and Knight (1981)	1968-1975	...	29	+	+	-	-

“+” – indicates a positive effect on this indicator

“-” – indicates a negative effect on this indicator.

“0” – indicates no effect

“*” – indicates statistical significance at 5%.

As shown in Table 1, most of the IMF stabilization program or positively affect only the country's balance of payments current account or do not have any effect. The impact of inflation is negative in the case of economic growth, in certain cases, no positive effect.

For countries with emerging market makes some scientists opposed to the Washington Consensus approach to solving the problems of development and external financing. The main

elements of the strategy of sustainable growth and address the problem of foreign debt Kordey American experts M. and M. Duhly consider the following covenants: effective policy to ensure economic growth through full use of their own capabilities and external financing; reliable official financial and economic support from the governments of the developed countries and international organizations; provision of financial resources on acceptable terms by commercial banks and other private creditors; expanding access to debtor countries' markets for their exports and increase foreign exchange earnings [6].

Stabilization of the economy and strengthening its trend growth in the emerging market creating conditions for sustained interaction with external funding. The result of this interaction must be harmonious blend of foreign investment, external loans and official development assistance for economic growth and the formation of a sufficient level of profit for the welfare and external debt. However, the measures taken to resolve the crisis of international debt of developing countries and countries with economies in transition slightly changed position. To overcome the debt crisis, these countries need to strengthen efforts to improve creditworthiness. This effort lenders focused on the level and dynamics analysis (scale) debt, as well as the mechanism and mode of its cancellation.

However, a debt indicator value is insufficient to analyze its status as an international lender. This requires a range of economic indicators, which together form a notion of solvency debtor countries. In a set of indicators of solvency of the country includes both absolute and relative values. Besides the absolute size of the debt also includes the costs of servicing foreign debt.

Currently, during this analysis the World Bank (International Bank for Reconstruction and Development, IBRD) uses the following ratio: ratio of the total amount of external debt to exports of goods and services (EDT / XGS); the ratio of the total amount of external debt to gross national income (EDT / GNI); related payments on external debt to exports of goods and services (DTS / XGS); the ratio of interest payments to gross national income (INT / GNI); ratio of international reserves to total external debt (RES / EDT); ratio of international reserves to imports of goods and services (RES / MGS); the share of short-term debt in total external debt ($Short\ term / EDT$); share of concessions (cancellation) of debt in total external debt ($Concessional / EDT$); the share of debt to international organizations in total external debt ($Multilateral / EDT$).

The upper limit of optimality for external public and publicly guaranteed debt (ie, the numerator is not taken into account all debt) assumed value EDT / XGS at no more than 200-250% and the ratio of DTS / GNI no more than 20-25%. Its size is measured not by the face value of debt (face value) at the time of signing the loan agreement, and based on the concept of net present value at a certain date at the current interest rate. Depending on the parameters of the debt burden of the country's external debt, divided into several groups. The classification of the level of external debt is presented in Table. 2.

The indicators that are used to summarize data on external debt include: distributed and unpaid debt (debt outstanding and disbursed) - the amount of unpaid debts on loans that are actually received by the borrower at the end of the year; Loan (disbursements) - obtaining new loans the borrower during the year; Retained Duty (undisbursed debt) (in some cases a country or company may sign an agreement with the lender on a credit line, but do not use it or use part of a situation where there Retained Duty) - unused debtor of the amount of loans which the grant agreement is signed ; principal repayments (principal repayments) - payment by the debtor parts of principal during the year; interest payments (interest payments) - payment of interest on the debtor balance outstanding during the year; Debt service payments (debt service payments) - amount of payments of principal and interest on the balance of the debt, the debtor made during the year; net flows (net flows) - obtaining new loans borrower paying him less principal payments; Net transfers (net transfers) - obtaining new loans to minus debt service payments.

Table 2. Classification of countries in terms of external debt
(*NVP (net present value) – чиста дисконтована вартість*)

The level of income	NPV/XGS>220% або NPV/ GNI> 80%	132%<NPV/ XGS<220% або 48<NPV/GNI <80%	NPV/XGS<132 або NPV/GNI< 48%
The low level of GDP per capita (under \$ 765)	Countries with low income and high debt	Countries with low income and moderate debt	Countries with low income and little debt
The average level of GDP per capita (\$ 765 + \$ 9386)	Of middle-income and high debt	Countries with middle-income and moderate debt	Countries with middle-income and low debt

Thus, the classification of groups of developing countries the size of their debt is not comprehensive enough to give an idea of the country's position as an international debtor. In practice, international currency and credit relations can have a huge foreign debt, but have difficulty with her service (eg, US), but you can have a relatively low foreign debt and actually go bankrupt. Unpaid and distributed in total debt is an indicator of the current external debt. Since all loans granted at interest payments on external debt consist of repayment of principal and interest payments. When debt service payments exceed issuing new loans, net transfers are negative. In countries with high levels of external debt may be negative net flows.

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Keywords: Washington consensus, external debt, foreign debt crisis, foreign debt.

Ключові слова: вашингтонський консенсус, зовнішня заборгованість, криза зовнішньої заборгованості, зовнішній борг.

Ключевые слова: вашингтонский консенсус, внешняя задолженность, кризис внешней задолженности, внешний долг

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СТАТИСТИЧНИЙ ОГЛЯД РОЗВИТКУ МОРСЬКОЇ ПОРТОВОЇ ГАЛУЗІ УКРАЇНИ

Dyakova M., PhD, Associate Professor of Economics Head of Economics State higher educational institution «Priazovskyi state technical university»

Dyakova M. Statistical overview of the development of marine port industry of Ukraine.

The article stipulates that the sea port industry of Ukraine is one of the priorities of the country's economy. Identified a number of problems faced by the port industry at the present stage. Namely, it is proved that the average age of vessels more than 15 years, depreciation of equipment is 80-90%, which makes the sea port industry unattractive for investment flows, and therefore uncompetitive compared to other countries with similar potential with Ukraine in the field of port development. The analysis of the volume of water transport for the period 2008-2013, where it is proved, with the beginning of the global economic crisis, the volume is reduced at a constant rate. Also analyzed the processing of cargo sea ports of Ukraine during the same period. It is concluded that at the end of 2013 Ukraine has not reached the pre-crisis level of development, although it is possible to trace the positive dynamics in some development indicators, such as the processing of export goods. Formed diagram dynamics of transit of goods by sea. It is concluded that during this period there is a decrease in the volume of transit goods through the ports of Ukraine. This trend was shown back in 2011, and in 2012-2013. became especially noticeable in all the ports of Ukraine. Based on the analysis proved the need for reform of the port sector in Ukraine, and gives several examples of specific actions that are made in this direction and the results that have been achieved.

Дьякова М. С. Статистичний огляд розвитку морської портової галузі України.

В статті визначено, що морська портова галузь України є одним з пріоритетних напрямків розвитку в економіці країни. Визначено низку проблем, з якими стикається портова галузь на сучасному етапі. А саме доведено, що середній вік судів більше 15 років, знос обладнання складає 80-90%, що робить морську портову галузь не привабливою для інвестиційних вливань, а відповідно неконкурентоспроможною у порівнянні з іншими країнами, що мають схожий потенціал з Україною в галузі розвитку портів. Проведено аналіз обсягів перевезень водним транспортом за період 2008-2013 роки, де доведено, з початком світової економічної кризи обсяги знижуються постійними темпами. Також проаналізовано переробку вантажів морськими портами України за той самий період. Зроблено висновок, що на кінець 2013 року Україна не досягла навіть докризового рівня розвитку, хоча можна простежити позитивну динаміку в деяких показниках розвитку, наприклад таких як переробка експортних вантажів. Сформовано діаграму динаміки перевезень транзитних вантажів морським транспортом. Зроблено висновок, що за цей період спостерігається зниження обсягу транзитних вантажів через порти України. Дана тенденція намітилася ще в 2011 році, а в 2012-2013рр. стала особливо відчутною у всіх портах України. На основі проведеного аналізу доведено необхідність реформування портової галузі України, а також наведено кілька прикладів конкретних дій, які зроблені в цьому напрямку и результати, що були досягнуті.

Дьякова М.С. Статистический обзор развития морской портовой отрасли Украины.

В статье определено, что морская портовая отрасль Украины является одним из приоритетных направлений развития в экономике страны. Определен ряд проблем, с которыми сталкивается портовая отрасль на современном этапе. А именно доказано, что средний возраст судов более 15 лет, износ оборудования составляет 80-90%, что делает морскую портовую отрасль непривлекательной для инвестиционных вливаний, а соответственно неконкурентоспособной по сравнению с другими странами, имеющими схожий потенциал с Украиной в области развития портов. Проведен анализ объемов перевозок водным транспортом за период 2008-2013 годы, где доказано, с началом мирового экономического кризиса объемы снижаются постоянными темпами. Также проанализированы переработку грузов морскими портами Украины за тот же период. Сделан вывод, что на конец 2013 году Украина не достигла даже докризисного уровня развития, хотя можно проследить положительную динамику в некоторых показателях развития, например таких как переработка экспортных грузов. Сформирована диаграмма динамики перевозок транзитных грузов морским транспортом. Сделан вывод, что за этот период наблюдается снижение объема транзитных грузов через порты Украины. Данная тенденция наметилась еще в 2011 году, а в 2012-2013 гг. стала особенно ощутимой во всех портах Украины. На основе проведенного анализа доказана необходимость реформирования портовой отрасли Украины, а также приведено несколько примеров конкретных действий, которые сделаны в этом направлении и результаты, которые были достигнуты.

Problem. International experience shows that special place in the process of ensuring the sustainability of economic relations and national strategy of participation in the international division of labor occupy sea ports. From the efficiency of ports, their level of technology and technical equipment, compliance management and infrastructure requirements of modern international competitiveness depends domestic transport sector in the global market.

Ukraine, in turn, has a powerful port capacity among all countries of the Black Sea. However, the transport system of Ukraine is going through hard times. Today, technical and technological state of the transport system in Ukraine does not meet the needs of the country or domestic or international standards. The state, which occupies a unique geographical position between Europe and Asia, has sudohodni rivers and out to sea, can not compete with the transport infrastructure in neighboring countries.

Ukraine's integration into the global economic system and promoting transit traffic necessitate increasing and improving the quality of transport services. The main objectives of the marine transport sector should be: to ensure safe transport and storage of goods, accelerate service, lower prices and the cost of transport services.

Today, marine transportation system Ukraine can not ensure growth in traffic. Increased depreciation of means ports, worsening their structure, which negatively affects the development of seaports and industry. As a result, Ukrainian ports are replaced with international transport market. [5].

Analysis of recent research and publications. Various aspects of the port industry in Ukraine Modern scholars. In particular, the issue of competitiveness factors Ukrainian ports in a globalized considers VV Cherednychenko. AM Misha pays attention to the implementation of effective public policy development seaports Ukraine. TO Tsabiyeva considers sustainable development of seaports Ukraine. In addition, the topic of seaports Ukraine paid attention to the work II Whistler, S.O.Tulchynskoyi those of others.

Unsolved problems. Remains a problem of real reform of the port sector, attracting investment and competitiveness ports of Ukraine.

The article is an in-depth analysis of maritime port industry in Ukraine.

