

*O. Kuzmyskyi*  
*Degree Seeking Applicant,*  
*Department of Civil Law and Procedure,*  
*Faculty of Law and Mass Communications,*  
*Kharkiv National University of Internal Affairs*

## **USING OF SIMILAR (IMITATED) COMMERCIAL NAME IN THE SPHERE OF INTELLECTUAL PROPERTY RIGHT**

Modern economical conditions based on competitiveness, necessity to promote goods and services, the dynamic development of market technologies require popularization and unambiguous recognizability of a subject of entrepreneurial activity, its goods, works and services. Therefore it is difficult to assess the necessity of a reliable legal regulation of individualization means of the participants in civil circulation, goods and services.

Analysis of scholars' works makes it possible to assert that proving similarity of commercial, company name is quite difficult. The situation becomes even more difficult because of the fact that the legislation of Ukraine does not contain provisions, methods, precisely defining criteria of establishing similarity of commercial, company names.

The objective of this article is to establish similarities of commercial (company) name, the degree of similarity, to

define criteria for establishing this similarity, and the use of commercial (company) name concerning heterogeneous kinds of activity.

The author makes a conclusion that definition of similarity, identity indicates that compared elements of commercial, company name should be clearly or maximum equal. Identity, similarity between disputable names occurs when the company uses reproduction of elements which compose other commercial, company name without changes or additions. However, while establishing identity (similarity) of commercial, company name the degree of average consumer's awareness, qualification of identity of goods (services), kind (type) of products, their consumer properties and functionality, type of material they are made of, range of consumers, traditional or preferred way of using goods and other indicators must be considered.