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ECONOMIC AND LEGAL ADJUSTING OF INTERNATIONAL TRANSFER OF TECHNOLOGIES

The article is devoted to the study of legal regulation of the most important branch of international economic and scientific and technical cooperation - international technology transfer. The article deals with specific legal forms and conditions for the transfer of technology, analyzes contractual relations of organizations of European countries among themselves, with firms and organizations of capitalist and developing countries. International technology transfer affects not only the interests of parties to treaties, but also important state interests in the field of economics. It has a significant impact on the level and pace of scientific, technical and socio-economic development of the countries of the world, largely defining the foreign economic relations between them. These factors, which are based on the international transfer of technology, need to pay special attention to the fundamental transformation of the country's economy on the basis of the latest advances in world science and technology. The legal and economic regulation of the international transfer of technologies and objects of intellectual property is considered. Detailed analysis of the experience of different countries in the field of attraction of foreign technologies, as well as the problem of support of national technologically oriented industries at the present stage. Recommendations on the international transfer of innovative technologies in the conditions of the global financial crisis have been developed. In the article, the authors consider international transfer (transfer) of technologies in three aspects: as a mutually beneficial exchange of technologies, the international division of labor in the creation and practical study of intellectual property, as a decisive factor in the country's economic development, as a means of economic expansion, the technological dependence of one country on the other.

Key words: international economy, technology transfer, legal regulation, objects of intellectual property

ШВОДІАУЕР ГЕРХАРД, ТКАЧОВ МАКСИМ
ЕКОНОМІЧНЕ І ПРАВОВЕ РЕГУЛЮВАННЯ МІЖНАРОДНОГО ТРАНСФЕРУ
ТЕХНОЛОГІЙ

Стаття присвячена вивченню правового регулювання найважливішої галузі міжнародної економічної та науково-технічної співпраці - міжнародного трансферу технологій. У статті розглядаються конкретні правові форми та умови передачі техніки, аналізуються договірні відносини організацій європейських країн між собою, з фірмами та організаціями капіталістичних і країн, що розвиваються. Міжнародна передача технологій зачіпає не тільки інтереси сторін договорів, але і важливі державні інтереси в сфері економіки. Вона робить істотний вплив на рівень і темпи науково-технічного та соціально-економічного розвитку країн світу, багато в чому визначаючи зовнішньоекономічні зв'язки між ними. На ці фактори, в основі яких лежить міжнародна передача технологій, необхідно звертати особливу увагу, домагаючись докорінної перебудови економіки країни на базі новітніх досягнень світової науки і техніки. Розглянуто правове та економічне регулювання міжнародного перенесення технологій та об'єктів інтелектуальної власності. Докладно аналізуються досвід різних держав у сфері залучення зарубіжних технологій, а також проблема підтримки національних технологічно орієнтованих виробництв на сучасному етапі. Розроблено рекомендації щодо міжнародної передачі інноваційних технологій в умовах світової фінансової кризи. У статті автори розглядають міжнародну передачу (перенесення) технологій у три аспекти: як взаємовигідний обмін технологіями, міжнародний поділ праці у створенні та практичному дослідженні інтелектуальних цінностей, як вирішального фактора економічного розвитку країни, як засіб економічної експансії, технологічна залежність однієї країни від іншої.

Ключові слова: міжнародна економіка, трансфер технологій, правове регулювання, об'єкти інтелектуальної власності

ШВОДІАУЕР ГЕРХАРД, ТКАЧЕВ МАКСИМ
ЭКОНОМИЧЕСКОЕ И ПРАВОВОЕ РЕГУЛИРОВАНИЕ МЕЖДУНАРОДНОГО ТРАНСФЕРА
ТЕХНОЛОГИЙ

Статья посвящена изучению правового регулирования важнейшей области международной экономической и научно-технического сотрудничества - международного трансфера технологий. В статье рассматриваются конкретные правовые формы и условия передачи техники, анализируются договорные отношения организаций европейских стран между собой, с фирмами и организациями капиталистических и развивающихся стран. Международная передача технологии затрагивает не только интересы сторон договоров, но и важные государственные интересы в сфере экономики. Она оказывает существенное влияние на уровень и темпы научно-технического и социально-экономического развития стран мира, во многом определяя внешнеэкономические связи между ними. Эти факторы, в основе которых лежит международная передача технологии, необходимо обращать особое внимание, добиваясь коренной перестройки экономики страны на базе новейших достижений мировой науки и техники. Рассмотрены правовое и экономическое регулирование международного переноса технологий и объектов интеллектуальной собственности. Подробно анализируется опыт разных стран в сфере привлечения зарубежных технологий, а также проблема поддержки национальных технологически ориентированных производств на современном этапе. Разработаны рекомендации по международной передаче инновационных технологий в условиях мирового финансового кризиса. В статье авторы рассматривают международную передачу (перенос) технологий в три аспекта: как взаимовыгодный обмен технологиями, международное разделение труда в создании и практическом исследовании интеллектуальных ценностей, как решающего фактора экономического развития страны, как средство экономической экспансии, технологическая зависимость одной страны от другой.