The main material. It should be noted that sea transport is an important sector of the economy of Ukraine. Its effective operation is a necessary factor for Ukraine as a naval power, sustainable development of the transport system and the economy as a whole. Ukraine has favorable conditions for the development of maritime transport - in the south of the territory is washed by the Black and Azov seas, which are virtually frozen and connected with the Mediterranean Sea through the Bosphorus, the Sea of Marmara and the Dardanelles.

The problems of maritime transport related primarily to the significant moral and physical deterioration ships and port facilities (especially cargo handling facilities). The average age of vessels trading value greater than 15 years, and some western ports of entry prohibit courts have lifetime. Port infrastructure is designed for new technologies dock work, which significantly reduces performance as ports (up to 50% of the performance of ports in Western countries) and other modes of transport (especially rail) related to cargo handling

Speaking about the development of the port industry in Ukraine is necessary to analyze the activity of the main indicators: the volume of cargo transportation turnover and volume indices freight.

The volume of cargo transportation by water transport in Ukraine are presented in Table 1.

Table 1 - Air freight water transport (million tons).

Вид транспорту	2008	2009	2010	2011	2012	2013
водний	19	10	11	10	8	6
морський	8	5	4	4	4	3
річковий	11	5	7	6	4	3

As can be seen from Table 1 traffic volumes are stable dynamics to decrease since 2008. The analysis of transportation in Ukraine indicates that reduced traffic volumes in both sea and river in the form of transport. And Ukraine still has not reached even level in 1980 after the global financial crisis of 2008-2009. Traffic volumes decreased to a minimum.

Today, cargo ships up to age 23-25 years, the level of wear reaches 70-80%, which significantly reduces the efficiency of transportation, encourages shippers to use foreign fleets. In addition, some foreign ports prohibited the admission of old Ukrainian ships Ukrainian flag merchant fleet in 2008 is in the "black list" of the Paris Memorandum. It is not surprising that in recent years, overseas transportation of goods by sea and river domestic fleet reduced.

Table 2 - Processing cargo seaports Ukraine

Cargo handling	Years					
	2008	2009	2010	2011	2012	2013
Seaports						
The total cargo handled, thous. Tons	169595	157169	148177	155025	153871	149538
export	76261	88136	84098	84881	96835	99251
import	21139	12809	17426	19400	16432	18663
transit	66286	52132	44182	47599	38760	29254
internal	5909	4092	2471	3145	1844	2370

Due to the loss of potential practical national navy, marine transportation condition does not meet the needs of the economy of Ukraine, navigation safety system is morally and physically obsolete. Equally revealing are the indicators of cargo seaports (Table 2).

DYNAMICS Analysis of cargo seaports also shows the negative dynamics of these processes. The largest part of the processing of goods accounted for export services. This is the only indicator that has a constant positive trend for the period 2008-2013 years. However, despite this,

all other articles there is a decline of performance that directly affects the reduction of processing all kind of transport by sea. At the end of 2013 in most of the indicators is not reached even to the level of crisis. Figure 1 shows the dynamics of transit of goods by sea.

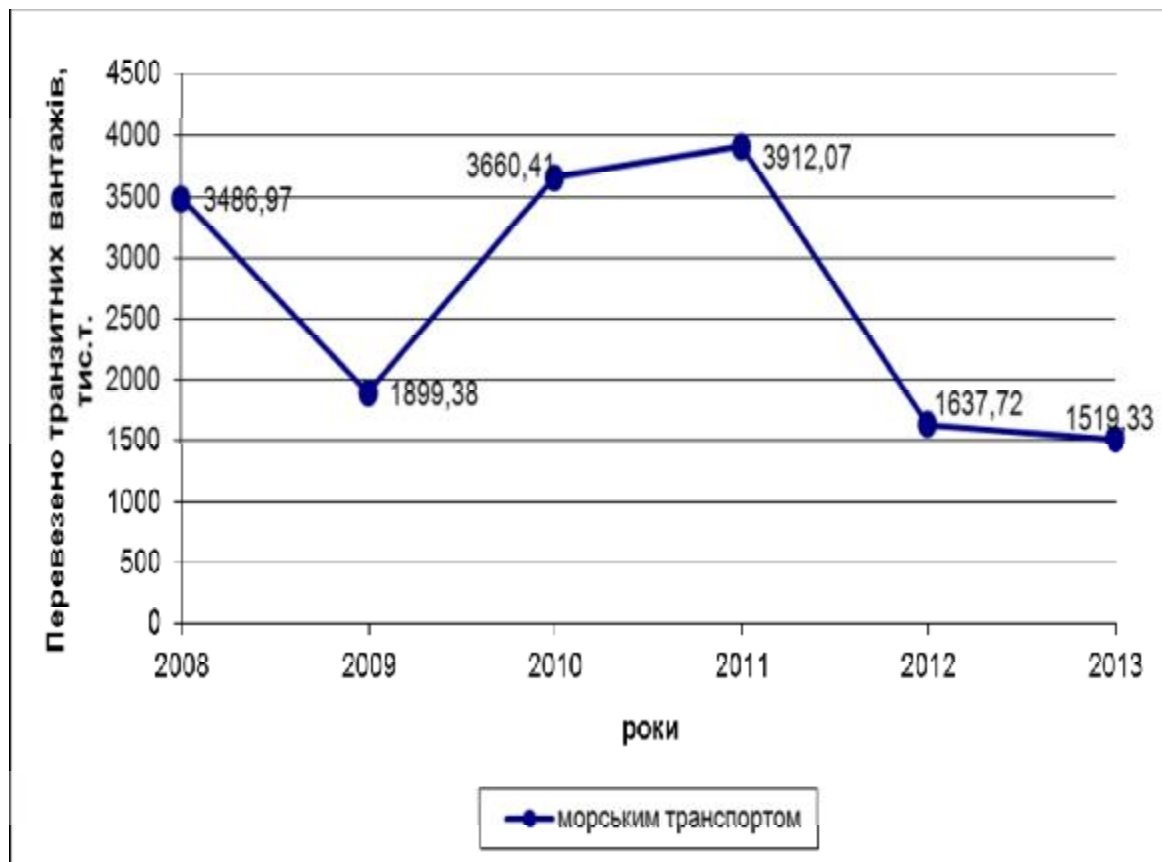


Figure 1 Evolution of transit of goods by sea.

I testify Figure 1, all time, a decrease in the volume of transit cargo through the ports of Ukraine. This trend emerged in 2011, and in 2012-2013rr. was particularly significant in all ports of Ukraine. If you look at the statistics, the share of transit cargo handling in derzhportiv decreased by 23% compared with the year 2012 and amounted to 18% of the total turnover. This explains the fall in handling derzhportiv. In 2014, the trend will continue, so the task of the state to increase export volumes of handling that can compensate for transit cargo.

Reducing traffic of goods in transit through Ukraine caused not only by worsening market prices for Company products, but also a decrease in capacity utilization.

Major importers of chemicals and fertilizers - India and China - requiring manufacturers substantial discounts. Adverse harvest season for weather conditions in India as well as the weakening rupee hinder imports by existing contracts. Artificial own production in China can not guarantee an increase in imports, even with significant declines in the value of contracts.

Thus, the volume of freight from Russia towards Ukraine docks associated with a reduction in exports.

It should be noted also the current tariff policy "UZ" that is inflating the value of the tariff tonne-kilometers, which increases the cost of transport several times. As a result of this tendency when exporting from Russia direct their cargo to Russian ports, allowing them to benefit without using the territory of transit.

After a comprehensive analysis of marine transportation Ukraine can conclude that this type of activity is characterized by a number of problems that require immediate solution. We believe that the development of maritime transport and infrastructure to carry out a range of measures, including:

- Decommissioning morally and physically obsolete ships and port facilities (cargo handling facilities);

- Upgrade port infrastructure by new technologies dock work;
- Increase in the average tonnage of ships merchant marine;

- Improving the competitiveness of Ukrainian ports through the use of logistic approach

Pressing problem that now faces the waterway Ukraine is restoring the previous priority status in the national economy and gain strong competitive position in the global transport market.

All the above facts indicate the need for radical reform of the port sector in Ukraine, which will aim to improve the competitiveness of the industry.

The first steps in this direction have already been made by the country's leadership.

First, the development strategy adopted seaports of Ukraine until 2038. According to it, one of the main problems of functioning and development of the port sector include:

- Reducing the profitability of seaports in connection with a significant depreciation of fixed assets (70%);

- A slow replacement of fixed assets seaports;

- The lack of an effective mechanism to attract private investment for the development of seaports and investor protection;

- Reduction of transit cargo due to underdeveloped infrastructure seaports;

- Inadequate legislation on customs clearance, crossing the border;

- Reducing congestion seaports due to the decline in transit cargo; reduced demand for domestically produced products on the world market;

- Reduction of export cargo traffic through ports in connection with the carriage of goods by other modes of transport (road, rail);

- Underdeveloped transport infrastructure in seaports and on access roads;

- Low level of technical security in seaports and more. [1]

Moreover strategy involves attracting investment in the port sector by transferring the concession of port infrastructure facilities. It creates a framework for investors to make a decision about the arrival in the port area that needs reform for a long time.

Secondly, entered into force the Law of Ukraine "On Sea Ports of Ukraine", which regulates relations in the field of port activities, including establishing the basis for state regulation of seaports, order building, opening, closing and expansion of seaports in Ukraine, the order of proceedings their area of economic activity, including the provision of services, defines the legal regime of port infrastructure facilities. In fact, the law gave a start port reform and the creation of the Administration seaports Ukraine

Third, the greatest achievement of the industry in 2013 was that private stevedores have expressed interest to invest in Ukrainian ports.

You can give a few examples:

Opening October 22 2013. the first stage of grain terminal company "Brooklyn-Kyiv" in Odessa sea port. The design capacity of the complex will store and to handle up to 4 million tonnes. Per year. The total cost of the project is being implemented under PPP - \$ 125 mln., Of which \$ 95 mln.- Investments. During the project will create about three hundred jobs.

The final stage is the construction of a container terminal company "HPC-Ukraine" in Odessa port. In 2014, plans to launch complex.

The company "Delta Wilmar CIS" in November 2013 commissioned masloektraktsiynny plant in the sea port "Yuzhny".

Company "Rysoyl-South" in the sea port "Yuzhny" in December 2013 put into operation terminal for vegetable oils from road and rail to maritime transport.

In October 2013 in Nikolaev seaport opened the fourth turn sea transshipment terminal of "EVERY" [4].

Conclusions: Due to its geographical location Ukraine has a huge potential for development of the port area. Ukraine's integration into the global economic system and promoting transit traffic necessitate increasing and improving the quality of transport services.

From the efficiency of ports, their level of technology and technical equipment, compliance management and infrastructure requirements of modern international competitiveness depends Ukrainian transport complex in the world market.

The first steps taken by the government in the development of port industry and attract investments yielded positive results. However, the need for a radical conversion, repair and replacement of worn brakes fixed assets possible rates of the industry. So it is necessary to change the strategy and tactics not only the development of the state, and in each company in the industry to achieve a common goal output port industry to a new level.

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Keywords: sea port, the port industry development strategy, competitiveness, cargo handling, transit cargo, sea transport.

Ключові слова: морський порт, портова галузь, стратегія розвитку, конкурентоспроможність, переробка вантажів, транзитний вантаж, морський транспорт.

Ключевые слова: морской порт, портовая отрасль, стратегия развития, конкурентоспособность, переработка грузов, транзитный груз, морской транспорт.

