

?????? C-262/08

CopyGene A/S

????

Skatteministeriet

(?????? ??? Østre Landsret ??? ??? ?????? ?????????????? ??????????)

«???? ?????? ??? – ???????? – ?????? 13, A, ?????????? 1, ???????? ?? – ?????????????? ???
?????? ?????? – ?????? ?????? ?????? ?????????? – ?????? ?????????????? ??????????
????????? ??? ?????? ?????? ?????????? ?????????? ??? ?????????? – ?????? ??????
????????? ?????? – ?????? ??????, ??????, ?????? ??? ??????????
????????? ??? ??? ?????? ?????? – ?????? ?????? ?????? ? ?????????? ?????? ???
????????? ??????»

????????? ??? ??????????

1. ?????????? ?????? – ?????????? ??? ?????????? – ?????? ?????? ?????? –
????? ?????? ?????? ?????? ?????????????? ?????? – ?????????? ?????????????? ??? ?? ???
????? – ?????????? ??? ?? ?????????????? ??? ?????????? ?????????? ??? ?? ???
????????? ?? ??? ?????? ??????

(?????? 77/388 ??? ??????????, ??? 13, ?, § 1, ????????)

2. ?????????? ?????? – ?????????? ??? ?????????? – ?????? ?????? ?????? –
????? ?????? ?????? ?????????????? ?????? – ?????????? ?????????????? ??? ?? ???
????? – ?????????? ??? ?? ?????????????? ??? ?????????? ?????????? ??? ?? ???
????????? ?? ??? ?????? ??????

(?????? 2004/23 ??? ?????????? ?????????????? ??? ??? ??????????, ?????? 77- ??????
77/388 ??? ??????????, ??? 13, ?, § 1, ????????)

1. ? ??? ?????? «????? ??????????» ?? «????????????? ??? ?????? ??????????», ???
????? 13, A, ?????????? 1, ??????? ?, ??? ?????? ?????? 77/388, ??? ?????????????? ???
????????? ??? ?????? ?????, ??? ?????????? ?? ??? ?????? ?????? ?????? ?????????, ???
????????? ?????????????? ??? ?????????? ???, ?????????? ??? ?????? ?????? ??????????
????????, ??? ??? ??? ?????? ?????????? ??? ?????????? ?????????? ??? ?????????? ?? ???
????? ?? ?????????? ?????? ?????????????? ?? ?????????? ?????????? ?????? ?????????? ?,
????? ??? ??? ?????????? ??? ?????????????? ??? ?????????? ?????? ??????????????.

?????????????, ??? ?????????????? ???, ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ??? ?????????? ?????????? ?????????? ???, ?? ?????????????? ??
?? ?????? ??? ?????????????? ?????????? ??? ?????????? ??? ?????? ?????? ?? ?????? ???
????? ?????? ?????? ??? ?? ?????????? ??? ?????? ?????? ??? «????????????? ??? ??????
?????????» ??? ?????? 13, A, ?????????? 1, ??????? ?, ??? ?????? ??????. ? ???
????? ??? ?? ??? ?????? ?????? ??? ??? ?????? ?????????????? ??? ?????????? ??????????????, ?
????? ?????????? ??? ?????? ??????, ?????? ?? ?????????????? ?? ?????????? ?????????????? ???,
?????, ? ?????? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ???

? ?????????? ? ?????? ??? ??????? ?????????? ?????????? ??? ?? ?????????? ? ??? ?????? ???????
????????????? ?????? ???, ???????, ? ??????? ??? ?? ??? ?????????? ? ??
?????? ?????? ??????? ?? ?????????? ?? ?????????? ?????? ?????? ?????? ?????? ??????,
????? ??? ?? ?????? ?????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?? ???????
????? ? ?????? ??? ?????????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ??????, ??????, ?? ?????? ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?????, ? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

(??, ??????? 47-49, 52, ??????. 1)

2. ? ?????? ?? ??????? ?????? ??? ?????? ?????? ?????????? ?????????? ?????????? ??? ??????
????????? ??? ?????? ?????? ?????, ??? ?? ???? ?????? ?????????? ?????????? ??????????,
????????? ?????? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ?????? ??????, ?????? ???
????????? 2004/23, ??? ?? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?? ?????? ??? ?? ??????, ???
?????????, ??? ??????, ??? ???????????, ?? ??????????, ??? ?????????? ??? ?? ?????? ??????
????????? ??? ?????? ??? ??????, ??? ?????????? ?????? ??? ?????? ?????? ??? ?? ??????
????????? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ??? ??
????????? ???, ?? ?????? ?????? ?????? ???????????, ?????? ??? ?????? 13, A, ?????????? 1,
????????? ?, ??? ?????? ?????? 77/388, ?? ?????? ??? ?? ???? ?????? ?????? ??????????
????????? ??? ?????????? «????? ?????? ??? ?????? ?????? [?? ?????????????? ??????],
????? ?????? ?????????? ?????? ??? ?????????? ??????] ?????? ??????????????», ??? ??
????? ??? ?????????? ?????? ??????, ? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????
????? ??? ?????????? ??? ?????? ?????? ?????? ?? ??? ?????? ?????????? ??? ?????????? ??????
????????? ?????? ?? ?????? «????? ?????? ??????» ??? ?????? ?? ?????????? ??? ?????????? ??? ??
????? ?????????? . ?????????? ??? ?????? ?????? ?????? ?? ?????? ??????, ?????? ?????? ?????? ??????????,
?? ? ?? ?????????? ??? ?????? ?????? ?? ??? ?????? ?????? ?? ?????? ?????? ?????????? ???
????? ?????????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????? ??? ?????? ?????? ?????? ???
????? 13, A, ?????????? 1, ?????? ??, ??? ?????? ?????? 77/388, ?????? ??? ??
????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??.

?????????????, ???????, ???' ?????, ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?? ??????
????? ?????? ?????? ?? ??? ?????? ?????? ??? ?????? ?? ?????? ?????? ?????? ?????? ??????
????????? ??? ?? ??????. ??? ?????? ?????????? ??? ?????? ?????? ?? ?????????????? ??
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ???
????? 13, A, ?????????? 1, ?????? ??, ??? ?????? ?????? 77/388, ?? ?????? ??????
????? ?? ?????? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ???,
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ??????
????????? ???, ? ?????, ??? ?????? ???, ?????? ?????? ?????? ??? ?????? ?????? ?????? ???
«?????????????» ?? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???,
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???,
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ???
????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ???, ?????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ???.

??????, ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???

???????????? ???? ?????????????? ??????? ?????????? ?????????????? ??? ?????????? ?????? ??? ??
????????????? ?? ??????????? ????? ??? ??? ?????????? ?????? ??? ?????? ?? ?????????? ??
????? ??? ?????????? ??? ?????? 13, A, ?????????? 1, ?????????? ?, ??? ?????? ??????.
?????????, ??? ?? ?????? ?? ?????? ?????????? ?????? ?????? ?????? ?? ?????? ??? ?? ???
?????????????, ?? ?????? ?????? ?????? ?????????? ?? ?????? ?????? ?????? ???, ??? ???
????????????? ??? ?????????? ?????? ?????????? ???, ??? ?????????? ?????? ?????? ??? ?? ??????
????????? ?????????? ?????????? ???, ?? ?????? ??? ?????????? ?? ?????? ?????? ??????. ????, ???,
??? ?????????? ??? ? ?????????? ??? ?????????? ?????????? ?????? ?????? ? ?????? ???
????????? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ?????????? ?????????? ??????
?????????, ?????????? ?????? ??? ?????????? ?? ?????? ?????? ?????? ?? ?????????? ??? ?? ????
????????????? ?????????????? ?, . . , ??? ??? ?????? ?????????? ?????? ??? ?????? ???????????????.
?????????????, ?? ? ?????????? ?????????? ??? ?????? ?????? ?????????? ?????? ??????
????? ?????????????? ??? ?????????? ??? ?????? ?????????? ?? ?????????? ??? ?? ?????? ???
????????? ?????? ??? ?????????? ?????? ?????? ?????????? ?????? ?????????? ?????? ??????
????????? ??? ?????? ??? ?????????? ?????? ?????????? ?????? ?????????? ?????? ??? ?? ???
????????? ??? ?????? ??? ?????????? ?????? ?????????? ?????? ?????????? ?????? ?????? ??? ?
????????? ??? ?????? ??? ?????? ???, ??? ??? ?????? ?????????? ?????? ?????, ??? ?????? ??????
????????? ?????????? ?????????? ???' ?????????? ??? ?????? ?????????? ?????? ??? ?? ???
????????? ??? ?????? ?????? 2004/23, ?????????? ?????????? ?????? ??? ?? ??????
????? ?? ?????? ??? ? ?????????? ?????? ?????????? ?????? «????????? ??????????????»,
????? ??? ?????? ??? ?????? 13, ?????????? 1, ?????????? ?, ??? ?????? ?????? ??????,
????????? ?? ??? ?????????? ?? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?? ??????
????? ??? ??????, ? ?????????? ?????? ??? ?????? ?????? ?????????? ?????????? ???' ??????????
??? ?????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ?? ?????????? ??? ??
????????, ??? ?????????? ??????????, ??? ???? ???, ??? ???? ?????????? ??? ?
????????????? ??? ?? ?????? 13, A, ?????????? 1, ?????????? ?, ??? ?????? ??????
?????????. ??????????, ? ?????? ??? ?????? ?????????? ?????????? ??? ?? ??????
????????? ??? ?????????? ?????? ?????????? ?????? ??? ?????, ? ?????????? ??? ??????
??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? 13, A, ?????????? 1, ??????????
??, ??? ?????? ??????.