Ключевые слова: международная экономика, трансфер технологий, правовое регулирование, объекты интеллектуальной собственности

Introduction. The international transmission (transfer) of technologies is examined in three aspects: as a mutually beneficial exchange by technologies, international division of labor in area of creation and practical mastering of intellectual values, as a decision factor of economic

development of country, as mean of economic expansion, to technological dependence of one country on other. International technology transfer affects not only the interests of the parties to the treaties, but also important state interests in the

sphere of economy. It exerts a significant influence on the level and pace of scientific and technical and socio-economic development of the countries of the world, largely predetermining the foreign economic relations between them. On these factors, which are based on international technology transfer, it is necessary to pay special attention, seeking a radical restructuring of the country's economy based on the latest achievements of world science and technology.

Preeminently possibility of country to be on the edge of technological innovations determines the competitiveness of its economy in the world, serves as basis of economic and political independence, provides high social standards. The special value the transfer of technologies has for Ukraine, продекларировавшей the innovative, social way of development of economy.

Formulation of the problem. In spite of actuality of questions of transfer of technologies, problems of import of out-of-date equipment, investing in energy and resource-demanding productions in Ukraine until now a policy is not mine-out in relation to an export and import of technologies, bringing in of foreign technological investments. Its separate elements were certain Program of economic reforms of Government of Ukraine from 18.10.96, more fully by Conception of public industrial policy of Ukraine from 29.02.96. In Conception of scientific-technological and innovative development of Ukraine, approved Supreme Soviet of Ukraine 13.07.99, there were the general tasks formulated only on the “improvement of organizational-economic mechanism of international transmission of technologies”.

At the same time attempts to provide support of foreign technological investments and export in the certain areas of industry of Ukraine, in particular, motor industry, meet ununderstanding of the foreign states, EU, considered as violation of principles of World organization of trade, Agreements about partnership and collaboration between Ukraine and European Union.

Absence of the accepted approach in the field of transfer of technologies had investigation preparation during more than three years of project of Law of Ukraine “About government control of transfer of technologies in Ukraine”, which twice tested of principle changes conception and caused the subzero estimation of specialists.

Taking into account изложенного, actual is an analysis of experience of foreign countries, in particular, new industrial states on development of domestic наукоемких productions, bringing in of foreign technological investments and import of technologies. Orientation of Ukraine on entering into World of organization of trade, account of its future integration in ES обуславливают necessity of analysis of possibility of application of facilities of protectionism from point of international agreements.

The purpose of the article. Analysis of experience of foreign countries, in particular, new industrial states on development of domestic наукоемких productions, bringing in of foreign technological investments and import of technologies.

Analysis of literature. In recent years, the interest of both domestic and foreign scientists has grown considerably to the problems of technology transfer. The questions of international transmission of technologies and technological development were probed UNCTAD, and also in many works of foreign scientists - Blakeney M., Chudson, W., Helleiner G. K.,

Mansfield E., Muchlinski P., Patel S. J., Pererva P.G., Kosenko A.V., Kosenko O.P., Kocziszky Gy., Somosi Veres M., Kobielieva T.A., Roffe P., Verma, S. K. et al. In Ukraine of research of Malitskogoá., Solovyova of V., Androshchuka were devoted the analysis of streams of international transmission of technologies, and also levers of state influence on technological development of Ukraine. Nevertheless, the problem of correlation of the international and national adjusting in the field of transfer of technologies specially was not examined.

Presenting main material. The subzero aspects of international transmission of technologies (limitation of rights for приобретателей of technologies, considerable capital exports through the inadequately high level of royalty and dividends, import of ресурсоемких, ecologically dangerous technologies, limitation of diffusion of the given knowledges, orientation of enterprises with foreign technological investments on the use of foreign raw material, materials, labour force, expulging because of creation of such enterprises, purchases of foreign equipment and materials of national producers and other) resulted in development in 1975-1985 within the framework of the International code of conduct in area of transmission of technologies [1].