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EFFECT OF INNOVATION AND INVESTMENT IN THE STRATEGIC DEVELOPMENT OF THE INDUSTRIAL ENTERPRISE

Andryushchenko I., Ph.D., Assoc., assistant professor of "Finance and Credit" Zaporizhzhya National Technical University.

Andryushchenko I. Effect of innovation and investment in the strategic development of the industrial enterprise.

The article considers the impact of innovation and investment in the strategic development of industrial enterprises. Disclosed modern meaning of the term «innovation», especially the concept of «investment» and the essence of the strategic development of the company. The factors of enterprise development, which should be taken into account in the formation of investment and innovation policy. The essence of the strategic development of the company. Proposed development of deployed strategic analysis and strategic plans to achieve these goals and to obtain a sustainable competitive advantage. This allows you to react promptly and quickly make the process of adapting to unpredictable environmental changes and the development of products that will be demanded by the consumer. The analysis of the level of innovative activity of Ukrainian enterprises. The causes that negatively affect innovation in production. Proved the need for innovation and investment strategy. Show all possible situations that occur in industrial enterprises in the application of investment and innovation strategy. Introduction of innovations provides production load associated companies, restoring the lost production of communication and cooperation. The economic security of the country is inversely proportional depends on the use of imported materials and components, especially in the production of consumer goods.

Андрющенко І. Є. Вплив інновацій та інвестицій на стратегічний розвиток промислового підприємства.

В статті розглянуто вплив інновацій та інвестицій на стратегічний розвиток промислового підприємства. Розкрито сучасний зміст терміну «інновація», особливості поняття «інвестиція» та сутність стратегічного розвитку підприємства. Виділено фактори розвитку підприємства, які повинні бути враховані при формуванні інвестиційно-інноваційної політики держави. Досліджено сутність стратегічного розвитку підприємства. Запропоновано розроблення розгорнутого стратегічного аналізу і стратегічних планів з метою досягнення поставлених цілей і отримання стійких переваг над конкурентами. Це дозволяє своєчасно реагувати та швидко проводити процес адаптації до непередбачуваних змін навколишнього середовища та вироблення продукції, яка буде затребувана споживачем. Проведено аналіз рівня інноваційної активності українських підприємств. Виявлено причини, які негативно впливають на впровадження інновацій у виробництво. Доведено необхідність застосування інноваційно-інвестиційної стратегії. Виведено можливі ситуації, які спостерігаються на промислових підприємствах при застосуванні інвестиційно-інноваційної стратегії. Впровадження інновацій забезпечує виробничим завантаженням суміжні підприємства, відновлюючи втрачені виробничі зв'язки та кооперацію. Економічна безпека країни обернено пропорційно залежить від рівня використання імпортованих матеріалів і комплектуючих виробів, особливо у сфері виробництва товарів народного споживання.

Андрющенко И. Е. Влияние инноваций и инвестиций на стратегическое развитие промышленного предприятия.

В статье рассмотрено влияние инноваций и инвестиций на стратегическое развитие промышленного предприятия. Раскрыто современное содержание термина «инновация», особенности понятия «инвестиция» и сущность стратегического развития предприятия.

Выделены факторы развития предприятия, которые должны быть учтены при формировании инвестиционно-инновационной политики государства. Исследована сущность стратегического развития предприятия. Предложена разработка развернутого стратегического анализа и стратегических планов с целью достижения поставленных целей и получения устойчивых преимуществ перед конкурентами. Это позволяет своевременно реагировать и быстро проводить процесс адаптации к непредсказуемым изменениям окружающей среды и выработки продукции, которая будет востребована потребителем. Проведен анализ уровня инновационной активности украинских предприятий. Выявлены причины, которые негативно влияют на внедрение инноваций в производство. Доказана необходимость применения инновационно-инвестиционной стратегии. Выведены возможные ситуации, которые наблюдаются на промышленных предприятиях при применении инвестиционно-инновационной стратегии. Внедрение инноваций обеспечивает производственным грузкой смежные предприятия, восстанавливая утраченные производственные связи и кооперацию. Экономическая безопасность страны обратно пропорционально зависит от уровня использования импортных материалов и комплектующих изделий, особенно в сфере производства товаров народного потребления.

Problem. The State Industry Development Program Ukraine [1] emphasizes that the creation of modern, integrated into the global production of industrial complex, possibly on the basis of the implementation of innovative models of industrial development, the formation of an effective structure of industrial production with increasing the proportion of high-tech industries, broad adoption of new technologies. The realities of the industry suggest that technological progress, i, respectively innovation, has not yet become growth factor, which should be dominant. Therefore, at the present stage of reforming the national economy one of the key objectives of the strategy is a complete shift in the direction of innovation development.

Orientation economy to an innovative model of development needs on the one hand active innovation related to scientific and technical progress, upgrading of logistics enterprises, improve management, production, on the other hand, required the formation mechanism of the strategic development of industrial enterprise on the basis of activation of investment and innovation. Such a mechanism should not only involve existing innovative potential, but also adequately reflect changes that occur in the legal, industrial and social spheres.

Analysis of recent research and publications. Perception of investment and innovation development as a key factor in economic growth company is reflected in fundamental studies of foreign scholars such as R. Ackoff, P. Drucker, F. Porter, B. Santo, B. Twiss. Among the research of local scientists on strategic rozvyttku company should allocate work of scholars such as A. Amosha, J. Blank, V. Geyets V. Hradisov, Makogon Yu, V. Momot, V. Ponomarenko, N. Tatarenko, B. Cold, Shershneva S. et al.

Unsolved problems. To provide strategic industrial development on the basis of investment and innovation in the contemporary economy prerequisite is to promote investment and innovation processes in all areas of the company and directing the efforts of all elements of the organizational structure for the implementation of the tasks. The effectiveness of investment and innovation in industrial enterprises the ability of management to ensure the organization and implementation of investment and innovation projects. Equity component of investment and innovation potential of the company has influence all business processes and align its internal capabilities with the challenges of the environment for competitiveness and strengthen market positions.

The main problems that hinder investment and innovative development of industrial enterprises are lack of financial resources for investment innovation processes; low staff, which prevents development and innovation that are fundamentally new; morally and physically obsolete technical and technological base of production and lack of a developed innovation infrastructure. So there is an objective need to study the impact of innovation and investment in strategic development industry.

The article aims to study the impact of innovation and investment in the strategic development of the industrial enterprise.

The main material. Ukraine has great potential and has significant resource stocks, scientific and technical capabilities, but there is no effective system of strict and effective management of available opportunities. Experts in Ukraine, taking the experience of developed countries, it is advisable to use investment and innovative development strategies. Innovation and innovative development involve the use of art and creativity, new ideas and developments. But the existence of one idea is not enough for efficient and competitive development of the company. In modern conditions often important for companies not only be a generator of new ideas, but it is important to find a way to implement innovations in the company.

With the wide use in research of the term "innovation" are significant differences in its interpretation. Therefore, it is first necessary to clarify its modern sense. In this paper, B. Twiss [2] innovation - is the end result of the introduction of innovation to change the control object and obtain economic social, environmental, scientific, technical, or other type of effect. This is understood by innovation designed result of basic research, development and experimental work in any field of activity to improve its efficiency [3]. Almost similar in content definition given in many other works. This together with the term "innovation" is often used as synonyms such term as "innovation".

According to another approach to the interpretation of this concept, which is followed by a large number of authors in innovation or understood process in which scientific idea or manufacturing technology brought to the stage of practical use and starts to give economic effect; or a complex process of creating new practical product (innovation) for new social needs; or implementation process of a scientific and technological innovation; or the formation of a qualitatively new state of the system.

B. Santo [4] describes innovation as "a social technical economic process, through the practical application of ideas and inventions leading to the creation of better products on its properties and technologies." Many books innovation is seen as renewal of fixed capital (assets) or products produced on the basis of introduction of science, technology, technology; target or change in the functioning of the company.

You must also pay attention to the concept of "investment". This concept is very broad, and in various fields of economics its content is different, so unambiguous interpretation of this concept is not. During long-term investments and medium-understand financial capital investments in real and financial assets.

According to the Law of Ukraine "On investment activity" [5] investments are defined as all types of property and intellectual values invested in business and other activities, which resulted created (income) or social effects achieved.

In foreign literature the concept of "investment" is interpreted as the exchange of a sum of money today on any asset capable enable a higher amount in the future. It is also known as interpretation investment using money to get more money and exchange value today on the future and so on.

A. Kukushkin rightly notes the close relationship between the concepts of "strategy" and "development" and treats the development strategy of the company as a long-term plan that contains a set of solutions to choose the direction of the company, identify key goals, as well as models Action development and effective use of its potential and enables the creation of favorable internal and external conditions for successful overcoming of the main stages of development [6, p. 226].

As observed BV Silenkov in the scientific literature, the concept of strategy is formulated based on different perspectives, including planning long-term goals and conceptual development of vital areas of the company. The criteria considered dynamic strategy development and competitiveness of the economy, industry, company, products [7, p. 6].

A. Trydid separate the concept of "enterprise development strategy", which is interpreted as a complex system object that has a set of specific properties that can determine the quality of strategies from different perspectives, either in terms of its formation, characteristics and conditions

of sale, or in terms of the degree of achievement of the final result - development company [8, p. 81] and the concept of "strategic development of the company" is the property of the company as a production and economic system to change the trajectory or planned mode of operation by managing change based on the formation and implementation of enterprise strategy using created for this purpose organizational and economic mechanism [8, p. 70].

Thus, strategic development - long-term quality defined direction of the organization, aimed at consolidating its position, the needs of consumers and achieve goals [9].

The essence of the strategic development of the company is to produce the resources available to the possibilities opened up in the future through the use of full-scale strategic analysis and developing strategic plans to achieve these goals and obtain sustainable competitive advantage through timely response and rapid adaptation to unpredictable environmental changes and to develop products that will be recognized by the consumer.

To create a favorable investment climate and investment attractiveness of the industry has been allocated the following factors for enterprises that need to be taken into account when forming investment and innovation policy:

- 1) strategic socio-economic orientation;
- 2) the ability to obtain objective information for direct formation of investment and innovation policy and investment research;
- 3) the presence of a professional team, able to carry out the development of investment and innovation strategies and further its implementation;
- 4) the availability of natural, demographic, industrial, financial resources needed for investment and innovation strategy;
- 5) identification and analysis of the priority areas of import substitution;
- 6) features innovative investment climate, industrial policy;
- 7) impacts the environment: political, economic, legal, social, cultural, technical and technological.

We know that investment is an important means of ensuring progressive structural changes in the economy, improve quality indicators at both micro- and macro-level. What larger scale investments and higher efficiency of their use, the faster the reproductive process, made positive market reform, science and technology and innovation receives the necessary resources and properly serves as a source of economic growth. Otherwise too difficult to overcome the problem of investment areas that exist in Ukraine, and without which it is impossible to provide an innovative breakthrough strategy and modernization of the national economy. The level of fullness financial system plays investment resources on the one hand, the general state of the economy, and on the other the willingness of the financial system for the move to free funds for the implementation of large-scale projects. In Ukraine, the lack of investment considerably reduce the long-term growth prospects.

