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Sveto Puric¹, Jelena Puric², Ksenija Vlaskovic³

COMPETITION, ANTITRUST AND INTELLECTUAL PROPERTY LAW

The most important segment of economic policy is, certainly, the establishment of healthy competition. By this is meant the existence of several companies that produce the same type of goods and fight for customers. The desire of each manufacturer is their products become part of the most consumer baskets. Since most vendors do not develop network of consumers and not enough good story to keep on the market, they must constantly improve their product through quality, appearance, packaging and the like. When all manufacturers are trying to get their constant activity to its customers, then we say that there is healthy competition. We have to state that Serbia, although competition law is implemented, does not have healthy competition. In this paper we will show different kinds of unfair competition and offer some solutions.

Keywords: competition, monopoly, anti-unfair competition law, intellectual property law, development.

JEL classification: K11.

Свето Пуріч, Єлена Пуріч, Ксенія Влашковић

КОНКУРЕНЦІЯ, АНТИМОНОПОЛЬНЕ ЗАКОНОДАВСТВО І ПРАВО ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ

У статті показано, що найбільш важливим сегментом економічної політики є створення здорової конкуренції. Під цим мається на увазі наявність декількох компаній, які виробляють один і той самий тип товарів і борються за клієнтів. У більшості виробників не розвинена мережа споживачів і недостатньо сил, щоб триматися на ринку, вони повинні постійно вдосконалювати свою продукцію — її якість, зовнішній вигляд, упаковку тощо. Коли всі виробники намагаються утримати клієнтів, ми говоримо, що це здорова конкуренція. У Сербії, хоча Закон про конкуренцію і прийнято, немає здорової конкуренції. У цій статті показано різні види недобросовісної конкуренції та запропоновано деякі рішення щодо її усунення.

Ключові слова: конкуренція, монополія, закон про боротьбу з недобросовісною конкуренцією, право інтелектуальної власності, розвиток.

Рис. 1. Літ. 15.

Свето Пуріч, Елена Пуріч, Ксения Влашковић

КОНКУРЕНЦИЯ, АНТИМОНОПОЛЬНОЕ ЗАКОНОДАТЕЛЬСТВО И ПРАВО ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

В статье показано, что наиболее важным сегментом экономической политики является создание здоровой конкуренции. Под этим подразумевается наличие нескольких компаний, которые производят один и тот же тип товаров и борются за своих клиентов. У большинства производителей не развита сеть потребителей и недостаточно сил, чтобы держаться на рынке, они должны постоянно совершенствовать свою продукцию — ее качество, внешний вид, упаковку и т.д. Когда все производители пытаются получить клиентов, мы говорим, что это здоровая конкуренция. В Сербии, хотя Закон о конкуренции и принят, нет здоровой конкуренции. В этой статье показаны различные виды недобросовестной конкуренции и предложены некоторые решения по ее устранению. Ключевые слова: конкуренция, монополия, закон о борьбе с недобросовестной конкуренцией, право интеллектуальной собственности, развитие.

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Introduction. Competitiveness is a measure for success of developmental processes at the market which determines the value of goods and services, and also economic feasibility of human and material resources (Bosnjak, 2005, p. 130). This is the definition of competition, which really works in developed countries as well as accurate. For its achievement the existence of strong financial institutions, effective fiscal policy and based competition on innovation are vital.

Another problem related to competition is public companies that hold a natural monopoly, such as electricity, gas, water etc. In a developed country there is an accurate calculation related to the collection of these services, and users are informed in advance. Public companies need to expose as much competition as possible — not only through privatization, but also through public-private partnerships, management contracts, benchmarking.

It is necessary to change habits of employees at enterprises, because the development of entrepreneurship is a good way for the development of healthy competition. Specifically, we must change the habits of leaders through ongoing training and education to encourage employees to create a strong company. One of the models, acceptable everywhere in the world, is Hersey's situational model of leadership.

The most important for Serbian economic development is to strengthen the competitiveness of economic factors (costs, prices, exchange rate, subsidies, export credits, tax breaks) and technological competitiveness factors (quality, design, delivery, service). Serbia is a small and underdeveloped European country and it should provide open and competitive economy for possible production in specific part of the market. From the standpoint of the competitiveness important is strengthening the capacity of businesses, industries and sectors of the economy to win the market and increase market share as a measure of competitiveness, and increase elasticity of exports to world demand and the level of specialization of production for export.

The comparative advantage of Serbia is definitely in the production of organic food, for which real demand all over the world exists.

1. Nature and basis of IP. Intellectual property (IP) refers to creations of mind: inventions, literary or artwork, symbols, names, images, and designs used in commerce. So, intellectual property is divided into 2 categories: industrial property, which include patents for inventions, trademarks, industrial designs and geographical indications, and copyright law, which includes novels, poetry and plays, films, musical works, artistic works such as drawings, paintings, photographs, sculptures, and architectural design.

Intellectual property is something unique, something that is the fruit of human creativity and ingenuity. Much of this is classified under human creativity, therefore it can be Rembrandt's pictures, as well as an agricultural machine that will facilitate the work of farmers. Most common inventions of today are certainly associated with information technologies and systems. To cover and protect each invention, intellectual property includes 2 major areas which are: copyright and related rights and industrial property. The most important is that intellectual property in each of these cases stimulates progress through constant transformation of society, thus adding value to our lives.

Protection of intellectual property has become an area of crucial importance, not only because of globalization and increasing competition in business, but also

