могут напрямую возникать из права на неприкосновенность личной жизни. В данной связи позиция Суда ЕС заключается в том, что защита личной жизни носит контекстно-зависимый характер и требует исследования содержания персональных данных в каждом конкретном случае.

Таким образом, анализ практики европейских судов позволяет сделать вывод о том, что право на защиту персональных данных не должно рассматриваться как элемент права на защиту личной жизни. Несмотря на то, что ЕСПЧ рассматривает защиту персональных данных в неразрывном контексте от права на защиту личной жизни, данные права имеют различия как в содержательном, так и формальном смыслах. В этом отношении практика Суда ЕС является более прогрессивной, поступательно разграничивая данные права в своих решениях.

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Intellectual Property Issues in the Pharmaceutical Industry: Brand-Name vs. Generic Drugs

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Pharmaceutical industry is regulated by patent law. Patent law is a sphere of intellectual property which protects inventions (in other words, any intellectual activities and intellectual decisions connected with design).

Speaking about patent law, it is necessary to mention that drugs belong to the category of inventions. So the inventor of this or that drug has a list of rights

including a copyright and in some cases – rights to receive a patent on his/her invention. To patent something means that the owner of the rights on this object has already received a state or international protection by a patent agency. Patent protection gives the owner of the patent an opportunity to distribute this drug within a country (or some countries) and to forbid other people to produce it and to try to make copies [1].

According to national legislation, the term of validity of a patent for inventions is twenty years and is calculated from the date of filing an application for the grant of a patent for an invention. If an application for a patent for a medicinal product is submitted, the legislation may provide for its mandatory state registration, which may delay the grant of a patent for more than 5 years. In this case, at the request of the patent owner, the patent validity period may be extended by the patent authority for the time elapsed from the date of filing the application for the invention to the date of initial state registration of the medicinal product, less five years. However, the term of the patent may not be extended for more than five years [3].

After the expiration of the patent for medicinal products, they pass into the public domain. It means that the drug can be freely used by any individual or legal entity. In this case, no one's permission is required, and the individual or legal entity using the drug should not pay remuneration to anyone for this use. However, the right of authorship must be respected.

Such drugs produced after the expiration of the patent for the original medicine in accordance with European practice are called generics, or generic medicines (they are also called reproduced medicines). National legislation introduces the concept of a generic drug. It is defined as "a medicinal product containing the same pharmaceutical substance or combination of pharmaceutical substances in the same medicinal form as the original medicinal product, equivalent to the original medicinal product and therapeutically interchangeable with it" [1].

The use of generics is becoming popular because it has obvious financial benefits and saves time. Developing new drugs is a long and expensive procedure.

According to the words of the chief executive officer of "Novartis" Joseph Himenez, "getting an active molecule and putting it on the market usually takes from 6 to 10 years, and the cost is from 1.5 to 2.5 billion dollars". These figures are explained by the complex procedure of patenting and state registration of a medicinal product. Moreover, reproduced medicinal products are much cheaper than the original, since funds for the development, patenting and promotion of the product are practically not required. So, the first analog usually costs 50% of the original price, and the subsequent ones-from 20% to 30% [2].

In the Republic of Belarus, both new chemical compounds and medicinal forms containing them, and reproduced medicinal products that are bioequivalent to

registered ones, are subject to state registration. At the same time, generics must be manufactured by another manufacturer, either jointly with another manufacturer, or using a different technology, or with a different composition of excipients.

The bioequivalence of a generic to an original medicinal product is confirmed by an expert examination during state registration with the Ministry of health of the Republic of Belarus.

Since the generic is a copy of the original drug, it is not possible to obtain a patent for the generic. This is why a generic drug is available only after the patent for the original drug expires. Taking this into account, the legislation of most States (including Russia) provides for a simplified procedure for introducing generics into circulation. For example, a full range of preclinical and clinical studies is not conducted for generics. It is enough to confirm its bioequivalence to the original drug. Proving the fact of bioequivalence, the generic manufacturer can refer to research data of original medicines that are published in specialized publications [3].

However, in practice, there are many controversial issues. One of them is the problem of determining the moment from which the generic manufacturer can start preparing for the introduction of the generic into circulation during the term of the patent for the original drug. In in American literature of the 1980s, such issues were united by the concept of "Bolar provision". Thus, having analyzed the experience of foreign colleagues, it should be emphasized that the legislation of the Republic of Belarus regarding the calculation of the validity period of patents for medicinal products fully complies with international standards. Therefore, as a general rule, everyone can use a generic after the expiration of the patent for the original drug, while conducting research and experiments before the expiration of this period. As mentioned earlier, according to national legislation, generics are also subject to state registration, which does not imply any scientific research or experiment. Therefore, it is important to note that the Bolar Provision, which is enshrined in the Belarusian legislation, is a kind of barrier that will allow patent holders to protect exclusive rights to inventions that are violated by the state registration of generic drugs by their manufacturers.

In conclusion, it can be stated that Belarusian legislation fully complies with international requirements in the field of patent regulation of drugs.

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Право на жизнь как естественное право в законодательстве Республики Беларусь

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Вопрос о взаимоотношениях человека и государства занимает одно из центральных мест в различных доктринах и учениях на протяжении всей истории становления и развития правовой мысли. Крайне актуален он и применительно к такой лимитирующей права и свободы мере государственного принуждения, как уголовное наказание, особенно к его строжайшей разновидности – смертной казни, выделяющейся лишением человека его главной ценности.

Право на жизнь является важнейшим и неотъемлемым правом каждого человека. Однако категория «естественных прав», получившая широкое употребление в юридической литературе и законотворчестве, до настоящего времени не имеет однозначного определения своего содержания. В науке право на жизнь понимается в двух аспектах: право на сохранение жизни и право на распоряжение жизнью, вследствие чего возникает множество проблем, связанных не только с вопросами понимания сути этих норм, но, более того, касающихся определения границ действия этих норм права. Поэтому ученые в зависимости от своих концептуальных предпочтений дают различные их формулировки.

Исходя из всех вышеперечисленных фактов, целью данной работы является раскрытие понимания государством термина «жизнь» и его легального закрепления, фиксирования права на жизнь человека и эмбриона в нормативных правовых актах, регламентации смертной казни в законодательстве.

Для начала необходимо определить юридическое содержание понятия «жизнь». Жизнь – это главная ценность, фундаментальное право, без которого невозможны существование и, соответственно, реализация других норм права, и которое не является неотъемлемым: оно отчуждаемо. Сегод-