There are several sources of financing: budget, own funds, foreign investors, domestic and foreign borrowing (loans, stocks, bonds). Public funds in Ukraine vary in the amount of 10% of investments in fixed assets, the largest share of domestic enterprises are funds (50-60%) and bank loans that are growing (17%). In the future, in Ukraine planned reduction of R & D and innovation sector. In Ukraine, the figure dropped to 1%. However, in knowledge-intensive EU GDP rate on average is 1.9%, the US and Germany - 2.7%. It should also be noted that about 80% of Ukrainian industry is not innovation activities. [10]

Innovation actively influence the structure of production and employment. Especially noticeable is the impact in cities where the majority of the population engaged in one or two companies. Technical modernization of enterprises not only changes the structure of personnel, but also promotes the growth of unemployment. Because upgrading the company is necessary to stop a production process to replace outdated equipment. At this time in the production of the company will be involved only a small part of the staff whose task is to install new technology. The rest of the staff or in a state of unemployment is at or retraining. Therefore, developing innovative

development program, be sure to take into account its social consequences with a view to prevent mass layoffs and reduce the period of their presence in a state of involuntary unemployment.

So far not implemented practically fundamental principles of state policy to support the development of national innovation system. This neglect of important issues resulted in reduction of technological and innovation capacity of the national economy lost its prospects for expanded reproduction, reduced competitiveness of domestic producers.

According to statistics, the level of innovative activity of Ukrainian enterprises is relatively low. Overall, 2005-2013 pp. characterized by small fluctuations in the share of innovation active enterprises within 11-14% [10].

Ukraine is rather passive in the financing of innovative development, public funds are financed only 1-2% of innovation in the economy. For example, in Japan on science emit 3.06% of GDP in the US - 2.84%. In Ukraine, according to the Law "On Scientific Activity" for research should be allocated 1.7% of GDP and actual funding not meet these standards [10]. Against a general deterioration of basic social and economic indicators to investment and innovation spheres of economy of Ukraine particularly important problem facing attract and retain domestic and foreign investments in priority areas. Financing Innovation in Ukraine is carried out mainly by own funds.

So the impact of innovation and investment in the strategic development of the company is determined by changes in the conditions of the external and internal environment. In the current economic conditions of investment and innovation strategy is one of the key factors of successful and effective development of the company. The application of the strategies in this situation occurs: 1) the intellectualization of production; 2) the organization of new industries based on new technologies, implementation of structural adjustment, which can not do without investment; 3) import (development of domestic production); 4) integration of the domestic industry in the global economy; 5) the most complete and efficient use of resources; 6) creation of new jobs; 7) reduction of environmental pollution; 8) the development of science production management; 9) assessment of the actual resource potential of the company; 10) forming scientifically based theories, concepts, recommendations innovative production.

Shown in Fig. 1 functions are theoretical aspect as a single interconnected complex in modeling the impact of investment and innovation in the playing conditions strategic development of industrial enterprises, as in the era of global transformation is integrated into a single unit of investment and innovation process, which now became widespread in all sectors economy, objectively defining acts of force.

Therefore, to ensure long-term development policy should stimulate economic activity organizations involved in innovation and research, and they must take into account and overcome the problems of strategic management in the field of investment and innovation activity.

According to many scientists, who were involved in this topic, it can be concluded that the role of innovation and investment in the development of enterprises will have the character: will create a competitive national economy, will set a mutually beneficial partnership between government and business, increase percentage of high-tech potential of Ukraine, more effectively be used to develop the country's resources and priority areas of production (machinery, energy industry, agro-industrial complex, etc.).



Figure 1 - The functions of investment and innovation process

Formation of investment and innovation strategy would allow both businesses and the whole market in general need tougher plan their actions in the market, while tracking their quality. The development of such a strategy will be reflected in national and regional innovation, investment programs, large projects are designed for a long period and covering all stages of manufacturing cycle. Heavier choose the priority of production, where the concentration of resources can in a relatively short period of time to ensure success and a chain reaction of change in the wider areas of management.

Thus it is an investment and innovation occupy a leading position and play a significant role in the development of the company, which in turn creates favorable conditions for long-term, systematic, efficient and profitable operations of domestic enterprises.

Conclusions. The authors identified a positive impact of innovation and investment in the strategic development of industrial enterprises should affect the widespread adoption of research results to local industrial enterprises. Implementation research should be carried out by means of investment and innovation strategy, the development of which will be the subject of further research that will help increase the effectiveness of the economy as a whole and of individual businesses and industries, first, by increasing the duration of the existence of companies that provide permanent employment, taxes, saving raw materials. Second, innovation provides a manufacturing related enterprises downloading, restoring lost production relations and cooperation. Third, increase economic security through a gradual reduction of dependence on imported materials and components, especially in the production of consumer goods.

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Keywords: innovation, investment, strategic development, industrial enterprise, investment and innovation strategy

Ключові слова: інновації, інвестиції, стратегічний розвиток, промислове підприємство, інвестиційно-інноваційна стратегія.

Ключевые слова: инновации, инвестиции, стратегическое развитие, промышленное предприятие, инвестиционно-инновационная стратегия.

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EVALUATING THE ECONOMIC VALUE OF INFORMATION RESOURCES OF ENTERPRISES WITH METHODS OF EXPERT ESTIMATIONS**Poyasnyk P.**, Khakiv National Automobile and Highway University.**Poyasnyk P. Evaluating the economic value of economic resources of enterprises with methods of expert estimations.**

Nowadays it is extremely important to use all available resources of the company, which is why information is presented one of the underrated but very important resources in the enterprise. The economic value of information resources can be determined using the methods of both individual and collective peer reviews. These methods allow us to evaluate the information resources based not only on objective, but on subjective factors that increases the overall accuracy of the estimates of the economic value of information resources. Were analyzed by expert methods evaluation of information resources. Their advantages and disadvantages. It is proved that the most versatile and accurate method is the focal objects. This method can be applied for determining the value of information resources available to the enterprise, and to identify the unique information base objects that affect the overall value of the enterprise.

Поясник П. Г. Визначення економічної вартості інформаційних ресурсів підприємства з застосуванням групи методів експертних оцінок.

В наш час вкрай важливо використовувати усі наявні ресурси підприємства, і саме тому інформація постає одним з недооцінених, але дуже значущих ресурсів на підприємстві. Економічна вартість інформаційних ресурсів може бути визначена за допомогою методів як індивідуальних так і колективних експертних оцінок. Ці методи дозволяють оцінити інформаційні ресурси, базуючись не тільки на об'єктивних, але й на суб'єктивних факторах, що підвищує рівень загальної точності оцінки економічної вартості інформаційних ресурсів. Було проаналізовано експертні методи оцінки інформаційних ресурсів та виявлено їх переваги та недоліки. Доведено, що найбільш універсальним та точним методом є метод фокальних об'єктів. Цей метод може бути застосований як для визначення вартості інформаційних ресурсів, що є в наявності у підприємства, так і для визначення унікальних об'єктів інформаційної бази, що впливають на загальну економічну цінність підприємства.

Поясник П. Г. Определение экономической стоимости информационных ресурсов предприятия с применением группы методов экспертных оценок.

В настоящее время крайне важно использовать все имеющиеся ресурсы предприятия, и именно поэтому информация выступает одним из недооцененных, но очень значимых ресурсов на предприятии. Экономическая стоимость информационных ресурсов может быть определена с помощью методов как индивидуальных так и коллективных экспертных оценок. Эти методы позволяют оценить информационные ресурсы, основываясь не только на объективных, но и на субъективных факторах, повышает уровень общей точности оценки экономической стоимости информационных ресурсов. Были проанализированы экспертные методы оценки информационных ресурсов. Выявлены их преимущества и недостатки. Доказано, что наиболее универсальным и точным методом является метод фокальных объектов. Этот метод может быть применен как для определения стоимости информационных ресурсов, имеющихся в наличии у предприятия, так и для определения уникальных объектов информационной базы, влияющие на общую ценность предприятия.

Abstract. Nowadays it is extremely important to use all of available resources of the company, which is why information is presented one of the underrated but very important resources

in the enterprise . The economic value of information resources can be determined using the methods of both individual and collective peer reviews. These methods allow us to evaluate the information resources based not only on objective, but on subjective factors thus increasing the overall accuracy of the estimates of the economic value of information resources.

Statement of the problem. Up to date, the enterprises in any industry raise important issues for evaluating intangible resources in terms of economic value. Information as one of the most important components of intangible assets should be considered as an economic resource. Many companies are focusing their labor power in the production of most intangible resources, which is why it is essential to accurately assess their value for the valuation of the company as a whole.

The current state of research. Significant contributions on the issues of valuation of intangible resources and information made by such scholars as I. Bakushevych, I.I. Koroliuk, V.A. Goncharuk A.M. Ilyshev, I.V. Suchkova and A.G. Fonotov. Speaking of foreign scientists noteworthy contribution to the theory of information evaluation scholars such as Kaoru Yamaguchi, Michelle Perryar, Hessay Hurt and Ethan Williamson.

The relevance of the study. A lot of businesses in motor transport industry do not include information resources in enterprise or assessing the potential economic value of the enterprise, although this practice is the norm for western productions. It should also be noted that the information gets significance as an economic resource for the development of society, technological capacity and globalization. All this leads to the need for objective evaluation of information resources as an integral part of any business.

The main. Information as a resource has its own specifics, which makes it impossible to use conventional methods of economic evaluation, such as market value. But the process of assessing the resource base of the company is aimed at evaluation of all its components, including the valuation of intangible assets, which include information. The use of group methods of expert assessments allows the general definition of cost information based not only on objective factors, but also on the subjective perception of information as an object of evaluation.

If you define methods of peer review, it should be noted that they are used in cases of extreme complexity of the problem, its novelty, lack of available information and (or) the impossibility or difficulty of significant mathematical formalization of the process solution.

Usually identified two main groups of peer review, individual and collective: individual estimates are based on the use of opinion of some experts, independent of each other and collective assessment based on the use of the collective expert opinion. As for the types of methods of peer review, there are:

1. Association method. Based on a study similar to the properties of an object with another object. Speaking about the usefulness of this method for the evaluation of information resources, it should be noted that it can be applied to a small fraction of information in the company, which, on the other hand, differs significantly subjective significance. That associative method is based on assumptions that the expert has sufficient knowledge to compare the economic value are evaluated information (or product that caused the availability of this information) and information that exists in the company.

2. Pair method (binary) comparisons. Based on a comparison of expert alternative options from which you must choose the best. This method can be successfully applied with adjustments, resulting intangible resources. The expert should evaluate not alternative media and alternative products or resources that this information may create or have created. Then the alternatives are compared and on this basis are defined as the most acceptable use of material resources of the enterprise and estimated economic value of information.

3. Vector method preferences. Expert analyzes the entire set of alternatives and chooses the best. It is used for the evaluation of information resources that can be brought to the enterprise; experts determine their views on the overall development strategy of borrowed funds to the base of intangible assets, ie, this method can not be applied to determine the existing database of information resources, but suitable for the evaluation of information resources in the enterprise that is created or stage of development.

4. Method of focal objects. Based on the transfer of attributes randomly selected analogs on the object. Best practices from the point of view of an existing database of information resources in the enterprise, however, has its drawbacks: the experts must be aware of the state of the information base focal objects, that or the other of the industry, or similar resource information in the economy. It requires detailed analysis, but the result determines not only the economic evaluation of information and advantages and disadvantages compared to focal objects.

