

will also take into account the cost indices of goods delivery. This versatility indicator will give an opportunity to assess the competitiveness of the enterprises providing transportation services in the city.

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CIRCULABILITY OF PROPERTY RIGHTS ON INDUSTRIAL OWNERSHIP

Twenty-first century is a century of rampant development of scientific and technical ideas, when the value of the invention issued to the fore, defence of the main efforts of the inventor is the main direction. Therefore, the most urgent point of the modern economy is a significant development of the intellectual property market. Industrial property as one of the main components of intellectual property is of great importance in the economic development of Ukraine. Priority of civil legal regulation of this market sector is an exigency of the modern world.

For modernity economic commerce it is typically that as a product it circulates within a wide range of benefits. It includes not only items, but also the results of intellectual activity in the form of property rights on them.

As part of the national civil law categorical apparatus of intellectual activity is referred to as a civil matter. Article 177 Civil Code of Ukraine provides a definition of objects of civil law rights. These include items, money and securities, other property, property rights, work products, services, results of intellectual creative activities, information, and other tangible and intangible benefits. Part 2 of Article 418 CC of Ukraine contemplates that intellectual property rights represent the rights of individuals, and (or) the intellectual property rights whose content regarding certain intellectual property rights is defined by this Code and other laws. These rules are general and extend to industrial property and proprietary rights in them. Since object of industrial property are intangible in nature, they cannot participate in civil circulation. Therefore, civil circulation involves exclusive rights to the above objects.

Prerequisite of civil circulation of exclusive rights to industrial property is the existence of appropriate conditions and is as follows. The first of these is to ensure the provision of exclusive rights of a particular subject. As a part of the *absolute (peremptory)* relationship there is a legalization of the right to industrial property. The second condition implies that the subject becomes possible in case of disposing of those rights. Within the relative relationship there is a further movement of these objects. At this stage of exclusive rights to industrial property a commodity becomes free to be engaged in economic circulation.

Modern civil law includes many issues related to the nature of exclusive rights and the definition of their circulability. As Tuktarov said, all exclusive rights should have the following three criteria: 1) must be connected to the property, 2) have some economic value, and 3) must be characterized by circulability.

Circulability as a necessary precondition for civil circulation is compulsory for all objects of civil rights. Characteristic of circulability of exclusive rights to industrial property is expressed in a legally enforceable possible participation of these rights in economic circulation (*by transfer*) of their use and (or) disposition of some subjects of civil relations to others through a variety of civil remedies. All objects of civil rights, including exclusive rights to industrial property are divided into three groups according to the criteria circulability.

The first group consists of the exclusive rights which can be freely alienated or passed from one person to another through any civil remedies. In this case, the presumption operates circulability covered in Article 178 of the CC of Ukraine. The second group consists of exclusive rights that may belong to certain participants of civil circulation or whose presence in circulation is allowed by special permit. The third group includes exclusive rights, whose presence in the back is not allowed. Removed from civil circulation are those rights to distribute them that are banned on grounds of national security and the preservation of public morality (These include exclusive rights to inventions, containing an official secret).

The main reason for the restriction and removal of exclusive rights to industrial property with civil circulation are: 1) cases covered by law, 2) individual inconsistency with criteria of circulability.

But what affirmative should be given to exclusive rights to industrial property to be subject to civil circulation? J. Atomanova identifies the following criteria of circulability: (*exceptional*), usefulness, alienability, monetary valuation, investment attractiveness. As part of the civil law, exclusive rights studies of industrial property would be appropriate to be applied by the criteria, not all, but exceptional, alienability and monetary value.

Exceptional exclusive rights on industrial property are expressed in securing intellectual product for a specific person. With absolute meaning, it provides its holder a legal monopoly to carry out various actions with simultaneous prohibition of all others to do the steps.

S. Slipchenko called exceptional (ability to separate the object from the subject) "natural circulability." Based on this approach, the author distinguishes two groups of objects: objects that are incapacitated for circulation due to their inseparability of subject and object of separability, that is able to free circulation.

Also equally important criterion of circulability on exclusive rights to industrial property is a legal form as an external expression of civil circulation. That transfer of rights must be in the relevant contract. Article 1107 of Civil Code of Ukraine establishes the following types of contracts on the disposal of intellectual property rights: a license for use of intellectual property rights, licensing contract, an contract on the establishment of order and for the use of intellectual property objects; contract on transfer of exclusive intellectual property rights and another agreement on disposition of intellectual property rights.

State registration of intellectual activity in the industrial property field is requisite criterion of circulability of exclusive rights to industrial property. Legalization of rights is a prerequisite ability to carry out any action with respect to the subject. This is the stage in a subject arise exclusive rights and the opportunity to dispose of industrial property by entering into public circulation.

Thus, (*neglected*) common classification of material objects on the basis of circulability, circulation exclusive rights protected results of intellectual activity in the industrial property field is significantly different from commodity cash flow of things, protected proprietary right of ownership. But circulability combines all the signs which express the possibility of all objects of civil rights to be involved in civil circulation. So every industrial property rights shall be legal analysis on eligibility circulability, in order to establish the possibility last be freely entered into civil circulation.

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HOLIDAY CHILD CARE AS ONE OF THE BENEFITS OF WOMEN'S WORK IN GERMANY AND UKRAINE

Women is the category of workers which demands special protection of work and individual benefits. The special protection accorded to female employees is basically covered in the working time Ordinance, the Maternity Protection Act and the Act on the Payment of Child Raising Benefit and Child Raising Leave in Germany. According to the Federal Child Raising Benefit Act employees have a non-negotiable claim to unpaid child raising leave against their employers if they are entitled to child raising benefit or if the