(???. ??????? 63, 65, 68-69, 71, 74-75, 81, ????????. 2)

?????? ??? ?????????? (????? ????)

??? 10?? ?????? 2010 (*)

«????? ?????? ??? – ?????????? – ?????? 13, A, ?????????? 1, ?????????? ?? – ?????????????? ???
????????? ?????????? – ?????? ?????? ?????? ?????????? – ?????? ?????????? ?????????????? ??????????????
????????? ??? ?????? ?????? ?????????? ?????????? ??? ?????????? – ?????? ?????? ??????
????????? ?????? – ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ??? ?????? ?????? ?????? – ?????????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??????»

????? ??????? C?262/08,

?? ??????????? ?? ?????? ??????? ?????????????? ?????????? ?? ?????? 234 ??,
?? ??????? ?? Østre Landsret (?????) ?? ?????? ?? 13?? ??????? 2008, ? ?????? ???????
?? ??????????? ??? 19 ??????? 2008, ??? ??????? ??? ????

CopyGene A/S

????

Skatteministeriet,

?? ?????????? (????? ????),

?????????? ?? ??? J. N. Cunha Rodrigues, ??????? ?? ??????? ????????, ????????????
?? ??????? ????????, P. Lindh, A. Rosas, A. Ó Caoimh (???????) ??? A. Arabadjiev,
???????,

?????? ??????????: E. Sharpston

?????????: R. ?ere?, ????????, ????????????,

?????? ?? ??? ?? ??????? ??????????? ?? ??????? ?? ??' ??????????? ??????????? ??
14?? ??? 2009,

?????????? ?? ??? ?? ??????????? ?? ??????????:

- ? CopyGene A/S, ?????????????? ??? ??? A. Hedetoft ??? M. Andersen, advokater,
- ? ?????? ????????, ?????????????? ??? ??? B. Weis Fogh, ??? ??? D. Auken, advokat,
- ? ??????? ????????, ?????????????? ??? ??? ?. ????????, ?. ????????, ?. ?????.
????? ??? ?. ????????????, ????? ??? ??? ??? ?. ??????,
- ? ??????? ??? ?????????? ??????????, ?????????????? ??? ??? H. Støvlebæk ??? ?.
??????????????,

???? ?????? ?? ?????? ??????????? ?? ??????? ?? ?????????? ?? ?????? ?? ??????? ??
?? 10?? ??????????? 2009,

?????? ?? ???????

???????

1 ? ?????? ??????? ?????????? ?????????????? ?????????? ??? ?????? ?? ??????? ?? 13, A,
?????????? 1, ??????? ?, ??? ?????? ?????? 77/388/???, ??? ???????????, ??? 17?? ??
1977, ??? ??????????? ??? ?????????? ??? ??????? ??? ???????, ??? ??????? ?? ??? ??
????? ??????? – ??? ?????? ?????? ?????? ??????????? ????: ?????????? ??????????
???? (?? ??. ???. 09/001, ?. 49, ??? ????: ??? ??????).

2 ? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? CopyGene A/S (???
????: CopyGene) ??? ??? Skatteministeriet (????????? ???????????), ?? ??????????? ??
?????? ??? ?????? ?????????? ?????? ?? ?? ?????? ??? ??????? ??? ??? ??
????????????? ??? (?? ??: ???) ??? ?????? ??? ?????? ? CopyGene ??? ??
????? ??????????? ?? ??????, ???????, ?????? ??? ?????????? ?????? ??? ??
????? ??? (?? ??: ??????? ???), ??????????? ?? ?????????? ? ???????????

? ?????????? ????????????, ??? «?????????» ???, ???????????, «?????????»,
??? ?????????? ??????? ??? ?????????? ??? ?? ??? ???.

? ? ?????? ???????

? ? ?????? ??? ???????

? ???? ??????

3 ????? ?? ????? 2, ?????? 1, ??? ????? ???????, ?? ??? ?????????? «?? ??????????
?????? ??? ?? ??????? ?????????? ??? ?????????????????? ?? ?????????? ??????? ???
????????? ??? ????? ??? ?????????????? ???, ??? ?????? ??? ??? ?????????? ??? ???».

4 ?? ????? 13, A, ?????????? 1, ?????????? ?? ??? ?, ??? ????? ?????????? ??????:

«?? ??? ?????????? ??? ????? ?????????? ?????????, ?? ?????? ??? ?????????????, ??? ??
????????????? ??? ??????? ??? ?? ?????????????? ? ??? ??? ??? ?????????? ???
????????????? ??? ??????? ??? ?? ?????????????? ??? ?????????????? ??? ?????????????? ???,
????????????? ??? ??????????:

[...]

?) ??? ?????????????? ??? ??????? ??????????, ?????? ??? ????? ?????????????? ??
????? ???????, ?? ?????? ?????????? ??? ?????????????? ?????????? ?????????? ? ???
????????? ??? ??????? ?????????????? ??? ?? ?????????? ??? ??? ????? ?????????????? ???,
????????? ??? ???????, ?????? ?????????? ?????????????? ??? ?????????????? ???, ???
????????? ??? ?????? ???????, ?????? ?????????? ?????????????? ???,

?) ??? ?????? ?????????? ??????????, ?? ?????? ?????????????????? ??? ?????????? ???
????????? ?????????? ??? ?????????????? ?????????????? ???, ??? ?????????????? ??? ??
????????????? ??? ?????? ???.

[...]»

5 ?? ????? 13, A, ?????????? 2, ????????, ??? ?????? ?????? ?????????? ??? ??
????? ??? ??????? ?? ??????? ??? ?? ?????????? ??? ??? ?????? ?????????? ???????
????????? ?? ?????? ??? ?????????????? ??? ?????? ?????????? 1, ????????, ??? ?????? ???
?????????, ??? ????? ??????????, ??? ??????????, ??? ? ?????????????? ??? ??? ??? ??????????????
??? ?????????? ???.

6 ?? ????? 13, A, ?????????? 2, ????????, ??? ?????? ???:

«?? ?????? ?????????? ??? ?? ?????????? ?????? ?????????????? ??? ??? ?????????? ???
????????????? ??? ????? ?????????? 1, [?????????] ???, ??, ??, [?]?, ???, ??? ??? ???, ???:

- ??? ?????? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????????????? ??? ???,
- ????????????? ??? ?? ?????????? ??? ?????? ?????????? ?????? ?????????? ?????? ??? ??
????????????? ??? ?????? ?????????????? ??? ?????? ?????????? ?????? ?????????? ??????????
????????????? ??? ?????? ?????????????? ???.

? ?????? 2004/??

7 ????? ?? ????? 1 ??? ?????? 2004/?? ??? ?????????? ?????????????? ??? ???
??????????, ??? 31?? ?????? 2004, ??? ?? ?????? ?????????? ?????????? ??? ??????????

??? ?? ??????, ??? ????????, ??? ??????, ??? ????????????, ?? ??????????, ??? ????????????,
??? ?? ??????? ?????????? ??? ????? ?? ??????? (?? L 102, ?. 48), ? ?????? ??? «?????????
?????? ?????????? ??? ?????????? ??? ????? ?????????? ?????? ??? ??????? ???
????????????? ??? ?????????? ??? [...]».