5. Individual expert survey. Polls in the form of an interview or in the analysis of expert opinion. It is used for the economic evaluation of large arrays of information publicly available data, however, do not present material value to the enterprise. Analysis of peer reviews provides individual filling the developed expert customer form, the results of which conducted a comprehensive analysis of the problem situation and revealed the possible ways to solve it. His reasoning expert makes in a separate document.

6. Midpoint method. Formulation of two alternative solutions, one of which is less attractive. After that the expert is to choose a third alternative, the assessment of which is located between the values of the first and second alternatives. This method of peer review can only be applied for forecasting or existing weighting the results of any study of the economic value of information identifying subjective assessment can more accurately in terms of the independent review.

These methods can be presented below.

It should also be noted that we have listed the most common examples of methods of peer review, without the use of mathematical ratios. The use of any mathematical models of subjective assessment methods on the one hand increases the accuracy of output results and on the other complicates processing and reduces the speed of economic value assessment.

Conclusion. Were analyzed expert evaluation methods and information resources identified their strengths and weaknesses. It should be noted that the most versatile and accurate method is a method of focal objects, it can be applied to determine the value of information resources available to the company and to determine the unique information base objects that affect the overall economic enterprise value .

Table 1

Expert evaluation methods of informational resources.

The method	Pros	Cons	Usage of the method
Associations methods	Allows quick assessment based on existing associative objects.	It is impossible to assess the new information objects, or objects of different spectrums of information flow.	It is used for fast evaluation of information resources sharing, which is available from the company, carried out in the analysis of a common information base.
The method of paired (binary) comparisons	Provides a clear assessment of information resources quickly allows an objective analysis of available resources	Impossible evaluation of new facilities information space, complicating further expert opinions on outdated evaluation information	An effective tool for the rapid analysis of information that has already evaluated counterparts, does not require time and cost

		database	
Method of vectors advantages	Provides a complete analysis based on the needs of the enterprise	Subjective does not allow to analyze large amounts of information	It is used primarily for the evaluation of new information resources that are involved in the enterprise
Method of focal objects	Allows you to evaluate the unique information object	Requires large investment of time and human resources	The most accurate and objective method, which is the only drawback of assessment process
Individual expert survey	Easy-to-use method without the need of resource costs for analysis of	Applicable to universal objects, or require experts with specific knowledge	The typical method of assessment which, if applied to information resources, enables to assess versatile groups
Midpoint method	Can be used for planning future value of information resources	Specialized method for estimating the resources are spread in the area	It is used to assess problem-solving resources the further development of the company

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Keywords: methods of peer reviews, information resources, economic value, the method of binary comparisons, the method of focal objects.

Ключові слова: методи експертних оцінок, інформаційні ресурси, економічна вартість, метод бінарних порівнянь, метод фокальних об'єктів

Keywords: methods of peer reviews, information resources, economic value, the method of binary comparisons, the method of focal objects.

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BALANCED SYSTEM OF INDICATORS AS THE STRATEGIC CONTROLLING MECHANISM FOR INNOVATIVE PROJECTS

Kurovska O.A., senior lecturer of Accounting and Audit Department, State Higher Educational Institution "Pryazovsky State Technical University"

Ovseyenko A.S., student of OA-10 Group, State Higher Educational Institution "Pryazovsky State Technical University"

Kurovska O.A., Ovseyenko A.S. Balanced system of indicators as the strategic controlling mechanism for innovative projects

The article provides essential definition of the terms "controlling", "innovative project", "strategic controlling". The terms "controlling of innovative projects" and "strategic controlling of innovative projects" have been studied and their definitions have been made more precise. The role of controlling system in the process of the enterprise strategy implementation, regardless of the ownership form, has been reviewed. The term "strategic controlling" has been highlighted as the fundamental management tool used to control the environment, the strategic success factors, the alternative strategies and strategic objectives. The investigated methods of strategic controlling from the general economic and specific-component points of view have been presented as a scheme. Problems of strategic management have been reviewed in terms of information support system. The role of using the balanced system of indicators (BSI) has been studied as the mechanism for effective implementation of strategic controlling at the enterprise. The analysis of methodological tool ware for development and implementation of the balanced system of indicators for the enterprises implementing innovative projects to gain competitive advantages at their own markets have been performed. The problems of BSI application at the domestic enterprises have been revealed. The article provides description of BSI for the innovation management project at the example of State Higher Educational Institution "Pryazovsky State Technical University" based on software (SW) "Intalev: Navigator". The organizational model of business partnership relations between the university and the enterprises in the region has been developed as an example of the innovation management project implementation at the level of the Pryazovsky region. The term "targets chart", being one of the key objects of BSI, has been considered. The chart of strategic objectives has been developed using the management-level software "Intalev: Navigator" at the example of State Higher Educational Institution "Pryazovsky State Technical University", the strategy of achieving the set targets has been shaped and the balanced indicators for planning and controlling of the targets achievement at the different levels of subordination have been defined. Thus, the balanced system of indicators has been presented as the strategic controlling mechanism for the innovation projects, the necessity of implementing the balanced system of indicators as one of the strategic controlling methods used at the enterprise introducing the innovative projects has been ascertained and substantiated, while the scientific and methodological suggestions on forming and implementation of such system for the real innovation management project have been developed. Therefore, this article provides the developed scientific and methodological approaches to forming and implementation of BSI at the enterprises that have to develop and apply innovative projects of various complexity level and nature in their routine business activity in order to achieve the competitive advantages.

Куровська О.А., Овсєєнко О.С. Збалансована система показників як механізм стратегічного контролінгу інноваційних проєктів

Розглянуто сутнісне визначення термінів «контролінг», «інноваційний проєкт», «стратегічний контролінг». Проаналізовано та удосконалено визначення таких термінів, як

«контролінг інноваційних проєктів» та «стратегічний контролінг інноваційних проєктів». Проаналізовано роль системи контролінгу в процесі реалізації стратегії підприємства незалежно від форми власності підприємства. Виокремлено термін «стратегічний контролінг», який розглядається як основоположний інструмент керування: зовнішнім середовищем, стратегічними факторами успіху, альтернативними стратегіями та стратегічними цілями. Систематизовано у вигляді схеми досліджені методи стратегічного контролінгу в ракурсі загальноекономічних та специфічних складових. Розглянуто проблеми стратегічного управління з точки зору системи інформаційного забезпечення. Проаналізовано роль використання збалансованої системи показників (ЗСП) як механізму ефективного впровадження стратегічного контролінгу на підприємстві. Проведено аналіз методичного інструментарію розробки та реалізації збалансованої системи показників для підприємств, які впроваджують інноваційні проєкти задля набуття конкурентних переваг на ринку своїх продуктів. Виявлено проблеми застосування ЗСП на вітчизняних підприємствах. Розроблено ЗСП для інноваційного проєкту управлінського характеру на прикладі ДВНЗ «Приазовський державний технічний університет» на основі програмного забезпечення (ПЗ) «Інталев: Навігатор». Розроблено організаційну модель бізнес-партнерських відносин університету з підприємствами регіону як приклад впровадження управлінського інноваційного проєкту на рівні Приазовського регіону. Розглянуто термін «карта цілей», як один з ключових об'єктів ЗСП. Розроблено карту стратегічних цілей в ПЗ управлінського рівня «Інталев: Навігатор» на прикладі ДВНЗ «ІДТУ», вироблено стратегію досягнення цілей та визначено саме ті збалансовані показники, за допомогою яких може як плануватися, так і контролюватися досягнення цілей різного рівня підпорядкування. Тим самим, представлено збалансовану систему показників як механізм стратегічного контролінгу інноваційних проєктів, розкрито та обґрунтовано необхідність впровадження збалансованої системи показників як одного з методів стратегічного контролінгу на підприємстві, що впроваджує інноваційні проєкти, та розроблено науково-методичні пропозиції щодо її формування та реалізації для реального управлінського інноваційного проєкту.

Куровская А.А., Овсеенко А.С. Сбалансированная система показателей как механизм стратегического контроллинга инновационных проектов

Рассмотрены сущностное определение терминов «контроллинг», «инновационный проект», «стратегический контроллинг». Проанализированы и усовершенствованы определения таких терминов, как «контроллинг инновационных проектов» и «стратегический контроллинг инновационных проектов». Проанализирована роль системы контроллинга в процессе реализации стратегии предприятия независимо от формы собственности предприятия. Выделены термин «стратегический контроллинг», который рассматривается как основополагающий инструмент управления: внешней средой, стратегическими факторами успеха, альтернативными стратегиями и стратегическими целями. Систематизированы в виде схемы исследованы методы стратегического контроллинга в ракурсе общеэкономических и специфических составляющих. Рассмотрены проблемы стратегического управления с точки зрения системы информационного обеспечения. Проанализирована роль использования сбалансированной системы показателей (ССП) как механизма эффективного внедрения стратегического контроллинга на предприятии. Проведен анализ методического инструментария разработки и реализации сбалансированной системы показателей для предприятий, внедряющих инновационные проекты для получения конкурентных преимуществ на рынке своих продуктов. Выявлены проблемы применения СПП на отечественных предприятиях. Разработаны СПП для инновационного проекта управленческого характера на примере ГВУЗ «Приазовский государственный технический университет» на основе программного обеспечения (ПО) «ИНТАЛЕВ: Навигатор». Разработана организационная модель бизнес-партнерских отношений университета с предприятиями региона как пример внедрения управленческого инновационного проекта на уровне Приазовского региона. Рассмотрены термин «карта целей», как один из ключевых объектов СПП. Разработана карта стратегических целей в ПО

управленческого уровня «ИНТАЛЕВ: Навигатор» на примере ГБУЗ «ПГТУ», выработана стратегия достижения целей и определены именно те сбалансированные показатели, с помощью которых может как планироваться, так и контролироваться достижения целей разного уровня подчинения. Представлено сбалансированную систему показателей как механизм стратегического контроллинга инновационных проектов, раскрыто и обосновано необходимость внедрения сбалансированной системы показателей как одного из методов стратегического контроллинга на предприятии, внедряющая инновационные проекты, и разработаны научно-методические предложения по ее формированию и реализации для реального управленческого инновационного проекта.

Rationale. As the information system, controlling is widely used at the foreign enterprises and brings rather tangible results. As to business management of the Ukrainian companies, such system is not properly applied due to the fact that the need for it often prevails over the availability of appropriate knowledge in this area. Consequently, solving of the problems associated with arrangement and construction method of the controlling system will improve the quality of management, and thus ensure stable business development of the enterprise.

Development of theoretical and practical aspects of the strategic planning of enterprises in general and, in particular, those that implement innovative projects based on the MSP is essential for the competitiveness of enterprises and economic development of the country as a whole.

Purpose of the study – to reveal and substantiate necessity of implementing the balanced system of indicators as one of the strategic controlling methods at the enterprise, that implements innovative projects, and to develop scientific and methodological suggestions on forming of such system and its implementation for the real innovation management project.