The Code project determined facilities of government control of international transmission of technologies [2], included positions which can and must not join in agreements on the transmission of technologies, determined procedure of negotiations about entering into contracts.

In connection with divergence of the capitalist and developing states in relation to binding or recommendation force of Code, he was not accepted, however as a “soft right” Code played a substantial role in forming of uniform national legislation of many developing countries, new industrial and developed countries.

With 1985 position in relation to the different aspects of transmission of technologies, entered more than in twenty multilateral international agreements, other multilateral instruments, far of regional, interregional and two-sided agreements.

The indicated agreements include those, that provide defense of technologies (TRIPS, NAFTA, Agreement about creation of EU, Andean group and ASEAN etc.), and which are devoted direct measures on a transfer. In last case the question is about the special technologies: defence of health of man and environment, maintainance of variety, mastering and use of marine resources and other. At the same time, if the first categories of agreements foresee mainly introduction of national measures on their имплементации, second – supposes the mechanisms of realization, including the ponderable financial providing (for example, Montreal protocol about matters which destroy an ozone layer).

Agreements of World organization of trade are included in the separate group of agreements, two and multilateral agreements in relation to defence of investments, Agreements of EU about an

association and partnership and collaboration, which have the special value for Ukraine, other countries of the CIS, because determine the scopes of application countries - by the participants of facilities of support and defense of national producer [8].

Acceptance in 1994 Agreement about the point-of-sale aspects of intellectual ownership (TRIPS) rights it was perceived the countries-participants of World organization of trade as a determining step to overcoming of piracy, establishment of high standards of defence of intellectual ownership rights.

Nevertheless already in 2001 concern of many states in relation to one-sidedness of this Agreement, his subzero influence on technological development resulted in creation in 2001 By the fourth conferences of ministers in Doha (further is Conference) of workinggroup on trade and transfer of technologies with a task to analyse connection between trade and transfer of technologies and define steps which must be carried out for the increase of stream of technologies in developing countries (further is RS).

Activity of workinggroup again almost in 20 years after acceptance of the International code of conduct in area of transmission of technologies resulted in researches, related to the international transmission of technologies, and also paid regard to analysis transfer of technologies, carried out UNCTAD.

One of results of activity of group was suggestion about the analysis of positions of all agreements of World organization of trade, related to the transfer of technologies which can result in limitations of transmission of technologies in developing countries [9].

Wide resonance was purchased by research "Transfer of technologies for successful integration in the global economy" of UNCTAD 2003 [10], having an exceptional value for Ukraine, other countries of the CIS. Three example of the successful becoming of industries of industry, which purchased an international value and competitiveness, was studied: in India is a production of medications, in South Africa is motor industry and to Brazil is an aircraft construction (Embraer).

Creation of national production of airplanes became possible due to application of complex of facilities of state influence, that included the special tax adjusting, governed about the public purchasing, participating of government in determination of terms of sale contracts, grant of favourable credits. Similar measures brought to initiation Canada of consideration of World organization of trade of the indicated facilities supports over, which was considered as subsidizing of export.

More considerable was interference of government with creation of national pharmaceutical industry in India facilities of tariff shelter, through control of prices, limitation in acquisition of enterprises of industry foreign companies and, that was most essential, introduction of particular patent treatment which foresaw securing of invention for short space and in a greater degree provided defense of method, what product, that presently противоречит TRIPS and it must it was be anointed 2005 to Nevertheless the similar adjusting resulted in creation of own methods of production of the known medications the Indian companies and allowed to gain a foothold on internal, and afterwards oversea markets. Favorable tax treatment of expenses was used also on research-

and-developments. In obedience to Agreement of HONEYCOMBS about subsidies and compensative measures such measures are forbidden and must be halted during five years after going of Agreement into effect.

A policy which contradicted á to the today's rules of World organization of trade was carried out in South Africa, related to the differentiated tariff shelter and measures, directed on support of national production of not only eventual goods - cars but also separate details.

General conclusion of research: successful development of national productions and fixing of positions of countries at the oversea market would not happen at going of agreements of World organization of trade into effect. By an attempt partly to work out the indicated problems acceptance of decisions became Conference about possibility of more wideuse of World organization of trade of the forced licensing states-participants for defence of health protection; export in certain RS of medications, produced on the forced license; freedoms of the states are in establishment of the national mode of exhausting of intellectual ownership rights; in relation to pharmaceutical products is an extension for the the least developed countries of transitional period of agreement of TRIPS - from 10 to 20 years.

