

## SUMMARY

**Key Words:** intangible assets, protection of intangible assets; judicial means of protection, non-judicial means of protection, protection of business reputation on the Internet

**Subject matter:** The contract for the carriage of passengers by air in the system of transport contracts

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**The relevance of the research topic.** The development of ideas about intangible goods, the complexity and versatility of these objects, as well as the increasing importance of intangible goods determine the relevance of the research topic.

Along with significant economic goals, our society and the state are faced with the goal of creating and developing a civil society where there will be independence of private property interests and where the general business atmosphere for all kinds of civil law transactions depends entirely on the free will of its participants.

Against the background of the development of the information society, the introduction of innovative technologies, modernization processes, the vulnerability of relations is exposed, the object of which is the intangible benefits of individuals and legal entities. The lack of interest in effective civil protection of intangible benefits can result in large moral and financial losses, as well as other losses for participants in civil legal relations.

In this regard, today, civil scientists and law enforcement officers are faced with the task of developing an effective mechanism for protecting intangible goods..

**The purpose of the work:** based on the analysis of the norms of domestic and foreign legislation, scientific literature and law enforcement practice, to conduct a comprehensive study of issues related to the protection of intangible goods, to clarify the conceptual apparatus, to develop conceptual provisions of the theory of the protection of intangible goods, as well as to make proposals for improving the legislation related to the subject of the study.

**Objective:** - to identify the signs and features of intangible goods and on their basis to clarify the concept of intangible goods;

- to carry out the classification of intangible goods;

- to analyze various concepts of protection of intangible assets, to give an analysis of the protection of intangible assets;

- determine the specifics of protecting intangible assets;

- to determine the features of the protection of intangible assets in the context of digitalization;

- develop proposals for improving legislation and law enforcement practices

**The theoretical and practical significance of the research** The theoretical significance lies in the fact that the results of the work can be used for further scientific research of intangible goods in general and intangible goods, as well as in the educational process when giving lectures and conducting seminars on civil, arbitration and civil procedure law, preparing methodological recommendations and textbooks on this topic.

Practical significance of the study. The theoretical conclusions and proposals formulated in the work can be used to improve the current legislation, improve the efficiency of the courts, directly in law enforcement practice and practical activities.

**Results of the study:**

1. Intangible goods are perceived as having property content and monetary expression and capable of being objects of civil turnover. At the same time, intangible goods retain a high non-property value for their owners and act as guarantors of autonomy, existence and activity as subjects not only of civil law, but also of all other branches of law.

2. The analysis and determination of the place of protection in the system of law allows us to conclude that protection occupies its logical place only at the level of the constitutional guarantee or function of law, since it expresses the duty of the state and its role in regulating public relations and creating such a favorable environment in which constitutional rights and freedoms would become a reality for each subject of law.

The legal protection of civil rights not only develops civil legal relations in society, but also seeks in every possible way to restore violated or disputed rights and interests.

In contrast to protection, the purpose of protection of rights is to restore the right. Protection can be viewed from the perspective of a subjective right, an element of legal regulation, or a constitutional guarantee.

3. In the course of the study, the property of the turnover of objects of civil rights is considered from the point of view of their applicability to intangible goods and non-property rights. The dissertation proves that the possibility provided by the current civil legislation for the protection by other persons of intangible benefits that belonged to the deceased, in cases and in accordance with the procedure provided for by law, as well as the right of a partner to contribute to a simple partnership as a contribution of business reputation and business connections, do not change the properties of "non-transferability" and "inalienable" intangible benefits and non-property rights.

4. Based on the analysis of the legislation and the practice of its application, the need for an open list of cases of compensation for non-material damage to citizens in connection with the violation of property rights is justified. The need for an open list of cases of compensation for non-material damage in connection with the violation of property rights is justified by the fact that the experiences (sufferings) of a non-material nature caused by the violation of property rights cannot be limited to cases provided for by the current legislation, but can also occur in cases of violation of pension, housing and other property rights, the violation of which entails the occurrence of non-material damage.

5. The absence in the Civil Code of the Russian Federation of an indication of other intangible benefits does not mean that a legal entity does not have them. The non-named intangible benefits of a legal entity, on the one hand, are conditioned by the presence of the legal status of a legal entity fixed in the law, and on the other hand, they ensure the legal personality of the legal entity. Such intangible benefits include the autonomy of a legal entity, the autonomy of its will, the implementation of independent activities, appearance, and information.

6. The features of modern technical means that allow you to post information in various ways, including on the Internet, do make it impossible to establish a proper defendant in the case in a number of cases, but this cannot deprive a legal entity or individual of the right to judicial protection, and the application of such a person is considered in accordance with Chapter 27 "Consideration of cases on establishing facts of legal significance" of the Arbitration Procedure Code of the Russian Federation (hereinafter referred to as the APC of the Russian Federation). In particular, the court establishes the fact of compliance or non-compliance with the validity of the disseminated information on the basis of the arguments of the applicant and other interested persons. At the same time, it should be taken into account that the procedure for proving the fact of non-compliance with the reality of defamatory information is objectively difficult for the applicant, accordingly, it is unacceptable to impose on him the burden of providing the court with evidence that he could not objectively possess and does not possess due to current legislation and business practices. At the same time, interested persons, if there is a real interest, have the opportunity to provide relevant evidence

#### **Recommendations:**

1. Supplement the Civil Code of the Russian Federation with a new Article 152.3 "The right to personal papers and their disposal" in the following wording: "Personal papers of an individual (documents, photographs, diaries, other records, personal archival materials, etc.) are his property. Familiarization with personal papers, their use, in particular through publication, is allowed only with the consent of the individual to whom they belong. If the personal papers of an individual concern the personal life of another person, their use, including publication, is

allowed with the consent of the person whose rights they affect. In the event of the death of individuals who own personal papers, these personal papers can be used only with the consent of their children, widow (widower), and if they are not, then with the consent of parents, brothers, sisters. In addition, the person who owns the personal papers may dispose of them orally or in writing, including in the event of his death."

2. In order to recognize the intangible benefits of legal entities and ensure their protection on an equal basis with individuals, it is proposed to supplement the Civil Code of the Russian Federation with Article 151.1 "Intangible benefits of legal entities" in the following wording:

"1. The name, brand name, business reputation, autonomy of the will of a legal entity, freedom of activity, freedom of decision-making, commercial experience, information constituting confidential information, the secrecy of business correspondence, business relations and other intangible benefits belonging to a legal entity from the moment of its creation or by virtue of law, are inalienable and non-transferable in any other way, except for cases established by law.

2. Intangible benefits are protected in accordance with this Code and other laws in the cases and in the manner provided for by them, as well as in other cases and within the limits to which the use of methods of protecting civil rights results from the essence of the violated intangible benefit or personal non-property right and the nature of the consequences of this violation.

3. In case of encroachment on the intangible benefit of a legal entity or its diminution, the legal entity has the right to claim compensation for intangible harm».