The following **objectives** have been defined to achieve the purpose:

- to study the definitions from the conceptual framework of the terms "controlling" and "innovative project";
- to develop own interpretation of such terms as "controlling of innovative projects", "strategic controlling of innovative projects";
- to study theoretical foundations of the balanced system of indicators being the strategic controlling mechanism for innovative projects;
- to analyze the methodical tool ware for development and implementation of the balanced system of indicators for the enterprises launching the innovative projects that allow reducing the gap between the strategy creation and its turning into reality;
- to reveal the problem of using the balanced system of indicators at the domestic enterprises;
- to develop the scientific and methodological approaches to formulating and implementation of the balanced system of indicators at the enterprises that constantly develop and apply innovative projects in order to achieve the competitive advantages.

The **object** of our study is possibility of implementing the balanced system of indicators at the domestic enterprises that launch the innovative projects, creating scientific and methodological approaches to practical implementation of BSI as the strategic controlling method considering the specific economic conditions, national traditions, mentality and the positive experience of the developed countries where the balanced system of indicators has already been used.

The **subject** of our study are theoretical, methodical and practical aspects of forming the balanced system of indicators as the strategic controlling method that have to improve the possibility of implementing the strategy and to reduce the gap between the theoretical foundations and its practical application; the analysis of such definitions as "controlling" and "innovative projects"; suggestion of own interpretation of such terms as "controlling of innovative projects", "strategic controlling of innovative projects".

Methods of study. The researches of the prominent foreign and domestic scholars dealing with the issues of theoretical aspects and practical implementation of BSI at the enterprises have

been used as the theoretical foundations of the study; the achievements of the world scientific ideas in the sphere of innovations, innovative projects and controlling.

Analysis of the recent studies and publications. The aspects of controlling were studied by such scholars of economics as J. Weber, A. Daite, E. Mayer, R. Mann, D. Hahn, P. Horvath, M.S. Pushkar, L.A. Sukharyova, S.N. Petrenko, S.V. Ivakhnenkov, O.V. Melikh, T.A. Lev, D.V. Gulin, O.L. Maksimenko, S.A. Smirnov, O.A. Tereschenko, I.I. Tsigilik, etc. The essence of the questions related to BSI is constantly studied by the foreign authors (P. Horvath, R. Kaplan, D.Norton, R. Clark, etc.), while the knowledge about the balanced system of indicators in Ukraine and its features are discussed in the studies of such scholars as I. Ivankina, O.A. Svisch, O.O. Masligan, etc.

Presentation of the main materials. The term "controlling" originated in the USA, in 1970s it spread to the Western Europe, and then in early 1990s – to the CIS countries. Its definition is composed of two elements: controlling as philosophy and controlling as a tool.

The studies demonstrated that presently there are lots of various definitions of the term "controlling" (Table 1). The most widely-used definition describes controlling as the management subsystem that coordinates planning, control and information support subsystems, thus maintaining system-creating and system-connecting coordination. Such definition was suggested by P. Horvath.

The Ukrainian scholar M.S. Pushkar suggested the following definition: "Controlling is a separate information subsystem of the enterprise for strategic management based on the synthesis of knowledge from such fields as management, marketing, financial and management accounting, statistics, analysis, control and forecasting". [1]

Table 1 – Definitions of the term "controlling" from the various sources

Seq. number	Definition	Source
1	Controlling is a separate information subsystem of the enterprise for strategic management based on synthesis of knowledge in management, marketing, financial and management accounting, statistics, analysis, control and forecasting.	M.S. Pushkar [1]
2	Controlling is the philosophy and mentality of the managers targeted at efficient usage of resources and development of the enterprise in the long-term prospect.	A.M. Karminsky [2]
3	Controlling is the set of methods and procedures for coordination of accounting, control, analysis, planning for information and consulting support of the management decision-making process.	T.V. Kalaytan [3]
4	Controlling is the complex system of the enterprise management including management accounting, accounting and analysis of costs to control all cost items, all subdivisions and components of the manufactured products or rendered services, as well as their planning.	I.O. Krivorotko [4]
5	Controlling is the subsystem of the enterprise management to support and assist the manager. The concept the enterprise management aimed at efficient and long-term functioning in the modern economic environment.	V.V. Ivata [5]
6	Controlling is the system of studying the route of the enterprise strategic development based on certain target of the enterprise,	I.Ye. Davidovich [6]

	monitoring the development trends of the economic processes, events and results based on the planning, accounting, analysis and control of economic indicators that make the information foundations for the management decision-making process.	
7	Controlling is the information-regulating management system, including methodic and tool ware basis, mathematic and analytical tools for modeling and forecasting to maintain the functions of management, estimation of situation and management decision-making, as well as the system of decision-making process support, directed at the set of the enterprise capabilities and being able to adapt the structure of the enterprise management system to constantly changing conditions.	K.O. Varfolomeyeva [7]
8	Controlling is the special self-regulating system of methods and tools focused on functional support of the enterprise management and including information support, planning, coordination, control, analysis and internal consulting.	O.A. Zorina [8]

There are also a lot of definitions for the term "innovative project" in the scientific literature (see Table 2). One of them is the definition suggested by T.I. Sherstobitova: "Innovative project is the system of interconnected targets and programs to achieve them, being the complex of activities that ensure solving of the specific scientific and technical task, thus implementing innovations". [10]

Table 2 – Definitions of the term "innovative project" from the various sources

Seq. number	Definition	Source
1	Innovative project is the complex system of activities interdependent and interconnected in terms of resources, deadlines and executors, and aimed at achievement of the specific targets (objectives) in the priority directions of technology and science development.	R.A. Fatkhudinov [9]
2	Innovative project is the system of interconnected targets and programs for their achievement being the complex of activities for solving of the specific scientific and technical tasks leading to innovations.	T.I. Sherstobitova [10]
3	Innovative project is the system of interconnected targets and programs for their achievement being the complex of scientific-and-research, developmental, production, organizational, financial, commercial and other activities, that are properly arranged (in terms of resources, deadlines and executors), supported with the set of the design documents and ensuring efficient solving of the specific scientific and technical task (problem) presented in quantitative indicators and leading to innovations.	V.A. Shvandar, prof. V.Ya. Gorfinkel [11]
4	Innovative project is the set of scientific, engineering, production, organizational, financial and commercial activities in the set	V.I. Zakharchenko [12]

sequence leading to innovations.	
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It is necessary to formulate our own definition of the term "controlling of innovative project". **Controlling of innovative project** is the management subsystem focused on efficient usage of resources that are required for solving of the specific scientific and technical task leading to innovations.

Strategic controlling of innovative project is the process of planning, implementation, control and development of alternative strategic management decisions made to develop and amend (if required) the strategy of the enterprise implementing the innovative projects focused at the strategic targets of efficient usage of the resources that are required for solving of the specific scientific and technical task leading to innovations.

S.V. Ivakhnenkov [13; p. 118] puts the strategic controlling apart of the rest of economic disciplines and considers that the methods of strategic controlling shall be subdivided into the general economic and specific ones. The first group includes the following methods: open door business policy, benchmarking, EVA method. The other group is composed of such methods that are considered to be specific or unique. As soon as the business processes at the enterprise are presently hard to imagine without automation of management processes, the last group can be called advanced automated methods of strategic controlling. Figure 1 presents all above listed methods applied in the strategic controlling.

Strategic controlling is the most important component of controlling, responsible for the environment, strategic factors of success, alternative strategies and strategic targets. Strategic controlling is focused on implementation of the long-terms strategies and programs.

The purpose of strategic controlling is development of the management and planning system allowing the enterprise to achieve the set strategic purpose of its development. The aim of strategic controlling is to enable efficient functioning of the enterprise in the long-term prospect, shaping and managing the potential success of the company.

Strategic controlling aimed at ensuring business activity includes long-term market surveillance and competition, as well as regular comparison of the planned indicators with the real results. Such type of controlling, apart from providing the enterprise with the specific economic and professional information (regarding the partners, consulting banks, etc.), ensures bringing the enterprise into the media scene (radio, TV, print press). The appropriate data base allows the enterprise to receive the information about the market situation, particularly about the market competition; to define the strategic behavior of the enterprise and to compose the first plan for solving such questions as "what project is to be selected?"

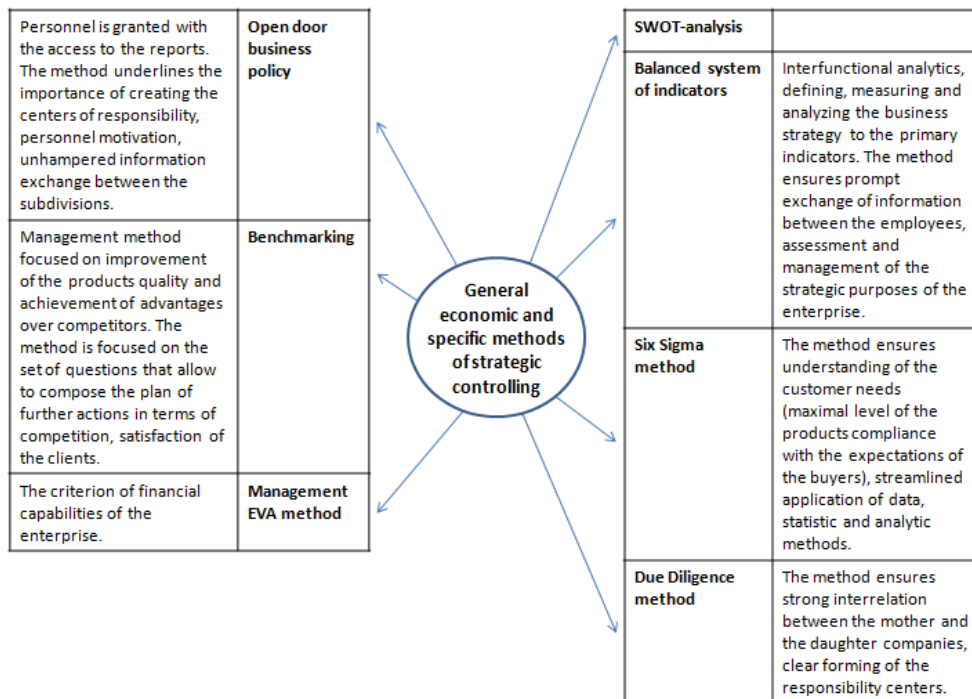


Figure 1. Strategic controlling methods (developed by S.V. Ivakhnenkov [13, p. 119])

One of the main tasks in course of implementing the system of strategic controlling at the enterprise is creation of efficiently functioning system of information support for the process of strategic management that includes the system of relevant performance benchmarks. The system of performance benchmarks is assumed to facilitate solving of the following strategic management problems:

- the problem of eliminating the barrier of wrong understanding the strategic targets and tasks of the enterprise that the medium-level and first-line managers can have being focused on the preliminary results;
- the problem of efficient resources distribution resulted from misalignment of strategic and operating budgets and plans;
- the problem of motivating the employee resulted from using the short-term results as the performance indicators instead of the long-term ones, and creating the incentive system based on such results.

The efficient method of solving the above mentioned problems is the balanced system of indicators that being the part of strategic controlling system can allow solving a lot of strategic management problems of the enterprise. BSI is more than just an assessment system for performance management. It connects the strategic targets of the company and their implementation, thus ensuring strategic development.

The balanced system of indicators is the system of strategic management of the enterprise based on measuring and assessment of its performance efficiency against the set of indicators selected in such a manner that all strategic aspects of the enterprise activity are to be considered (financial, marketing and production aspects). [14; 138]

BSI effectively performs the function of making the managers of various levels familiar with the new strategic plans and initiatives of the companies, highlighting the key processes that influence the strategy and assessing their efficiency.