For RS going into effect of Agreement about investment measures, related to trade, was continued on 5, and for the the least developed countries - on 7 years. In relation to Agreement about subsidies and compensative measures for RS Conference defined procedure of continuation of transitional period after completion of existent eight-year term. In the Executable code the leadthrough of negotiations was plugged about the maintainance of rights for the developing states to give subsidies for regional development, financing of researches, introduction ecologically of safe technologies and other

The nevertheless indicated measures touched countries which develop, but not countries of transitional economy, which Ukraine behaves to. Will specify that an aircraft construction in Ukraine behaves to strategic, and motor industry, production of medicine - to priority directions of development industry. However in spite of high technological level, to the present tense both a production and export of airplanes of the own making did not purchase a commercial value. The production of own passenger car did not become export-oriented. Employment of certain niche at the internal market was related not to technical advantages, but by low price indexes. For the cars of foreign brands which going in Ukraine, the high stake of комплектующих of foreign production is characteristic.

Most critical position in pharmaceutical area. In the conditions of complications there is introduction of new medications which are created national scientific establishments, the market of Ukraine is

overcrowded medications of foreign production or packed up foreign companies on the Ukrainian enterprises.

The analysis of legislation of foreign countries on adjusting of export and import of technologies allows to select next three group of countries [11].

The first includes Korea, China, Greece, France, Mexico, Argentina, Brazil, Poland et al, most full applying positions of the International code of conduct in area of transfer of technologies, entering the special legislation on regulation of import of technologies with the разрешительным order of contracting. So, for example, in China in obedience to Rules on a management contracts about the import of technologies 1985 possible was an import of technologies at implementation of one of the followings terms: creation of new products, improvement of quality of commodities, diminishing of production costs, consumptions of energy and raw material, use of local resources. Groundless limitations must not were join in a contract, including requirement about acquisition of technique, services which do not behave to technology; limitation in perfection of technology; requirements of payments for patents which are not used or invalid; prohibition of the use technology after completion of contract etc.. A supplier was under an obligation to teach the personnel of приобретателя. Royalties were usually limited to 2-5 percents. The term of contract must not was exceed 10 years.

A contract went into effect after his consideration in lines 60 days and approval a competent organ. Analogical control was carried out in China and in relation to foreign investments together with application of the system of tax and other privileges on bringing in of the technologically oriented investments.

Korea except for regulation of import of technologies, known the self-weighted policy in relation to foreign investments. So, to the middle 60 years of the XX items the former agricultural colony of Japan was closed for foreign investors. With 1966 realization of the program of импортозамещения and industrialization began. After liberalization of economy at the beginning of 70 it was settled to create joint ventures with the stake of foreign capital to 50%. It could be greater, if enterprises, fully oriented to the export, were founded, which do not create a competition own productions, enterprises, using modern technologies. For strengthening of national sector for foreign investments 60% industries of economy were closed.

In 1980 further liberalization takes place. A foreign investor can own the more than 50% chartered capital of enterprises. For investments 36% areas of economy are closed. At delivery of permissions on realization of investing the state came from conception Verona in obedience to which there must were be the concentrated productions of the last stage of production cycle in Korea.

There is acceptance in 1991 Law on foreign investments yet more opened the economy of Korea. Only 20% areas remained closed. For projects with the stake of foreign capital greater 20% it is necessary it was to get permission of Ministry of finance, greater 20 million \$ - the special governmental committee, less 50% - a report suffices about investing.

In other countries the technological not side of contract, but control after currency recumbent of contract, comes forward into first places, by the size of the licensed payments with obligatory registration of contract. Such order was accepted in Australia, Chile, Switzerland, Sweden, South Africa, Japan,

Austria. In these countries enumeration of the licensed payments could be carried out only on permissions which was given after the study of efficiency of contract.

In the leading developed countries with positive currency balance are the USA, Japan, Germany, other countries of ES, - the similar adjusting did not matter very much. Influence on the transmission of technologies was carried out by a cartel legislation. As a rule, the grant of one of sides of absolute title was shut out on the sale of wares, it was forbidden to obligate the buyer of technology to acquire raw material, equipment, additional technologies only for a certain salesman, and also to forbid to buy and use competitive technologies, limitation of production of wares volume was shut out, prices etc. The special attention is in the USA, other countries taken financial, tax and organizational support of internal transmission of technologies from state laboratories, universities to the industrial enterprises, small business.

Problems of adjusting of import of technologies and technological investments are in Ukraine. Technological independence and intergovernmental balance of technologies are the necessary condition of development of country of наукоемкой orientation. After the considerable volume of transmission of technologies of one countries two factor cost other. The first consists of that the newest technologies are not for sale, exchanged by them. Second – any of countries, applying on a change a raw material, power-hungry orientation (China, South Korea, Japan, India and other) conducts hard government control of transmission of technologies, carries out the programs of development of domestic highly technological productions.