8 ??? ?????? ????????????, ??? ????????, ??? ????????????, ??? ?????? ????????????????, ??? ?
???????????, ??? ?????????? ??? ?????? «????? ??? ?????? ?????? ????????????????, ??? ?
??? ??????? ??? ?????????? ??? ?????? ?????????? ??? ?? ?????? ?????? ?????? ?????? ??????
?????». ??? ?????? ????????????, ??? ??? ?? ??? ?????? ?????? ????????????????, ??? ? ??????
???????????, ??? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??? ?
?????.

9 ??? ?? ??? 3, ????????, ??? ??? ???, ??? ?? ??? ?????? ????????, ?? ?????????? ??? ?
????????? ? ????????, ??? ?????? ??? ?????? ??? ??? ?????? ??? ? ?????? ??? ?? ??? ?? ?
????????? ??? ? ????????, ??? ?????? ??? ?????? ??? ??? ?????? ??? ? ?????? ??? ?? ??? ?? ?
???????.

10 ??? ?? ??? 6, ?????????? 1, ??? ?????? 2004/23, ?? ?????? ??? ????????????????, ??? ?
??? ?? ????????, ??? ?????? ?????? ????????????????, ??? ????????????, ??? ????????????,
???????????, ??? ?????????? ? ????????, ??? ?????? ??? ?????? ??? ????????, ??? ????????????, ??? ?
???????????, ??? ????????, ??? ?????? ????????, ??? ?????? ? ????????????????, ??? ??? ?????? ??? ??????
???????????????, ??? ?????? ??? ????????, ??? ?????? ??? ????????????, ??? ??? ?????? ??? ?????? ??? ??????
???????????????, ??? ?????? ??? ????????, ??? ?????? ??? ????????????, ??? ??? ?????? ??? ?????? ??? ??????.

? ?????? ????????

11 ??? ?????? ??? ?????? ????, ??? ????????????????, ??? ?? ??? 13, ?????????? 1,
????? ????????, ??? ?????? ??? (momsloven), ?????? ?? ?????????? ??????? ?? ??
????? 13, A, ?????????? 1, ????????, ??? ?????? ??????.

12 ? ?????? 2004/23 ??? ????????????, ??? ????????, ??? ????????????, ??? ?? ??? ?????? ??? ????????????,
????????? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ????????????, ??? ?? ??? ????????????,
(vævsloven).

13 ??? ????????, ??? ????????, ?? ????????????????, ??? ?????????? ????????????, ??? ????????????,
???????????, ??? ?????? ???, ??? ??? ??? ??? ?? ?????? ??? ?????? ?????? ?????? ????????????,
????? (lov om markedsføring af sundhedsydelse), ??? ??? ??? ??? ????????????, ??? ????????????,
???????????, ??? ?????? (persondataloven) ??? ??? ??? ??? ?? ????????????, ??? ????????????,
(lov om patienters retsstilling). ??? ?? ????????????, ??? ?????? ???, ??? ????????????,
???????????, ??? ?????? ???, ??? ?????? ?????? ?????? ????????????, ??? ?????? ????????????, ??? ?????? ???
????. 83 ??? 22?? 1998, ??????? ?? ??? ?????? ????????????, ??? ?????? ????????????, ??? ?????? ???
????? ??? ??????: ?????????? ??? ?????? ??? ????????????, ??? ?????????? (Vejledning nr. 83 [???
22?? ?????????? 1998], om biobanker inden for sundhedsområdet: Patientrettigheder og
myndighedskrav).

? ?????? ??? ?????? ??? ?? ????????????, ??? ????????????

14 ?? Østre Landsret ??????????? ??? ?? ??????? ?????? ?????? ??????? ??
??????????????, ?? ?????? ??????? ?? ?????????? ??? ?? ??????????????? ?? ??????
????? ??????????????? ??????? ???. ?????????? ??? ?? ??????, ?? ??????? ???,
?? ?????? ?? ?????? ?? ?? ??????? ?? ????? ?? ?????????? ?? ??????? ?? ??????
????????? ??????????? ???. ?????? ?? ?????????? ?? ?????????????? ????????.
?????? ?? ?? ??????? ?? ?????????? ???????, ? ?????? ??????? ?? ??????? ???
????????? ?? ?? ??????? ?? ?????? (?? ?????: ??????? ??????? ?? ??????) ????????????
?? ?? 1988.

15 ??? ?? ?????? ??????????, ?? ??????? ??????? ?? ??????? ?? ??????? ??
??????????????, ?? ??????? ?? ???????, ?? ???????????, ?? ???????, ?? ???????????
??????????, ?? ?????????? ?????????? ?? ??????? ??????? ??????. ???????, ??????????? ??
????????? ??????? ?? ?????? ?????????? ??????. ???????, ?? ?????????? ???
????????? ?????????? ?? ?????? ??????? ?? ?????????? ?????? ?? ??????? ???
????????? ?????????? ?? ?????? ??????? ??????. ???????????, ?? ?????????? ???????????,
????????? ?? ?????? ??????? ??????? ???????.

16 ?????? ?? ?? ?????? ???????, ? CopyGene ?????? «?????????»
“?????????” ?? ??????????». ?????? ?????????? ???????, ???????, ?????????? ??
????????? ??????? ???????, ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ??
????????? ???????, ?? ?? ?????? ??????? ? ?????? ?? ?????? ?? ??????? ?? ??????? ??
????????? ????????. ?? ??????? ?? ?? ?????? ??????? ?????? ??????? ?? ?????????? ??
????????? ?? ??????? ?? ?????? ??????? ??????? ??????? ?? ???????.

17 ???????, ?? ??????? ??????? ?????? ??????? ??????? ?? ??? CopyGene, ??? ?? ?? ??,
????????? ?? ??????? ?? ??????. ?? ??? ??????? ?????? ??? ?? ?????? ?? ??????? ??
?????????????? ???????, ?? ?????? ??????? ??????? ??????? ?? ??????? ?? ??
CopyGene. ?? ???????, ?? ??? ?????????? ??? ?????????? ?? CopyGene ???
????????? ?????????? ?? ?????????? ?? ?? ?????? ??????? ??????? ??????? ?? ?? ??
??????????. ?????? ???????, ?? ?????? ??????? ?? ??????? ?? ??????? ?? CopyGene ???
??????, ?? ?????????? ???????, ?? ??? ?????????? (???????) ??? ???????.

18 ?? ?? ?????? ??????? ??????? ??????? ?? ?????????????? ?????? ?? ?? ???????
????????????? ??????????. ?? ??? ?????? ??????? ?? ?????? ??????? ?? ?? ??,
????????????? ?? ?? ?????? ????. ? CopyGene ??? ?? ?? ?? ??????? ?? ?? ?? ???????
????????? ?? ?? ?? ?????? ??????? ?? ?? ?????????? ?? ?? ???????, ?????????????? ?? ??
????????? ?? ??????? ?? ???????.

19 H CopyGene ??? ??, ??????? ?? ?? ?? ?? ?????? ?????? ??????? ??????? ?? ???????
?? ??????? ?? ?? ?????? ??????? ??????? ?? ?????? ???????, ?????? ??????? ?? ???????
????????? ??????? ?? ?? ?????? ??????? «?????????» ??????????????. ??? ??
?????? ?? ?????? ??????? ???????, ? ?????? ??????? ?? ?????? ??????? ??????? ?? ???????
?? ?? ?????????? ??????? ??????? ?? ?????? ???????, ?? ?????????? ?? ?????? ??????? ??
?? ?? ?????? ??????? ???????, ???????, ?? ?????????? ?? ?????? ??????? ?? ??????? ??
?? ?? ?????? ??????? ???????, ???????, ?? ?????????? ?? ?????? ??????? ?? ??????? ??
????????? ??????? ?? ??????? ??????? ??????? ??????? ??????? ?? ?????? ??????? ?? ?? ??
????????? ??????? ????????. ? CopyGene ???????, ??? ??????? ?? ?????? ???????
????????? ??????? ??, ??? ??????? ?? ?? ?????? ??????? ??????? ?? 2009.

20 ?? ??????? ?? 1?? ?????? 2004, ? Told- og Skattestyrelsen (????????? ??????? ??
?????) ??????? ?????? ?? ??????? ?? ??????? ?? ?????? ?????? ?????? ??????? ?? ?? ??