BSI can be applied for achievement of the following targets:

- explanation of approved strategy;
- making the employees of the company familiar with the strategy;
- aligning of the subdivisions' tasks and personal targets of the employees with the general strategy;
- coordinating of the strategic tasks with the long-term targets and the annual budget;

- revealing and coordination of the strategic initiatives, etc. [14; p. 198]

BSI bonds the strategic results with the factors of their achievement, revealing and tracing the cause-and-effect relations between them. On one side, BSI broadens the opportunities for management accounting, on the other side, it focuses the accounting on the limited set of indicators being maximally informative for strategic assessment.

Presently, there are several software products able to ensure BSI automation. The authors of the article consider SW "Intalev: Navigator" (Russia) to be the most understandable and easy to use.

Using the software "Intalev: Navigator", BSI was developed for the innovative management project at the example of State Higher Educational Institution "Pryazovsky State Technical University".

The model of innovative project controlling system includes the following stages: 1. Development of the project idea (pre-investment phase). 2. Planning of necessary inspections (pre-investment phase). 3. Implementing the project and managing of the implementation process (investment phase). 4. Completing the project (comparison of the planned performance indicators with the actual ones).

Pre-investment phase includes: searching for the idea (considering the environmental and social factors); analysis of the project viability (economic efficiency, cash-flow); environmental analysis of the project; making preliminary decision about investment; planning of activities considering financial responsibility centers; preparing the documents (the state ecological expertise review as to possibility of implementing the innovative product, the press-release regarding the possible environmental impact); developing the strategy and targets (development of BSI considering the environmental and social aspects).

Investment phase includes: implementing the innovative project and putting it into practice; monitoring of the performance indicators; solving the conflicts; adjusting the project; monitoring of ecological parameters of innovative activities; checking compliance of the activities with the standards ISO 9000, ISO 14000; preparing the recommendations for managerial decision making.

Feedback form regarding the quality of the graduates preparation

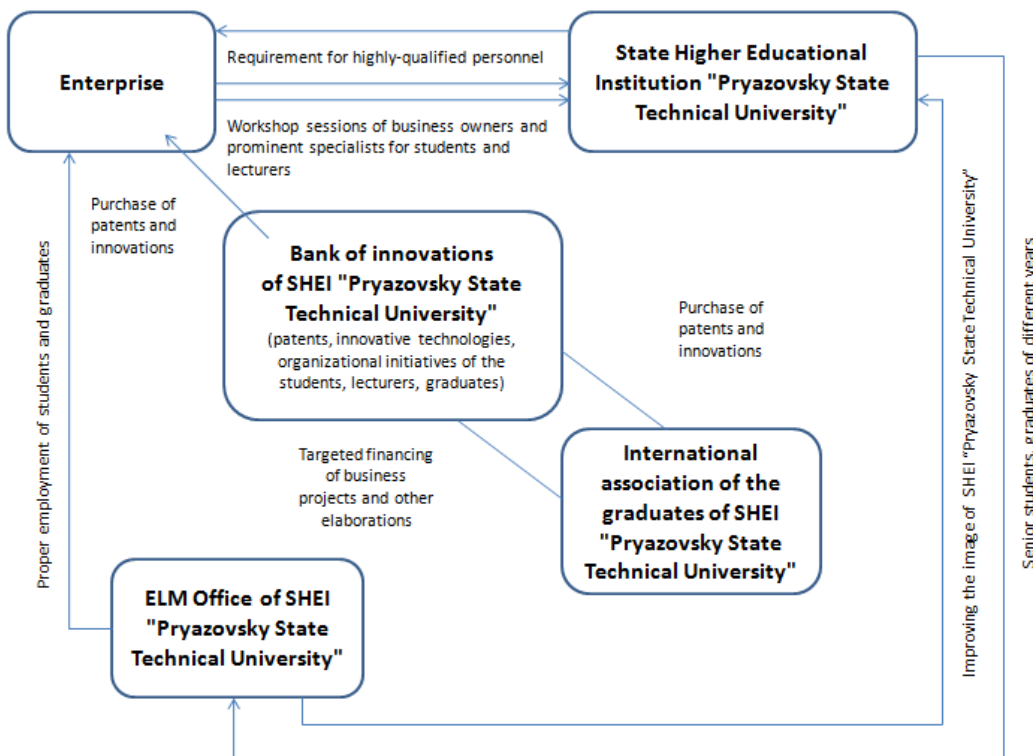


Figure 2. Organizational model of business-partnership relations between State Higher Educational Institution "Pryazovsky State Technical University" and local enterprises as the innovation management project of regional level (proprietary)

Program-methodical complex "Intalev: Navigator" is the system of comprehensive development and management of the strategy, designing and development of the management system and management processes associated with the strategy, as well as its application are highly important in view of the system crisis in the enterprise economics.

Strategic targets are the quantitative or qualitative criteria of SHEI development. They are developed on the basis of the available mission, vision, results of the strategic analysis performed for the specific industry, assessment of competition level in such industry, obtained results and competitive capabilities.

One of the key BSI objects is the "target chart". The main principle of such chart is that the purpose of the upper level can be achieved only through implementation of all lower-level targets, i.e. all targets and tasks of the innovative project.

The system of strategic targets can be easily presented as a chart. The chart of upper-level targets includes the key strategic targets of the company for the strategic period of monitoring and appropriate key performance indicators (KPI) by directions. The general principle of creating the BSI chart is as follows: the upper-level target can be achieved only through implementation of all lower-level targets. Such principle enables targeted development of the company owing to efficient usage of internal resources and facilitating opportunities that can appear. The type "BSI diagram" is used for the chart development (see Figure 4).

Efficiency of BSI chart is defined not only by the correctness of its structure, but also by the ability of the company to ensure information support, i.e. by determining efficiency of data accounting to control the indicators. [15]

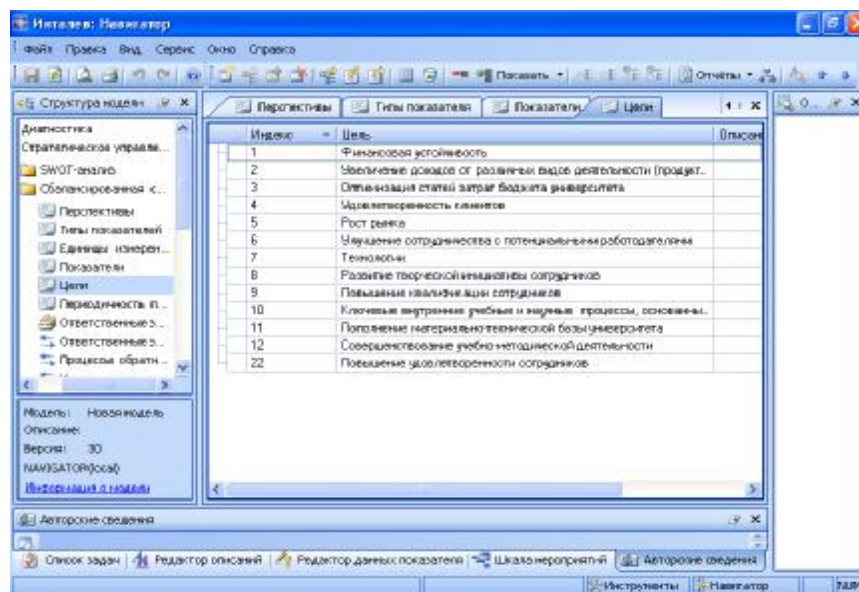


Figure 3. Forming of the BSI targets for the innovative management project of State Higher Educational Institution "Pryazovsky State Technical University" implemented using software "Intalev: Navigator" (proprietary)

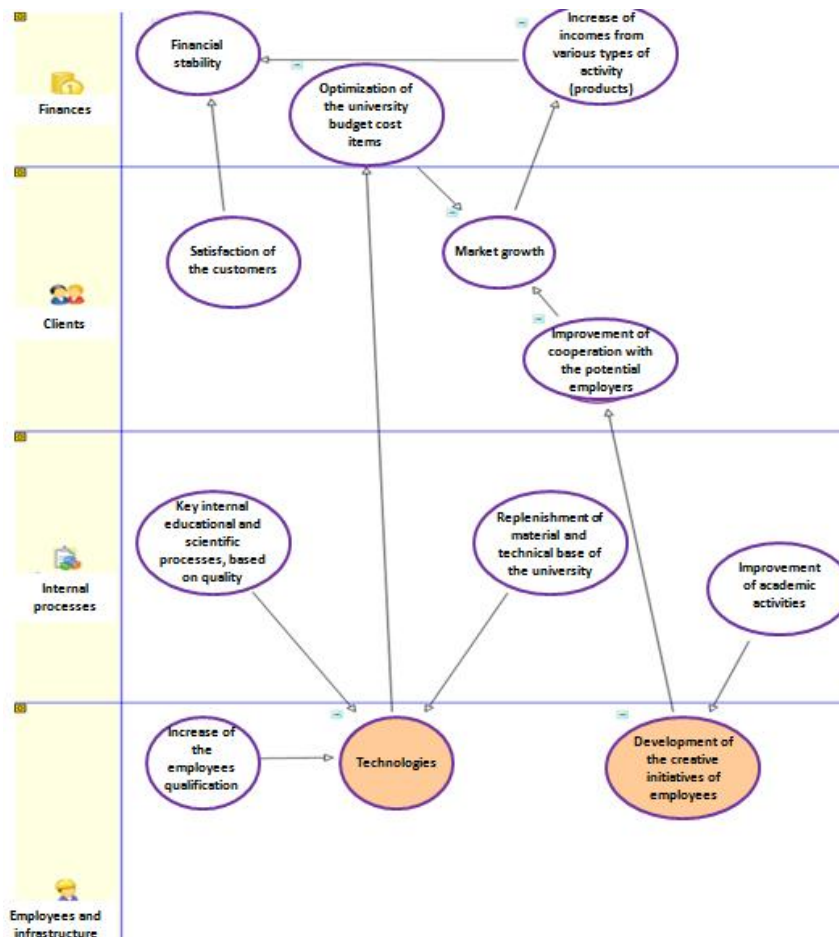


Figure 4. Strategic targets chart in SW "Intalev: Navigator" at the example of State Higher Educational Institution "Pryazovsky State Technical University"

Conclusions Having analyzed the available definitions of the innovative project and controlling, the authors suggested improving the definition of the term "controlling of innovative projects" as follows: "Controlling of innovative projects" is the management subsystem focused on efficient usage of the resources required for solving of the specific scientific and technical task, leading to innovations". **Strategic controlling of innovative projects** is the set of management decisions made to adjust the enterprise strategy for innovative project implementation; herewith, such decisions are focused on efficient usage of the resources required for solving of the specific scientific and technical task, leading to innovations. The chart of strategic controlling methods was composed, and the organizational model of business partnership relations between State Higher Educational Institution "Pryazovsky State Technical University" and the local enterprises was created. **The target structure of the university was gradually constructed and updated, particularly:** the tree of the university targets was formed; the targets achievement strategy was shaped; the indicators to control the targets achievement were defined; the chart of the balanced system of indicators was created; the activities for the indicators achievement was developed, etc.

The results of implementing program-methodical solution "BSI chart": saved general and special budget; focused and stable development of the educational establishment even in the unstable economic conditions; timely revealing of possible risks for the company development.