Important limitation for the choice of that or other form of adjusting of transmission of technologies Ukraine makes a present period. For any of new industrial countries the first stages of national development were related to direction of foreign investments and import of technologies in enough narrow priority areas, closing of a number of areas for foreign investors.

Such measures were carried out in the conditions of the limited influence of the General agreement on tariffs and services-47, which was used countries so, as far as an agreement was consonant with the legislation of states-participants (Protocol about temporal application of GATT - 47), signing of protocols which interpret positions of GATT for different countries.

With forming of national competitive sector there is liberalization of point-of-sale and investment legislation in the foreign states. Into first places a political fight goes out for the removal of trade barriers in other countries. An example of it is organization of WTO, bringing in to it of new countries, including Ukraine. Ukraine, having in 90th subzero currency balance, raw material orientation of export, disproportions in the structure of economy, low cost of capital assets, labour force

with acceptance in 1991-1993 of laws in the field of investing and foreign trade activity fully opens an internal market for a foreign investor and exporter. The questions of registration of joint ventures are passed to local authorities. Some adjusting, limiting the investment of capital in unpriority areas absents [12]. Privileges and other facilities of support of investments, supposing introduction of modern technologies, foreseen the Government program of stimulation of foreign investments from 17.12.93, by Law of Ukraine "On foreign economic activity" were not realized or soon annulled. Information absents about maintenance of the celled contracts, analysis of technological and currency efficiency of investments and import of technologies, that strikingly distinguishes Ukraine from other countries which was in near to Ukraine terms.

At the same time fictitious transmission of technologies, overstating of cost of technology and accordingly the high stake of investor in the chartered capital of companies can result in inadequate capital exports for a border.

Investments take place in power-hungry areas, hindering the same a structural change. Acquisition of technologies, which are tied to foreign комплектующим, raw material, technologies which duplicate domestic, goes, that destructively tells on national scientific and production collectives. At contracting possible limitation in the improvement of the got technology, unequal terms of exchange by subsequent improvements, limitation of amount, kind and cost of products which will be produced the recipients of technologies and other An important value on counteraction of application of anticompetition terms of agreements have laws of Ukraine "On protecting from an unfair competition" and "About defence of economic competition". The nevertheless indicated acts do not take into account the specific of agreements about the transfer of technologies, for adjusting of which in the USA, ES, the special legislation is accepted Japan [13-15].

The lacks of adjusting in Ukraine of import of technologies and foreign technological investments resulted in suggestion of author about preparation of the special bill which must was plug facilities of stimulation of transmission of technologies in the priority areas of economy, to hinder the import of out-of-date technologies, determined requirements to the agreements in the field of international transfer of technologies, order of their consideration, monitoring of realization [16]. Suggestions found a reflection in the message of President of Ukraine to Verkhovna Rada of Ukraine 2001, where attention applied on the necessity of development of Law of Ukraine about the import of technologies and foreign technological investments".

Certain expectations in decision of the indicated problems contacted with Law of Ukraine "On the transfer of technologies", which was developed Department of education and science of Ukraine in obedience to Decree of President from Augusts, 20, 2001

A project, geared-up with participation the specialists of NAN of Ukraine, foresaw creation of subdivisions for the guards of intellectual property and transfer of technologies in public institutions, public authorities (like the Law of the USA provisions about technological innovations 1980); obligations of departments under organization of introduction of new technologies; order of payment of reward the authors of technologies; principles of creation of infrastructure of transfer of technologies; stimulation of organizations - users and developers of technologies; tax deductions at the transfer of technologies; creation of the system is a leadthrough of

conjuncture researches; control of import of technologies and foreign technological investments; list of noncompetitive terms, which it is forbidden to plug in agreements on the transfer of technologies and other

Nevertheless, during consideration of Law in the vehicle of Cabinet of Ministers of Ukraine he was processed, conception and name is changed. In the new project of Law of Ukraine "About government control of transfer of technologies in Ukraine", presented in Supreme Soviet of Ukraine 17.07.03 expansion of rights for public organs went out on the first plans. Positions appeared about obligatory examination of technologies (including the objects of right of intellectual ownership), created domestic quotients and state organizations, registration of agreements on the transmission of technologies, including, which consist between the residents of Ukraine. Public organs took title to redistribute rights on technologies, objects intellectual ownership rights which are created due to state facilities, to pick up contractors for the transfer of technologies, to grant permission on patenting abroad etc..