???. ? ???????? ??? CopyGene ??? ?? ?????????? ?????? ?????????????? ??? 21 ??????????
2005 ??? ??? Landsskatteretten (????????? ??????????? ???).

21 ? CopyGene ?????? ??????? ??? ?????????? ?????????????? ?????????? ?????? ???
????????? ??? ?? ?????????? ??? ??????????, ?????????? ??? ?? ?????????? ???
?????? ??? ?? ?????????? «????? ??????????» ?? ?????????? ??? ?? ??????
????????? ???, ??????, ?????? ?? ?????????? ??? ?? ???' ?????????? ??? ??????
13, A, ?????????? 1, ??????? ??, ??? ????? ??????;

22 ??? ??? ??????? ???, ?? Østre Landsret ?????????? ?? ?????????? ??? ??????? ???
????????? ??? ?? ??????? ??? ?????????? ?? ??? ?????????? ??? ??????????;:

«1) ??? ???? ???? ?????? “????? ??????????” ?? ?????????? ??????????, ??? ?????? 13,
A, ?????????? 1, ??????? ??, ??? ????? ?????? [...], ??? ?????? ??? ?????????? ??????????
?????? ??????????, ?????? ?????? ? ?????? ??? ?????????? ?? ?????????? ?????? ??
????????????, ?????????? ? ?????????????? ?????? ?????????? ?????? ?????????? ?????? ??
???? ?????????? ?? ?????????? ?????? ?? ?????????? ?????? ?? ?????? ?????????? ??????????
? ?????? ??? ????? ?????????? ??? ?????????????, ??? ?????? ? ?????? ?????? ?? ??????????
??? ?????????? ??? ?????????? ??? ?????????? ?????????? ?????????, ?? ?????? ?????????? ???
????, ?? ?????????, ??? ??????? ??? ??? ?????????? ?????????? ?????????? ?????????? ???
????????? ??? ?????????? ??????????;:

??????, ??? ?????????? ?? ??????? ??? ?? ?????????? ?????? ?? ?????????????? ?????????? ???
????????????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????;;

2) ??????? ?? ??? 13, A, ?????????? 1, ??????? ??, ??? ?????? ?????? ???
????????? ?????? ?????????? ?????????, ?????????? ??? ?? ?????????????? ??????????
????????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???
????????? ?? ?????????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ??????;;

3) ??????? ???? “????? ??????? ??? ?????? ?????? ?????? ?????????? ?????????? ???
????? 13, A, ?????????? 1, ??????? ??, ??? ?????? ?????? ??? ?????????? ??????????
????????? ??????, ?? ?????? ?????? –?? ?????? ?????????? ??? ?????? ?????? ?????? ???,
????? ??????, ?????? ??? ?????? ?????? ?????? ?????? – ?????? ?????? ??????,
?????????, ?????????? ??? ??? ?????????? ?????????? ?????? ?????? ??????, ?? ?????? ???
????????????? ?????????? ?????????? ??? ?????? ?????? ?????????? ?????????? ???
????????????? ?????????? ?????????? ??? ?????? ?????? ?????????? ?????????? ???
????????? ?????? ??? ?? ??????? ??? ?????? ?????????? ?????????? ??? ?????? ?????????? ???
?? ?????? ?????? ??? ?????????? ??? ?? ?????? ???;

?????, ???????, ??????? ?? ??????? ???, ???' ?????????? ??? ?????? ?????? ??? ??????????
?? ?????????? ??? ?????? [2004/23], ? ?????? ?????? ?????????? ?????????? ?????????? ???
????? ??? ?? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??????????
????? ??? ?????? ??? ?????????? ??? ?????? ??????, ?????????? ??? ?????? ??????????
????????? ?????? ??? ?????? ?????? ?????? ?? ?????? ??? ?????? ?????????????? ??????????
?????????;;

4) ??????? ??? ??????? ??? ?????? ?????? ?????????? ?? ?????? ??? ?? ??????????
????????? ??? ?????? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ??????????
????????? ??????, ? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ???
????? –??' ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????? 2004/23– ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ?????????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???

???????????????? ???? ?????? ??????????????;»

??? ??? ?????????????? ??????????

????????????? ????????????

23 ? ??? ????? ???? ?????? ????? ???? ????? ???? ?????? ???? ???? ??, ????, ????, ????, ????, ??
?? ?????? ?????? 2, ??????? ?? ??? ?????????????? ???????, ?????????????? ?? ????, ????, ????
??? ?????????? ??????, ?? ?????????? ?????? ??? ?? ??????? ?????????? ?????????? ???
????????????????? ?? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????? ??? ??????? ??? ?? ??????? ??? (??., ?????? ?????, ?????????? ??? 21??
????????? 2006, C?255/02, Halifax ???., ?????? 2006, ?. I?1609, ????? 49, ??? 14??
????????? 2006, C?401/05, VDP Dental Laboratory, ?????? 2006, ?. I?12121, ????? 22, ???
??? 11?? ?????????? 2010, C?88/09, Graphic Procédé, ??? ??? ??? ????? ?????? ?????????? ???
????????, ??? 15). ?? ????? 13 ??? ?????? ?????? ??????????, ??????, ??????????
???????? ??? ??? ???.

24 ??? ? ?????????? ??? ???????????, ?? ?????????? ??? ?????? 13 ??? ?????? ??????
????????? ?????????? ?????? ??? ??????? ??? ???????, ??? ?????????? ??? ??????????
????? ??? ??????? ??? ?????????? ??? ??? ?? ??? ?????? ?????? ??? ??? (??., ??????
?????, ?????????? ??? 25?? ?????????? 1999, C?349/96, CPP, ?????? 1999, ?. I?973, ???
15, ??? ??? 28?? ?????????? 2010, C?473/08, Eulitz, ??? ??? ??? ????? ?????????? ???
????????, ??? 25).

25 ???????, ??? ????? ?????? ??????, ?? ??? ?? ?????? 13, ?, ??? ?????? ??????
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????????????? ?????? ???????????, ???
????? ??????? ??? ?????????????? ??? ?????????????? ?????? ?????????????? ??? ?? ???
????????? (??., ?????? ???, ?????????? ??? 11?? ?????? 1985, 107/84, ?????? ???
?????????, ?????? 1985, ?. 2655, ??? 17, ??? 20?? ?????? 2003, C?307/01, D'
Ambrumenil ??? Dispute Resolution Services, ?????? 2003, ?. I?13989, ??? 54, ???
????????????? ??? Eulitz, ??? 26 ??? ??? ?????????? ??????????).

26 ?? ?????????? ?? ??? ?????????? ??? ?????????? ?????????? ??? ?????? 13 ??? ?????
????????? ?????? ?? ?????????? ?????? ??????????, ?????????? ??? ?? ??? ?????????? ??????????
????????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????????? 13 ?????? ?? ?????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?? ??? ??????
?? ?????????? ??? (??., ?????? ???, ?????? ??? 14?? ?????? 2007, C?445/05,
Haderer, ?????? 2007, ?. I?4841, ??? 18 ??? ??? ?????????? ??????????, ??? 54
????????????? ??? Eulitz, ??? 27 ??? ??? ?????????? ??????????).

27 ??? ?????? ??? ?????? ?????????? ??????????, ??? ?? ?????????? ?????????? ??? ??
????? ?? ??? ?????????? 1 ??? ?????? 13, A, ??? ?????? ?????? ?????? ??? ??????????
????? ?????????? ??? ??????????, ??? ?? ?????? ?? ??? ?????????? ?????? ?????? ???
????????? ??? ?????????? ??? ?????? ??????????, ??? ?????? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? (??., ??????, ?????? ??? 10??
????????? 2002, C?141/00, Kögler, ?????? 2002, ?. I?6833, ????? 36). ??? ??????
????????? ??? ?????? ?? ??? ?? ??? ?????????? 1 ??? ?????? 13, A, ??? ?????? ??????
?? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???

??? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ?????? (??.
????????????? ??? ?????? Kügler, ??? 36, ??? ?????? ??? 8?? ?????? 2006, C?106/05,
L.u.P., ??? 2006, ?. I?5123, ??? 26).

28 ????????, ??? ?????? ?? ???????????, ? ?????? ??? «????????? ??????????» ???
?????? 13, A, ?????????? 1, ??????? ??, ??? ?????? ??????? ??? ? ?????? «?????????
????????? ??????» ??? ?????????? ?? ??? ?????? ?????????? ?????? ?????????? ??????
?????? ?????????? ?? ?????? ?? ???????, ??? ??????? ???, ??? ?????? ??? ???????, ??
????????? ?????????? ?? ?????????? ??? (??, ??????? ??? 6?? ?????????? 2003, C?45/01,
Dornier, ??? 2003, ?. I?12911, ??? 48 ??? ??? ?????????? ??????????, ?????? ???
????????????? ??? L.u.P., ??? 27).