The controlling subdivision does not develop the innovative project implementation plan by itself, this function belongs to the project manager. However, planning methods and tools are to be developed and presented to the project team by the specialists of the controlling subdivision – the controllers. Development of the paper forms used for planning and monitoring (control) of the project can also be included into the functional area of the controller.

Thus, requirement for development controlling and its implementation on the enterprise activity as the separate component of the management system obviously exists in Ukraine that is the factor of increasing the level of economic efficiency of the set of the enterprise activity directions. The essence of controlling described in this article and its place in the enterprise management system allows dedicating the further investigations to forming of optimal methodical approaches to controlling at the domestic enterprises in various branches of industry and to selecting specific tools and, if necessary, to adapting of the available controlling tool ware to the existing situation in the Ukrainian economics.

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Keywords: mechanism, controlling, balanced scorecard, an innovative project, Intalev

Ключові слова: механізм, контролінг, збалансована система показників, інноваційний проект, Інталев.

Ключевые слова: механизм, контролинг, сбалансированная система показателей, инновационный проект, Инталев.

AUTHORS

Прізвище, ім'я по-батькові	Стор.	Науковий ступінь, звання, посада
Андрющенко Ірина Євгенівна	288	к. е. н., доцент, доцент кафедри «Фінанси і кредит», Запорізький національний технічний університет
Анісімова Ольга Миколаївна	137	д.е.н., професор, завідувач кафедри економічної теорії ДВНЗ «Приазовський державний технічний університет»
Балашова Ольга Володимирівна	131	к.е.н., доцент, ДВНЗ «Приазовський державний технічний університет», м. Маріуполь
Бессонова Світлана Іванівна	110	к.е.н., доцент, доцент кафедри «Облік та аудит», ДВНЗ «Приазовський державний технічний університет, м. Маріуполь
Богаченко Олена Петрівна	144	к.е.н., Київський національний торговельно-економічний університет
Бондаренко Ольга Олегівна	61	асистент кафедри «Інтелектуальна власність і право», ДВНЗ «Приазовський державний технічний університет, м. Маріуполь.
Василичев Денис Вікторович	173	к.е.н., доцент, доцент кафедри управління персоналом і економіки праці, Запорізький національний технічний університет
Волюков Володимир Володимирович	131	к.е.н., доцент, ДВНЗ «Харківський національний економічний університет»
Гапонюк Ольга Іванівна	265	к.е.н., доцент, Маріупольський державний університет
Гігуашвілі Гіулі	163	академічний доктор економіки, повний професор. ЮЛПП Горійський державний навчальний університет, Грузія.
Дмитрієв Валерій Юрійович	150	проректор з економіки та перспективного розвитку ДВНЗ «Приазовський державний технічний університет», м. Маріуполь
Дорожко Григорій Костянтинович	110 116 131	к.т.н., доцент, завідувач кафедри інтелектуальної власності і права
Дячков Дмитро Володимирович	211	асистент, Полтавський національний технічний університет імені Юрія Кондратюка
Дьякова Марина Сергіївна	282	к.е.н., доцент кафедри економічної теорії ДВНЗ «Приазовський державний технічний університет»
Зінченко Олена Антонівна	224	д.е.н., професор, завідувач кафедри фінансів, податків і страхової справи, ДВНЗ «Криворізький національний університет»
Іксарова Наталія Олександрівна	193	к.е.н., доцент кафедри міжнародної економіки Київського національного торговельно-економічного університету
Кавелін Владислав Володимирович	156	провідний інженер відділу Трансферу технологій, інноваційної діяльності та інтелектуальної власності Інституту фізики НАН України
Капранова Лариса Григорівна	179	к.е.н., доцент, доцент кафедри економічної теорії ДВНЗ «Приазовський державний технічний університет», м. Маріуполь
Кіф'юк Євген Самуїлович	156	магістр, молодший науковий співробітник відділу Трансферу технологій, інноваційної діяльності та інтелектуальної власності Інституту фізики НАН України
Кондрашихін Андрій Борисович	38	д.е.н., доцент, Академія муніципального управління МОН України, м. Київ
Корновенко Сергій Валерійович	44	д.і.н., професор, завідувач кафедри інтелектуальної власності та цивільно-правових дисциплін Черкаського національного університету імені Богдана Хмельницького, м. Черкаси
Косенко Олександра Петрівна	49	к.е.н., доцент кафедри маркетингу Національного технічного університету «Харківський політехнічний інститут»
Коюда Віра Олексіївна	185	к.е.н., професор кафедри менеджменту Харківського національного економічного університету ім. С. Кузнеця
Куровська Олена Анатоліївна	299	старший викладач кафедри «Облік та аудит»
Лазарева Анастасія Петрівна	271	асистент кафедри економіки та фінансово-економічної безпеки, Маріупольський державний університет, м. Маріуполь
Лісовська Валентина Петрівна	248	канд. фіз.-мат. наук, доцент кафедри вищої математики ФУПтаМ ДВНЗ «Київський національний економічний університет ім. В. Гетьмана» м. Київ
Мазко Тетяна Іванівна	185	викладач кафедри менеджменту Харківського національного економічного університету ім. С. Кузнеця

Прізвище, ім'я по-батькові	Стор.	Науковий ступінь, звання, посада
Макаренко Марина Василівна	26	д.е.н., доцент, завідувач кафедри «Менеджмент та підприємництво на морському транспорті» Азовського морського інституту Одеської національної морської академії, м. Маріуполь
Маркіна Ірина Анатоліївна	32 211	д.е.н., професор, проректор з науково-педагогічної роботи та міжнародного співробітництва, завідувач кафедрою менеджменту і адміністрування Полтавського національного технічного університету імені Юрія Кондратюка
Марченко Наталія Вікторівна	116	магістр ДВНЗ «ПДТУ» за спеціальністю «Інтелектуальна власність», співробітник НТК, ПАТ «Азовмаш», м. Маріуполь.
Махмудова Катерина Володимирівна	219	аспірант Маріупольського державного університету, старший викладач, Азовський морський інститут Одеської морської національної академії
Мацкевич Ольга Олександрівна	79	науковий співробітник та здобувач НДІ інтелектуальної власності НАПрН України, магістр інтелектуальної власності, м. Київ
Мошенська Анастасія Володимирівна	248	аспірант кафедри вищої математики ФУП та М ДВНЗ «Київський національний економічний університет ім. В. Гетьмана» м. Київ
Науменко Світлана Миколаївна	242	кандидат наук з державного управління, доцент, доцент кафедри менеджменту зовнішньоекономічної діяльності, Донецький державний університет управління, м. Донецьк
Овсєнко Олена Сергіївна	299	бакалавр, ДВНЗ «Приазовський державний технічний університет»
Осипова Юлія Вікторівна	84	науковий співробітник Науково-дослідного інституту інтелектуальної власності Національної академії правових наук України, м. Київ
Остапенко Ольга Миколаївна	230	к.е.н., доцент, доцент кафедри фінансів і кредиту, Полтавська державна аграрна академія
Остапенко Тетяна Миколаївна.	236	к.е.н., доцент кафедри бухгалтерського обліку, доцент, Полтавська державна аграрна академія
Павелко Віталій Юрійович	198	здобувач, Запорізький національний технічний університет
Падучак Богдан Михайлович	65	к.ю.н., завідувач сектору використання та передачі прав інтелектуальної власності економіко-правового відділу, Науково-дослідний інститут інтелектуальної власності Національної академії правових наук України, м. Київ
Перерва Петро Григорович	20	д.е.н., професор, декан економічного факультету Національного технічного університету «Харківський політехнічний інститут»
Петренко Ірина Іванівна	92	здобувач, науковий співробітник Науково-дослідного інституту інтелектуальної власності Національної академії правових наук України, м. Київ
Писєва Олена Володимирівна	56	провідний фахівець відділу промислової власності, Науково-дослідний інститут інтелектуальної власності НАПрН України, фахівець інтелектуальної власності, магістр з правознавства
Плахотнік Олена Олександрівна	166	д.е.н., доцент, професор кафедри економіки та організації виробництва Дніпродзержинського державного технічного університету
Погорецький Петро Петрович	156	к.фіз.-мат.н., зам. зав. відділу Трансферу технологій, інноваційної діяльності та інтелектуальної власності Інституту фізики НАН України
Погоріла Марія Олександрівна	104	аспірант кафедри інтелектуальної власності, Національна Металургійна академія України, м. Дніпропетровськ
Поясник Павло Георгійович	295	аспірант, Харківський Національний автомобільно-дорожній університет
Пузанов Ігор Іванович	10	д.е.н., професор, професор кафедри міжнародних фінансів Інституту міжнародних відносин Київського національного університету імені Тараса Шевченка
Салхінашвілі Мака	163	академічний доктор права, повний професор з публічного права. ЮЛПП Горійський державний навчальний університет, Грузія
Сиволап Лариса Анатоліївна	121	к.е.н., доцент, доцент кафедри економіки та фінансово-економічної безпеки Маріупольський державний університет
Тараненко Олег Миколайович	44	к.і.н., доцент кафедри інтелектуальної власності та цивільно-правових дисциплін Черкаського національного університету імені Богдана Хмельницького

Прізвище, ім'я по-батькові	Стор.	Науковий ступінь, звання, посада
Терованесов Михайло Румелійович	259	к.т.н., доцент, Донецький інститут залізничного транспорту, м. Донецьк
Ткачов Максим Михайлович	20	аспірант кафедри організації виробництва та управління персоналом Національного технічного університету «Харківський політехнічний інститут»
Трубей Оксана Миколаївна	205	к.е.н., доцент кафедри економіки та фінансів підприємства Київського національного торгово-економічного університету
Турило Анатолій Анатолійович	224	к.е.н., доцент, доцент кафедри обліку і аудиту ДВНЗ «Криворізький національний університет»
Турило Анатолій Михайлович	224	д.е.н., професор, директор економічного інституту ДВНЗ «Криворізький національний університет»
Тюпа Дмитро Іванович	277	викладач кафедри міжнародної економіки та менеджменту зовнішньоекономічної діяльності Харківського національного економічного університету
Фесенко Олена Мар'янівна	156	к.фіз.-мат.н., керівник відділу Трансферу технологій, інноваційної діяльності та інтелектуальної власності Інституту фізики НАН України
Черненко Людмила Анатоліївна	71	старший науковий співробітник відділу промислової власності, Науково-дослідний інститут інтелектуальної власності НАПрН України, спеціаліст з інтелектуальної власності
Черниш Ірина Володимирівна	32	к.е.н., доцент, доцент кафедри менеджменту і адміністрування Полтавського національного технічного університету імені Юрія Кондратюка
Чернишева Олена Михайлівна	299	викладач, ДВНЗ «Український державний хіміко-технологічний університет»
Шайхатдінов Андрій Загітович	26	к.іст.н., доцент, доцент кафедри інтелектуальної власності і права ДВНЗ «Приазовський державний технічний університет», м. Маріуполь
Швець Галина Олексіївна	126	к.філол.н., доцент, доцент кафедри інтелектуальної власності і права, ДВНЗ «Приазовський державний технічний університет» м. Маріуполь
Шикова Лілія Валеріївна	98	к.е.н., ст. викладач кафедри інтелектуальної власності і права, ДВНЗ «Приазовський державний технічний університет, м. Маріуполь

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