The indicated positions conflicted with both the norms of TRIPS and Civil, Economic code of Ukraine, to other laws, did not have analogues in legislative practice of the foreign states. In the letter of NAN of Ukraine to Cabinet of Ministers of Ukraine it was marked from 02.06.03, that offered the project of Law examination of technologies, and also registration of agreements, concluded between organizations of Ukraine, will put on the brakes innovations substantially. On disparity of project specified the laws of Ukraine and in the expert conclusion of Ministry of justice of Ukraine from 07.04.03, and also by the specialists of academic establishments, leaders of enterprises, deputies.

Taking into account remarks, during preparation to the second reading project it was processed and most contradictory positions are taken off. The leadthrough of examination of domestic and foreign technologies remained in cases, if the receipt of tax deductions was assumed at the transmission of technologies or their use. In addition such the examinations must was be carried out at the import of foreign technologies due to the mean of the state budget.

Nevertheless (taking into account the small number of norms of direct action, the unique mechanism of influence is a grant of tax deductions application of which will cause a doubt, having regard to the more than two-year freezing of analogical privileges of Law of Ukraine of "O of innovative activity"), even in the case of acceptance Law will have mainly declarative character and not to decide the problems of support of the national technologically oriented productions, control of foreign technologies, their direction in the priority spheres of economy.

Taking into account resulted actual, in our view, there is accenting on three directions of the legislative adjusting.

First - taking into account experience of application of Kodeksa UNCTAD 1985 to produce for the certain areas of industry or concrete projects the system of facilities of state support taking into account their compatibility with the requirements of World organization of trade, uses of possible transitional periods of entry of agreements of World organization of trade in force, and also instruments which are offered the agreements of World organization of trade: customstariffss, anti-dumping or compensative custom duty, limitation of amount or value of imports for safety of equilibrium of balance of payments, measures from to the assistance of economic development, extraordinary actions in the case of import of separate commodities, measures, which touch defence of life or health of people, zoons and plants; warning of unconscientious covinous practice, use of free trade and other zones

Will specify that regulator facilities are identical for residents and нерезидентов of Ukraine satisfy principle of the national mode GATT- World organization of trade.

To accept the complex acts of legislation on realization of the indicated measures. To change positions of item 14 Law of Ukraine "On the mode of the foreign investing", foreseeing possibility of certain requirements to directions of foreign investments.

Second - to enter registration of foreign economic treaties on the transmission of technologies with realization of control after anticompetition actions in such agreements (possibility what foreseen an item 40 TRIPS) like the existent account of separate types of foreign economic treaties. To fasten the order of determination of high bounds royalty for the different spheres of activity. By facilities of tax influence or through establishment of assignment of technologies clauses to define direction of technologies in priority spheres and requirements to such technologies in obedience to experience of the foreign states. To fasten the list of positions of agreements on the transmission of technologies, which are noncompetitive.

Third directions related to introduction of measures on the acceleration of internal transmission of technologies in Ukraine, that, in particular, includes creation system of commercialization of scientific results, got due to facilities of the state budget, determination of terms of payment of reward the creators of objects of right of intellectual ownership, tax stimulation of transfer of technologies, venture capital market creation, systems of grant conjuncture information.

Conclusions and suggestions. In the article, the authors consider international transfer (transfer) of technologies in three aspects: as a mutually beneficial exchange of technologies, the international division of labor in the creation and practical exploration of intellectual values, as a decisive factor in a country's economic development, as a means of economic expansion, technological dependence of one country on another.

Список літератури

1. Перерва П.Г.; Косенко О.П., Ткачова Н.П., Ткачов М.М. Формування конкурентного, інтелектуального і маркетингового потенціалу інноваційного підприємництва // Вісник Національного технічного університету "Харківський політехнічний інститут" (економічні науки) : зб. наук. пр. – Харків : НТУ "ХПІ", 2018. – № 20 (1296). – С. 36-40.
2. Draft International Code of Conduct on the Transfer of Technology.-

UNCTAD.-1985.- 45 p.