29 ??????? «????????? ??? ?????? ?????? ??????» ??? ?? «????????? ???????
?????????» ?????? ?? ?????? ?????????? ???, ??? ??? ?????? ???' ?????? ??? ?
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (??.
????????? ??? 11?? ?????????? 2001, C?76/99, ??????? ??? ?????? ??????, ?????? 2001, ?.
I?249, ??? 23, ??? ??? 20?? ?????????? 2003, C?212/01, Unterpertinger, ??? 2003, ?.
I?13859, ??? 40).

30 ??? ?????? ?? ?????? ?? ???????????, ?? ?????????? ?????????? ?????????? ??????????
?????? ?? ??????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ? ?? ??? ?????????? 1 ??
?????? 13, ?, ??? ?????? ??????. ???????????, ??? ??? ?? ? ?????? ??? ?????????? ??
?? ??????? ?????????? ?? ??? ?????? ??????? ?????????? ?????????? ?????????? ???
?????? ??? ?????? ??????? ? ??????? ??? ??????, ? ?????? ??? ?? ??? ?????? ??????????
???? «????????? ??????? ??????» ?????? ?? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??????????, ??? ?????? ?????????? ?????????? ?? ?????????? ??? ?????????? ???
?? ??? ?? ??? ?????????? 1 ??? ?????? 13, ?, ??? ?????? ?????? (??, ??????,
????????????? ??? L.u.P., ??? 29 ??? ??? ?????????? ??????????). ???????, ??
????????? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ??? ???????,
????????????????? ??? ?????????? ?? ??? ?????????? ???, ?????????? ??? ??????????
?? ?????? 13, A, ?????????? 1, ??????? ??, ??? ?? ??? ?????? ?????? (??, ??????,
????????????? ??? ????????? Unterpertinger, ??? 40 ??? 41, ??? ??? D'Ambrumenil ???
Dispute Resolution Services, ??? 58 ??? 59).

31 ? ??????? ??? ?????????? ?????? ??? ?????? ?? ?????? ??? ?? ?????? ???
????????????? ???.

??? ??? ?????? ??? ?????? ?????? ??????????, ?? ?????????? ?? ?? ?????? ??? ??????

32 ?? ?? ??? ?????? ??????????, ?? ?????????? ?? ?? ??? ?????? ???????, ?? ??????
????????? ?????????? ??? ?? ?????????? ?? ? ???????, ? ???????, ? ?????? ??? ?
????????? ???????, ???????, ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ??
?????? ?? ?????????? ??? ?????? ??? ?????? ?????? ???????, ?????????? ???
????????? ??? ?????? 13, A, ?????????? 1, ??????? ??, ??? ?????? ???????, ?? ??????
«?????????» ?? «????????? ??? ?????? ??????», ??? ?? ?????? ??? ??????

33 ??? ?????? ???, ?? ?? ?????? ??????? ???, ?? ?????? ?????????? ???, ???'
??????, ?? ?????? ??? ?? ??????? ??? ?????? ??? ?????? ?????? ?????? «?????
?????????» ?? «????????? ??? ?????? ?????? ??????», ??? ?? ?????? ??? ??????
A, ?????????? 1, ??????? ??, ??? ?????? ???????, ?????? ??? ?? ?????????? ??????????
?? ?????? ???????, ??? ??????? ?? ??? ?????? ??? ???????????. ?? ?????? ???
??????, ??????????, ?? ?? ??????? ??? ?????? ?????? ?????? ?????????? ??? ??????

? ?????????? ??? ?????? 13, A, ?????????? 1, ???????? ??, ??? ?????? ???????? ?? ??????? ?
????????? ?????? ????????. ????????, ?? ? ?????? ?????? ??????? ???? ?????? ?? ?????? ?? ?
????????? ??? ??? ?????? ?????????? ?????????????? ?? ?????????? ??? ?????????? ???
???? ???? ? CopyGene ??? ?????? ?????? ?????? ?????????? ?????????? ?????????? ??? ??
????????? ??? ??? ?? ?????????? ??????????????.

34 ??? ??????, ??????, ?? ?????? ??? ?????? ?? ?????? ?? ?????? ???????, ?????? ?? ??
????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????? 13, A, ?????????? 1,
????????? ??, ??? ?????? ??????? ?? ?????? ?????????? ???????????, ??? ?? ?????? 30 ??
????????? ?????????? ?????????? ??? ?? ?????? ?????? ?????????? ?????????? ?? ?????? ?? ??????
?????? ?? ?????????????? ?? ?????? «????????? ??????????» ??? ?? ?????? ?????? ??? ??????????
?????.

35 ??????, ??? ??? ?????? ???????, ??? ?? ?????? ?????????? ??? ?? ?????? ??????????
????????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ???
????? ??? ?????? ?????????? ?? ?????????????? ?? ?????? «????????? ??????????» ???
??? ?????? ??? ?????? 13, A, ?????????? 1, ?????????? ??, ??? ?????? ??????.

36 ?? ??? ???????????, ?????????? ?? ?????????? ?????? ?????????? ?????? ?????????? ??????? ??
????????????? ?? ??? ?????? ?????????? ?????????? ?????????, ?????????? ??? ?? ??????????
????????? ??? ? CopyGene ??? ?????? ?????????? ?? ?????? ??? ?????? ?? ?????????? ??? ??
????????????? ??? ?????????? ?? ?????? ?????????? ?? ?????? ??? ?????? ?????? ??????????
?????????, ?????? ??? ?? ?? ?????? ?????????? ?? ???????????, ?????? ??????????, ???
?????????, ?????? ??? ?????? ??????????, ?????? ?????? ?????????? ??? ?????? ?????? ??? ??????
????????????? ?? ??? ?????? ??????????, ??? ?????? ??????????, ?????? ??? ?? ?????????????? ??? ??
????????????? ??? ?????? ??????????, ??? ?????? ??? ?????????? ??? ?????? ?????????????? ??? ??
?? ?????????? ??? ?????? ?????? ?????? ?????????? ??????????.

37 ????????, ?? ?? ?? ??? ?????? ?????????? ?????????? ??? ? ??????? ??? ??????????
????????? ??? ?????? ?????????? ??? ?? ?????????? ?????? ? ??????? ?????????? ??? ?? ?? ??
????????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ???????, ?? ?????? ??? ??
????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ???????, ?? ?????? ??? ?????? ??
????? ??? ?????????? ??? ?????? 13, A, ?????????? 1, ?????????? ??, ??? ?????? ??????,,
????? ?????????? ?? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?? ?????? ?????? ??? ??
?????.

38 ??? ??????, ?? ????????, ??? «????? ??????????» ?? «????????????? ??? ????????
?????????» ????????, ??? ?? ?????? ??? ?????? 13, A, ?????????? 1, ?????????? ??, ???
????? ???????, ??? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?? ??????????
????????? ?? ?????????? ?? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? (??.. ?????????????? ?????? Dornier, ??? 33, ??? ?????? ??? 1??
????????? 2005, C?394/04 ??? C?395/04, ???, ?????? 2005, ?. I?10373, ??? 17).

39 ?? ?????????? ??? ?????? ???, ??? ??????????, ?? «????? [...] ??? ?????? ??????????»
?? ?????????? ??? ?????? ??????????, ??? ?? ?????? ??? ?????? ??? ?????? 13, A, ?????????? 1,
????????? ??, ??? ?????? ??????, ??? ?????? ?? ?????????????? ??? ?????? ?? ?????? ??? ??????
????????????? ??? ?????????????? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??, ? ???
????????? ??? ?????? ?????? (??.. ?????????????? ?????? 18).

40 ??????, ??? ?? ?????????? ?????????? ??? ?? ?????? ?????????? ?????????? ???
????????? ?????? ??? ?????? ??????????, ??? ?? ?????? ??? ?????? ?? ?????????? ??
????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? (??.. ??????????????)
????????? ?????? ??? ?????? ??????, ??? 27, Dornier, ??? 34, ???, ??? 19, ??? ??

