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**The subject of a criminal assault using the mark for goods and services, branded (registered) the names of qualified indications of origin of goods**

The study of problems of determining the subject of a criminal assault as an element of criminalistic characteristics, highlighting the significant amount of scientific works. By analysis of the current legislation, periodic legal and academic literature we came to the conclusion that the subject of a criminal assault, the use of a trademark, proprietary (registered) names of scholars is not considered that, in general, and determines the relevance and determines the necessity of studying this issue.

Criminalistical characteristic of a separate category of offences is an element of the structure methods of their investigation [11, p. 16].

The analysis set out in the legal literature views on the General concept of criminalistic characteristics of the crime leads to the conclusion that under the criminalistic characteristic of crimes should be understood in a certain way an ordered set of data (information) about forensically significant signs of crime [11, p. 10].

Among the main elements of criminalistic characteristics of the crimes scholars into the subject of a criminal assault, and define it as a final product, the result of illegal activity of the subject to whom is the investigator at the pre-trial investigation [2, p. 45]

The main elements of criminalistic characteristics are: 1) the subject of direct infringement; 2) the method of committing the crime (in its broadest sense); 3) typical situation — "trace pattern"; 4) the identity of the offender; [9, p. 419]

So, among the main elements of criminalistic characteristics of the crimes scholars into the subject of a criminal assault, and define it as a final product, the result of illegal activity of the subject to whom is the investigator at the pre-trial investigation [2, p. 45]

Under encroached upon various physical bodies, the objects of organic and inorganic origin [5, p. 253].

Article 229 of the criminal code of Ukraine stipulates criminal liability for illegal use of mark for goods and services, trade names, qualified indication of origin of goods.

The object of such a crime is guaranteed by the state ownership of the mark for goods and services, trade names, qualified indication of origin of goods.

The subject of the offence may be: a) the mark for the goods or services; b) brand (registered) name; b) the qualified indication of origin of goods.

The protection of trademark rights in Ukraine is exercised on the basis of the law of Ukraine "on protection of rights to marks for goods and services" of 15 December 1993, with subsequent amendments and additions, the Civil procedural code of Ukraine (Chapter 44).

The Act defines the objects of trademarks for goods and services verbal, graphic, volumetric and other designations or their combinations executed in any colour or combination of colors.

The object of a trade name is the name, its the name under which the businessman acts in a civil circulation.

The concept of "qualified indication of origin of goods" includes a place name of origin and geographical indication of origin of goods.

The name of the place of origin is the name of a geographical place that is used as a designation in the product name, which comes from the indicated geographical place and has certain characteristics exclusively or are mainly due to the characteristic of this geographical location natural conditions or a combination of these natural conditions with the characteristic of this geographical place the human factor. [8]

Geographical indication of origin is the geographical name of the place, which is used as a designation in the product name, which comes from the indicated geographical place and has certain characteristics exclusively or are mainly due to the characteristic of this geographical place or by natural combination of these natural conditions with the characteristic of this geographical place the human factor.

So, summing up the above, you can come to the conclusion that trademarks for goods and services, corporate (registered) name, qualified indication of origin of the goods, the subject of a criminal assault, these are different things, objects, which receive expression in a specific objective (material) form, characterized by originality, and characterized by form, function, category, features of the object and features of related objects (packaging, containers, etc.) are encroaching on the criminal acts on social relations in the sphere of implementation of intellectual property rights.