3. Transfer of technology for Successful Integration into the Global Economy. UN. New York and Geneva, 2003. UNCTAD/ITE/IPC/2003/6.
4. Guidelines for the Regulation of Unfair Trade Practices with Respect to Licensing Agreements in Japan, 1989.
5. Antitrust Guidelines for the Licensing of Intellectual Property, US, 1995.
6. Commission Regulation (EC) № 772/2004 of 27 April 2004 on the application of Article 85(3) of the Treaty to certain categories of technology transfer agreements.
7. Перерва П.Г., Косенко А.В., Маслак М.В., Матросова В.О., Долина І.В. Формування управлінської, маркетингової та інноваційної політики на підприємствах туристичної індустрії // Вісник Національного технічного університету "Харківський політехнічний інститут" (економічні науки) : зб. наук. пр. – Харків : НТУ "ХПІ", 2018. – № 47 (1323). – С. 114-126.
8. Pererva P.G., Kobieliava T.O. The formation of anti-crisis program of the industrial enterprise based on innovative monitoring // Вісник Національного технічного університету "ХПІ" (економічні науки) : зб. наук. пр. – Харків : НТУ "ХПІ", 2016. – № 48 (1220). – С.41-44.
9. Перерва П.Г., Косенко А.В., Кобелева Т.О., Маслак М.В. Системний підхід до дослідження цінних, маркетингових, інвестиційних та інноваційних характеристик трансферу технологій промислової продукції // Вісник Національного технічного університету "Харківський політехнічний інститут" (економічні науки) : зб. наук. пр. – Харків : НТУ "ХПІ", 2018. – № 19 (1295). – С. 121-126.
10. Перерва П.Г., Кобелева Т.О. Управління маркетингом інноваційної продукції на засадах життєвого циклу товару // Вісник Національного технічного університету "ХПІ" (економічні науки) : зб. наук. пр. – Харків : НТУ «ХПІ», 2016. – № 28 (1200). – С. 26-30.
11. Перерва П.Г., Кобелева Т.О. Якість інноваційної продукції як складова маркетингової політики та конкурентоспроможності підприємства // Вісник Національного технічного університету "ХПІ" (економічні науки) : зб. наук. пр. – Харків : НТУ «ХПІ», 2016. – № 28 (1200). – С. 70-74.
12. Pererva P.G., Kocziszky Gy., Somosi Veres M., Kobieliava T.A. Compliance program: [tutorial] / P.G.Pererva [et al.]; ed.: P.G.Pererva, G.Kocziszky, M. Veres Somosi. – Kharkov ; Miskolc : NTU "KhPI", 2019. – 689 p.
13. Старостіна А.О. Маркетинг: теорія, світовий досвід, українська практика: підруч. – К.: Знання, 2009. – 1070 с.
14. Перерва П.Г. Економіко-організаційні засади інноваційної та інвестиційної діяльності підприємства // Вісник Національного технічного університету "Харківський політехнічний інститут" (економічні науки) : зб. наук. пр. – Харків : НТУ "ХПІ", 2017. – № 45 (1266). – С.51-55.
15. Перерва П.Г., Марчук Л.С. Інтелектуальний потенціал як економічна категорія // Вісник Національного технічного університету "Харківський політехнічний інститут" (економічні науки) : зб. наук. пр. – Харків : НТУ "ХПІ", 2018. – № 15 (1291). – С. 53-63.
16. Перерва П.Г. Інформаційна діяльність підприємства: управлінська, цінова та маркетингова складові // Вісник Національного технічного університету "Харківський політехнічний інститут" (економічні науки) : зб. наук. пр. – Х.: НТУ „ХПІ”. - 2018. - № 37(1313).-С. 27-32 .

References (transliterated)

1. Pererva P.G.; Kosenko O.P., Tkachova N.P.; Tkachov M.M. Formuvannya konkurentnoho, intelektualnoho i marketynhovoho potentsialu innovatsiynoho pidpryyemnytstva [Formation of Competitive, Intellectual and Marketing Potential of Innovative Entrepreneurship] // Visnyk Natsionalnoho tekhnichnoho universytetu "Kharkivskyyu politekhnichnyy instytut" (ekonomichni nauky) : zb. nauk. pr. – Kharkiv : NTU "KHPI", 2018. – № 20 (1296). – S. 36-40.
2. Draft International Code of Conduct on the Transfer of Technology.-UNCTAD.-1985.- 45 p.
3. Transfer of technology for Successful Integration into the Global Economy. UN. New York and Geneva, 2003.