?????? ? ?? 14?? ??????? 2007, C?434/05, Horizon College, ??????? 2007, ?. I?4793, ?????
29 ??? ??? ?????????????? ??????????). ??? ?????? ??? ?????????? ??????????, ?? ??????????
????? ?????????????? ???, ?????????????? ?????? ??? ?????? ??? ?????????? ??? ?????? 13, ?,
????????? 1, ?????????? ?, ??? ?????? ??????, «????? ?????????? [...] ??????» ??? ??
????? ??? ?????????? ?????? ?????? ?????? ?? ?????? ??? ?????????? ??? ??????
????????????? ??? ?????????? ??? ?????????????? ?????????? ??? ?????? ??? ?????????? ??? ??????
????????????? ??? ?????????? ?????????????? ?????? ??? ?????? ??? ?????????? ??? ??????, ???
????????????? ??? ?????????????? ?????????????? ??? ?????????????? ??? (??., ???????,
????????????? ??? ?????, ??? 25).

41 ?? ??????????, ??? ?? ?????????? ?????????? ???, ???, ???, ??? ?????????? ??????
????????? ??? ?? ?????????? ??? ?????? CopyGene ?? ??? ?????? ??? ??????
????? ???, ?? ?????????? ?????????? ?????????? ??? ?????? ??? ??????????????, ??? ??????? ???
????????? ??? ?????? ??? ??????????????, ??? ??? ?????????????? ??? ??????, ?????? ???
?????????????, ?????????????? ???, ???, ?. ., ? ??????.

42 ?????? ?? ?? ??????????, ?????? ?????????? ?????????? ?????????? ?????????? ??????????
??????, ?? ?????? ?????? ?? ?????????????? ??? ??????, ?? ??? ????????????, ??
?????????. ?? ?????????? ???, ?????? ?????????? ??? ?????????? ???, ??? ??????
?? ???????, ??? ?????????? ?????????? ??? ?????????? ??? ?????????, ?????????, ???
????????? ??? ?? ?????? 28 ??? ?????????? ?????????, ??? ?????? ??? ????? «??????
?????????» ??? ?????? 13, A, ?????????? 1, ?????????? ?, ??? ?????? ??????.

43 ??????, ?? ?????????? ??? ?????? ??? ?????? ??? ??????, ?????? ??? ? ?????????? ???
????????? ?????????? ???, ???' ??????, ???, ?????? ?? ??? ??????????
????????? ???, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ??????????
????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
????? ?????? ??? ?????????? ??? ?????? ?????????? ?? ?????????? ??? ?????? ??? ??????????
????? ??? ?????? ??? ?????? 13, A, ?????????? 1, ?????????? ?, ??? ?????? ??????.

44 ??????????, ??????, ???, ??? ?????????? ??? ?? ?????? 24 ??? ??????
?????????, ?? ?????????? ??? ?? ??? 13 ??? ?????? ?????? ?????????? ??????????
????????? ??? ?????? ??? ?????? ??? ??????. ??????, ? ?????????? ??? ?????? 13, A,
????????? 1, ??????? ?, ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ?? ??????????
??? ?? ?????? ??? «?????????» ?????????? ???, ??? ?? ?????? ???, ?????? ??? ??????
?????????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

45 ???????, ? ??????? ?? ?????? 13, A, ?????????? 1, ??????? ?, ??? ????? ???????
??? ????? ????? «???????? ?????? ?????????????», ??? ????? ??? ????? ?????? ?????? ??????
??? ????? ?????? ??? ?????????? ??????????????. ? ??????? ?????? ?????? ?????? ??? ?????? ??????
????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
????????? . ????????, ?? ?????????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????
????????? ?? ?? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????
????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ??????
????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ??????
????????? , ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????
????????? , ? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????.

46 ??????, ??? ?? ??????? ?? ?????? ??? ?? ??????? ?? ?????? ?????? ??? ?????? ??????
?????? ?? ??????? ?? ?????? «????? ??????????» ?? «????????????? ??? ?????? ??????
?????????», ??? ?? ?????? ??? ?????? 13, A, ?????????? 1, ??????? ?, ??? ??????
??????.

47 ??????, ??? ?????????????? ???, ?????????? ??? ?????????? ??? ?????????? ??? ??????????????
????????? ??? ?????????? ??? ??? ?????????? ?????? ?????????? ??????, ?? ?????????? ???
??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????
????? ?????? ?? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ?????? ?????? ?????? ??? ??????
«????????? ??? ?????? ?????? ??????» ??? ?????? 13, A, ?????????? 1, ??????? ?, ???,
????? ??????. ???????, ?? ?????? ?????? ?????????? ??? ?????? ?????? ???, ??? ?? ??? ??????
??? ?????? ?????????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ???, ?? ??????
????? ? ?????????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ??????, ?? ??? ?????? ???
?? ??? ?????? ?????? ??? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

48 ???????????, ? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?? ?????? ?????????????? ??? ?????? ?????? ?????????? , ?? ?????? ?????????? ??? ??????
??????, ?????? ?? ?????????????? ?? ?????? ?????? ?????? ??, ??????, ? ??????
????????? ?????????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?????? ? ?????????? ??? ??????
??? ?????????? ?????????? ?????? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ??? ??????
????????? ???, ???????, ? ?????? ?????? ??? ?? ?????? ?????????? ? ?? ?????? ?????? ?????? ??
????????? ?? ?????????? ??????.

49 ??? ?? ?????? ??????, ?????? ??? ?? ?????? ?????? ?????? ??? ?????????? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ?????? ? ?????? ???
????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?? ??? ?????? ?????? ??? ??????
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????
?????.

50 ????????, ?? ??????? ?????? ?? ?????? ?? ??????????????? ?? «????? ??????????» ?? «????????????? ?? ?????????? ?? ?????? ?????? ?????? ?????? 13, A, ?????????? 1, ?????????? ??, ??? ?????? ??????. ?????????????, ??? ?????? ??? ? ?????????? ??????.

51 ?????, ??? ?????? ?? ?????????? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 34 ??? 50 ??? ?????? ?????? ??????.

52 ?????? ??? ??????, ??? ?????? ?? ?????? ?? ?????? ?????? ??????, ?? ?????????? ?? ?? ?????? ??????, ?????? ?? ?????? ?? ?????? ?? ?????? «????? ??????????» ?? «????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? 13, A, ?????????? 1, ?????????? ??, ??? ?????? ??????, ??? ?????? ?? ?????? ?????? ?????? ?????? ?? ??????.

??? ??? ?????? ??????????, ?? ?????????? ?? ?? ?????? ??????

53 ?????????? ??? ?????? ?????????? ????, ???' ??????, ?? ??, ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? CopyGene ??? ?????? «????? ?????? ??? ?????? ?????? [?? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??????] ?????? ?????? ?????? ?????? 13, A, ?????????? 1, ?????? ??, ??? ?????? ??????.

54 ??? ?????? ????, ?? ?????? ?????????? ?? ?????? ?????????? ??, ?????? ?? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 2004/23, ??? ?????? CopyGene ??? ?????? «????? ?????? ??? ?????? ?????? ?????? [?? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????] ?????? ?????? ?????? ?????? ??????.

55 ?????????? ??? ?????? ?????? ?????? ??? ? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? CopyGene, ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

56 ??? ?? ??? 13, A, ?????????? 1, ?????? ??, ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? «????? ?????? ??? ?????? ?????? ?????? ??????.

? ?????? ? ?? ? ?????????? ??????? ?????????? ?????? ?? ? ?????????? ??? ?? ?
?????????? ??????, ?? ? ?????????? ??????, ?????? ?????? ?????????? ?????????? ?? ?
??????????, ?? ? ?? ? ?? ? ?????? ?????? ?? ? ?? ? ?????? ?????? ?????????? »..

57 ???????????, ???????, ?? ? ?????????? ?? ???? 26 ?? ? ??????? ??????????
?????? ?????????? ?? ? ?????????? ?? ???? 13 ?? ???? ?????? ?????? ?????????? ?? ?
?????? ?????????? ?? ? ?????? ?? ? ?????????? ?? ???? ?????? ?? ? ?????????? ?? ?
??, ?????????? ?? ? ?????? ?? ? ?????????? ?? ???? ?????? ?? ? ?????????? ?? ???? ?? ?
?????? ?? ? ?????????????? ?????? (?. ?????????????? ?????? Eulitz, ?? ? 42 ?? ?
?? ? ?????????? ??????).

58 ??? ???? ?? ???? 13, A, ?????????? 1, ??????? ??, ?? ???? ???????, ?? ? ?
????????? ?? ? ?????????? ?????????? ?? ???? ?????? ?? ???? ?????? ?????????? ??????????
????????? ?? ? ?????????? ?????????? ??????, ?? ???? ???? ? ?????????? ?? ???? (??.,
??????, ?????????????? ?????? Dornier, ?? ? 47).

59 ??? ???? ?, ???????, ?? ??????? ?? ???? «??? ??????? ?? ???? ?????? [??
?????????? ???????, ?????? ??????? ?????????? ?? ???? ??????]» ?? ???? 13, A,
????????? 1, ??????? ??, ?? ???? ??????, ???? ?????? ?? ???? ?????? ??????????
????????? ?? ? CopyGene ?? ???? ?? ? ?????????? ?? ? ?????????? ?????????? ?? ?
????? ?????? ?????? ?????????? ?? ???? ??????.

60 ?????????? ?? ???? ?????? ?????????? ?? ?????, ?????? ?????? ??????????, ?? ?
????????? ?? ? CopyGene ?? «??? ?????? ??????» ?? ???? ?????? ?????????? ?? ?
????? ?????????? ?????????? ?? ???? ?????????? . ?????????? ??, ??????, ??, ??? ???? ?? ?
????? ?? ???? ??????, ?????? ?? ???? ?????????? ?????? ?????????? ??????????, ?? ???? ?? ?
????????? ?? ???? ??, ?? ???? ?????? ?? ???? ?????? ?????????? ?? ???? ?????????? ?? ?
????????? ?? ???? ?? ???? ?????? ?? ???? ?????? «??? ?????? ??????» ?? ???? 13, A,
????????? 1, ??????? ??, ?? ???? ?????? ?? ???? ?????? ?????????? ?? ???? ?????????? ?? ?
????????? ?? ???? ?? ???? ?????? ?? ???? ?????? ?? ???? «??? ?????? ??????» ?? ???? ??????
????????? ?? ???? ?????? ?? ???? (?. ?????????????? ?????? L.u.P., ?????? 18 ?? 35). ?????? ???????,
? CopyGene, ?????????? ?? ?' ?????????? ?????? ?????? ?????? ?? ???? ?????? ?????????? ?? ?
????????? ??, ?? ???? ?????? ?????????? ?????? ?????? ?? ???? ?????? ?????????? ?????????? ?? ?
????????? ?? ???? ?? ???? ?????? ?? ???? ?????? «?????????» ???????, ?? ?
?? ???? ?????? ?????? ?? ???? ?????? ?? ???? ?????????? ??????.

61 ??? ???? ?? ???? ?????? «????????? [...] ?????? ??????????????», ?????? ?? ?
??? ?? ???? ???????????, ?? ???? 56 ?? ???? ?????? ??????????, ??????????? ?? ?
?? ???? ?????? ?? ???? ?????? ?? ???? ?????????? ?? ???? ?????? ?????????? ?? ???? ?? ?
????? ?????? ?? ???? ?????????? ?? ???? ?????? ?????? ?????????? ??, ?? ???? ?? ???? ?? ?
????? ?????????? ?? ???? ?????? ?????? ?? ???? ?????? ?????????? ?? ???? ?????? ?? ?
????? ?????? ?? ???? ?????? ?????? ?? ???? ?????? «?????????» ???????, ?? ?
????????? ?? ???? ?????? ?? ?' ?????? ?? ???? ?????? ?????????? ?????????? ?? ???? ?????? ?? ?
????????? ?? ???? ?????? ?????? Dornier, ?????? 64, 65, 67 ?? 76).

62 ???????, ?? ?????? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ???????
??? ?????? ?? ???? 13, A, ?????????? 2, ????????, ??, ??? ?????? ???????, ?????? ???
????????? ??? ? ??????? ??? ?????? ??? ?????? ?????? ?????? 1, ????????, ??,
??? ?????? ??? ?? ?????????? ?????? ?????? ?????? ?????? ?????? 2, ??? ??????????
????????? ??? ? ?????????? ?? ??? ?????????? ??? ?????? ?????? 13, A, ?????????? 1,
????????? ?, ??? ?????? ?????? (??., ???' ??????, ?????????????? ??????????????
????????? Dornier, ??? 66).

63 ??????, ???????, ???' ????, ??? ?????? ?????? ??? ?????? ?????? ?? ??????
????? ??????? ??????? ?? ??? ?????? ?????? ?? ?????????? ?????? ?????????? ???
????????? ??? ?? ??????. ?? ?????? ?????? ?????? ?????? ?????? ??????????
(????????????? ?????? Dornier, ?????? 64 ??? 81, ?????? ??? L.u.P., ?????? 42).

64 ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ?? ??????
????? ??????? ?????????? ??? ?????????? ??? ???????, ??? ?????? ?????? ??? ?????? 13, A,
????????? 1, ?????????? ??, ??? ?????? ??????, ?? ?????????? ?????? ?????? ?? ?????? ??
????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??
????????? ??????, ??? ?????? ??? ?????? ??? ?????? ??????????????, ? ?????, ??? ?????? ??? ??,
????????? ??? ?????? ??? ?????? ?????? ?????? (??., ??????, ??????????????
????????? Dornier, ??? 69, ??? L.u.P., ?????? 48).

65 ??? ?????? ???, ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??
«?????????» ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
?????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????, ?? ?????? ??? ?????? ?????????, ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????, ??
????????? ??? ?????? ??? ??????, ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??????????
????????? (??., ??????, ?????? ??? 10?? ?????????? 2002, C?141/00, K?gler,
????? 2002, ?. I?6833, ?????? 57 ??? 58, ?????????????? ?????? Dornier, ??????
72 ??? 73, ?????? ??? L.u.P., ?????? 53).

66 ?? ??????????, ??? ?????????? ???, ??? ?????? ?? ?????? ??? ?????? 13, A,
????????? 1, ??????? ??, ??? ?????? ?????? ??? ?????? ?????? ?????????, ?? ??????? ??
????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? . ??????,
????????? ??? ?? ?????? ??? ?????? ??? ?????? CopyGene ??? ??' ?????????? ??? ??????, ??
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? . ?????????? ???, ???
????????? ??? ?????? 63 ??? 64 ??? ?????? ??? ??????, ?? ?????? ??? ?????? ?????? ??????
????? ??? ?????? ???, ?????? ?????? ???, ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???.

67 ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?? ??????
????????? ?????? ??? ?????? ?????????? ?????????? ?????????, ?????????, ??? ?????, ?? ?????? ???
?? ?????????? ??? CopyGene ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??????
????????, ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ??? ??
????????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

? ?????? ???? ???, ??????, ?? ??????? ??? ? CopyGene ??? ???? , ??? ??? ??????????
????????????? ????, ????? ?????? ?????????? ?????????? ?????????? , ???' ?????????? ???
????????? ?????????? ?? ??? ????? ?????????? ??? ?????????? ?????? ? ?????? 2004/23.

68 ??? ???? , ?????, ?? ??????? ??? ?? ?????????? ??? CopyGene ?????????? , ???
????????? ??? ???? ?????? ? ??????? , ??? ?????? ?????????? ??? ??? ?????? ?????? ???,
????? ?????????? , ??? ???? ?????? ?????? ?????? , ??? ???? ?????????? ???
????????? ??? ?????? ?????????? ??? ?????? ?? ???? ?????? «?????» ??? ????
????????? ?????? ?????????? , ??? ?????? ?? ?????????? ??? ?????????? ??? ??
????????? . ?????? ??????? , ?????????? ???, ?? ????? ?????????? , ??? ??????????
????????? ??? ?????????? ??? ?????????? ?????? ?????? ??? ?????????? ??? ??
????? ?? ???? ?????????? ?? ?????????? ?????? ???, ??? ???? CopyGene, ??? ?????????? ???
??? ?????? ?? ?????????? ?? ?????? ??? ?????????? ??? ?????? 13, A, ?????????? 1, ??????
??, ??? ?????? ??????.

69 ??? ???? , ??? ???????, ?? ??????? ???, ??? ??? ?????? ??? ?????? ???
????????? ??? CopyGene, ??? ?????????? ??? ?????? ??? ?? ?????? ?????? ??????????
????????? , ?? ?????? ??? ?????? ?? ?????? ?????? , ??? ???? ?????? ??? ??????????
??? ?????? 65 ??? ?????? ?????????? ?????????? ??? ?? ?????? ?????? ?????? ?????????? ??
????????? ?????? ??? ?? ?????????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??
??? ?????????? ??? ?????????? ??? ?????? 13, A, ?????????? 1, ?????? ??, ??? ??????
??????.