- UNCTAD/ITE/IPC/2003/6.
4. Guidelines for the Regulation of Unfair Trade Practices with Respect to Licensing Agreements in Japan, 1989.
 5. Antitrust Guidelines for the Licensing of Intellectual Property, US, 1995.
 6. Commission Regulation (EC) № 772/2004 of 27 April 2004 on the application of Article 85(3) of the Treaty to certain categories of technology transfer agreements.
 7. Pererva P.G., Kosenko A.V., Maslak M.V., Matrosova V.O., Dolyna I.V. Formuvannya upravlinskoyi, marketynhovoyi ta innovatsiynoyi polityky na pidpryyemstvakh turystychnoyi industriyi [Formation of management, marketing and innovation policy at enterprises of the tourism industry] // *Visnyk Natsional'noho tekhnichnoho universytetu "Kharkivskyy politekhnichnyy instytut" (ekonomichni nauky): zb. nauk. pr.* – Kharkiv : NTU "KHPI", 2018. – № 47 (1323). – S. 114-120.
 8. Pererva P.G., Kobieliava T.O. The formation of anti-crisis program of the industrial enterprise based on innovative monitoring [The formation of an anti-crisis program of industrial enterprises based on innovative monitoring] // *Visnyk Natsional'noho tekhnichnoho universytetu "KHPI" (ekonomichni nauky): zb. nauk. pr.* – Kharkiv : NTU "KHPI", 2016. – № 48 (1220). – S.41-44.
 9. Pererva P.G., Kosenko A.V., Kobyelyeva, T.O., Maslak M.V. Systemnyy pidkhid do doslidzhennya tsinovoykh, marketynhovoykh, investytsiynoykh ta innovatsiynoykh kharakterystyk transferu tekhnolohiy promyslovyi produktsiyi [System approach to the study of price, marketing, investment and innovation characteristics of technology transfer of industrial products] // *Visnyk Natsional'noho tekhnichnoho universytetu "Kharkivskyy politekhnichnyy instytut" (ekonomichni nauky): zb. nauk. pr.* – Kharkiv : NTU "KhPI", 2018. – № 19 (1295). – S. 121-126.
 10. Pererva P.G., Kobyelyeva T.O. Upravlinnya marketynhom innovatsiynoyi produktsiyi na zasadakh zhyttyevoho tsykladu tovaru [Management of marketing of innovative products on the basis of the product life cycle] // *Visnyk Natsional'noho tekhnichnoho universytetu "KhPI" (ekonomichni nauky): zb. nauk. pr.* – Kharkiv : NTU «KhPI», 2016. – № 28 (1200). – S. 26-30.
 11. Pererva P.G., Kobyelyeva T.O. Yakist innovatsiynoyi produktsiyi yak skladova marketynhovoyi polityky ta konkurentospromozhnosti pidpryyemstva [Quality of innovative products as a component of marketing policy and competitiveness of the enterprise] // *V Visnyk Natsional'noho tekhnichnoho universytetu "KhPI" (ekonomichni nauky): zb. nauk. pr.* – Kharkiv: NTU «KhPI», 2016. – № 28 (1200). – S. 70-74.
 12. Pererva P.G., Kocziszky Gy., Somosi Veres M., Kobieliava T.A. Compliance program: [tutorial] / P.G.Pererva [et al.]; ed.: P.G.Pererva, G.Kocziszky, M. Veres Somosi. – Kharkov ; Miskolc : NTU "KhPI", 2019. – 689 p.
 13. Starostina A.O. Marketynh: teoriya, svitovyy dosvid, ukraiyinska praktyka: pidruch [Marketing: theory, world experience, Ukrainian practice: under the leadership]. – K.: *Znannya*, 2009. – 1070 s.
 14. Pererva P.G. Ekonomiko-orhanizatsiyni zasady innovatsiynoyi ta investytsiynoyi diyalnosti pidpryyemstva [Economic and organizational principles of innovative and investment activity of the enterprise] // *Visnyk Natsional'noho tekhnichnoho universytetu "Kharkivskyy politekhnichnyy instytut" (ekonomichni nauky): zb. nauk. pr.* – Kharkiv : NTU "KhPI", 2017. – № 45 (1266). – S.51-55.
 15. Pererva P.G., Marchuk L.S. Intelektualnyy potencial yak ekonomichna katehoriya [Intellectual potential as an economic category] // *Visnyk Natsional'noho tekhnichnoho universytetu "Kharkivskyy politekhnichnyy instytut" (ekonomichni nauky): zb. nauk. pr.* – Kharkiv : NTU "KhPI", 2018. – № 15 (1291). – C. 53-63.
 16. Pererva P.G. Informatsiyna diyalnist pidpryyemstva: upravlinska, tsinova ta marketynhova skladovi [Information activity of the enterprise: management, price and marketing components] // *Visnyk Natsional'noho tekhnichnoho universytetu "Kharkivskyy politekhnichnyy instytut" (ekonomichni nauky): zb. nauk. pr.* – Kharkiv : NTU „KhPI“. - 2018. - № 37(1313).- S. 27-32.

Надійшла (received) 04.04.2019

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