70 ???????, ?? ??????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????????? ??
???? ?????????? ??? ?????? ??? ?????? ?????????? ??? «????????? ??? ?????? ?????????? ??
????? ?? ?????????? [??? ?????????? ??????]», ??? ?????? ??? ?????? ??? ??????
????????? , ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??????
????????? ?????????? ??????.

71 ?????? , ?????? , ?? ?????????? ??? ???? ???? ???? ?????????? ??? ?????? 69
??? 70 ??? ?????? ??? ?????? ??? ???? , ?????? ???? ?????? ??? ?????????? ??? ???? ????
????????? ??? ???? ?????? ?????? ?????? ?????? , ?????????? ??? ?????????? ?????.
????????? ??? ?????? ??? ?????? 13, A, ?????????? 1, ?????? ??, ??? ?????? ??????
????????? , ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ???? ????
????????? ?????? , ?.?. , ??? ???? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???.
????????? , ??? ???? ?????? ?????? ??? ?????? ??? ?????? ???, ??, ?.?. , ? ?????? ??? ??????????
????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? , ?? ?????? ??? ???? ???? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ????
????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (??.,
??????, ?????????? ?????? Dornier, ??? 75).

72 ???????, ??????? ??? ???? ?? ??????? ?? ?????????? ? ?????????? ?????????? , ??
?????? ??? ?????????? ??? ???? ???? ???? CopyGene ?????? ?????? ?????????? ??????????
??? ?????????? ?????????? ??? ???? ?????? ?? ?????? ??? ?????? ?????? 13, A,
????????? 1, ?????? ??, ??? ?????? ?????? . ?????????? , ??? ?????????? ??? ???? ???? ?
????????? ??? , ??? ???? ??? ???? 13, ?, ?????????? 1, ??? ?????? ?????? , ?
????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
??? ???? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??
????????? ?????? (?? . ?????? ??? 26?? ????? 2005, C?498/03, Kingscrest Associates ???
Montecello, ?????? 2005, ?. I?4427, ??? 37).

73 ?????? , ?????? ?? ?????????? ???, ?????? ?????? ??? ?????? ??? ??????????

???? ??????, ?? ??????????? ?????? ?????? ?? ??????????? ??? ????? ??????????? ??? ?????
????????? ?????? ??? ??????????? ??? ????? ??????????? ??? ????? ??????????? ??? ?????? . ????????, ?
?????????? ??? CopyGene ??????????? ??? ??? ??' ??????????? ?????? ??? ??? ??????
??? ?????? ??? ?????? ?????? ??????? ??????? ???????.

74 ??????, ??? ?????? ?? ??????? ??? ? CopyGene ??? ?????, ??? ??? ??????????
?????????? ????, ??? ?????? ??????? ??????????? ??? ???????, ???' ??????????? ???
?????? ?????????? ?? ??? ?????? ??????????? ??? ???????, ???' ??????????? ??? ?????? 2004/23,
????? ?????? ??? ?? ??????? ??? ???????, ?? ??????? ????, ??? ??????????? ??? ?
CopyGene ??????? ??????? ??? ??????? ?? ??????????? ??? ???????, ??? ??????????? ????
????????, ? ??????? ??? ?????? ?????? ?????? ???????, ??? ??????? ??? ?????? ??? ?????? ???
????? ?????? ??? ? ??????????? ?????? ??????? «?????? ???????????», ??? ???
????? ??? ?????? 13, ??????? 1, ??????? ?, ??? ?????? ???????.

75 ??????, ??????????? ?? ??? ??????????? ?? ??????? ??? ?????? ??? ?????????? ???????????
??? ? ??????? ??? ?????? ??????, ? ??????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
?? ??????? ??? ?????? ?????? ??? ?????? ????, ???' ?????????? ??? ?????? ??? ?????? ???
?????? ??? ??????????? ??? ?????? ??? ?????? ??????? ??? ?????? ??? ???????, ??? ???????????
??????????, ??? ??? ???, ??? ?????? ??????? ? ??????????? ??? ?? ??????? 13, A,
????????? 1, ??????? ?, ??? ?????? ?????? ???????, ??? ???????????, ??? ?????? ???
? ?????? ???????, ? ??????? ??? ?????? ?????? ?????? ??????????? ??? ??? ?????? ???????
??? ??????? ?????? ??????? ???????, ??? ???????, ? ??????? ??? ?????? ??? ??????? ???
?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? 13, A, ??????? 1, ??????? ?,
??? ?????? ???????.

76 ?? ??? ?????? ??? ?????? ??? ?????? ??????? ??? ?????? ?????????? ??????? ??
??? ??????? ?????? ???????, ??? ?????? ??????? ? CopyGene ??? ??
?????? ??????????? ??? ?????? 13 ??? ?????? ???????.

77 ??? ???????, ?? ?????? ?????? ?????? ???????????, ??? ??? ?????? 13, A, ???????????
1, ??????? ?, ??? ?????? ???????, ?? ?????? ??? ? CopyGene ??? ??????? ???
«?????? ???????????» ??? ?????? ?? ??????? ??? ??????? ??? ?????? ??? ??????? ???
????? ???????.

78 ?????? ???????, ?? ??????????? ?????? ??? ?????? ?? ??????????? ??? ?????? ???
??? ?????????? ??? ??????? ??? ?????? ?? ?????? ??????????? ??? ?????? ??? ?????? ???
CopyGene ?? ?????? «?????? ???????????» ??? ?????? ?? ??????? ??? ??????? ??? ??
???????.

79 ??? ??? ??????? ????, ?????????? ??? ?????? ?????? ??????????? ?? ???????, ??????
????? ??????????, ?? ? ?? ?????????? ??? ?????? ??????? ?? ??? ?????? ??????? ??
?????????? ??? ??????? ??? ?????? ??????? ??????????? ??? ???????, ??????? ???
?????????? ??? ??????? ??? ?????? 13, A, ??????? 1, ??????? ?, ??? ??????
??????, ??????? ??? ?????? ??? ??????? ??? ?????? ??????? ??? ??????? ??? ?????? 63 ???
65 ??? ??????? ??? ??????? ???, ???????, ??? ?????? ??? ??????? ??? ??????? ??? ?????? ???
????, ?????? ?? ?????????? ????, ?.?, ? ?????? ?????????? ????, ?????? ??? ??????? ???
???? ??????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????? ??? ??????? ???
?????????? ??? ?????? ??????????? ??? ???????, ?????? ??? ?????? ??? ??????? ??? ??? ??
????? ?????????? ??? ?????? ??????? ??? ??????? ??? ??????? ??? ??????? ??? ???.

80 ??? ?????? ?? ??????? ???????, ?????? ? ?????????? ??? ? ??????? ??? ??????
?????? ??? ??????????? ??? ?????? ?? ?? ? ??????? ??? ?????? ??? ??????? ? ???????.

81 ??????? ??? ??????????????, ??? ????? ??????, ?? ?????????? ?? ?? ???????, ??????
?? ?????? ? ??????? ???, ?????? ?? ??????? ??? ?????? ?????? ?????? ?????? ??????
??? ?????????? ??????? ??????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?????? ???, ??? ?? ?? ????? ?????? ?????? ?????? ??????, ?????? ?????? ?????? ???
??? ??????? ?????????? ?????? ?????? ?????? ??????, ?????? ??? ?????? 2004/23, ???
????? ?????????? ?????? ??? ?????? ??????, ??? ?????????? ?????? ?????? ??? ?? ?????? ??????
????????? ?????????? ??? ? ?????????? ?????? ?? ?????? ?????? ??? ?????????? ??? ??
????? ???, ?? ?????? ?????? ?????? ?????? ??? ?????? 13, A, ?????????? 1,
????? ??, ??? ?????? ??????, ?? ?????? ??? ?????? ?????? ?????? ??? ?????? CopyGene
??? ??????? «????? ??????? ??? ?????? ?????? [?? ?????????? ?????? ??????], ???
????? ?????? ?????????? ??? ?????????? ??????] ?????? ??????????????», ??? ???? ???
??? ?????????? ??????. ??????, ? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ???? ??? ??????
??? ?????????? ??? ?????????? ?????? ?? ??? ?????????? ?????? ?????????? ??? ???? ??? ???? ?
CopyGene ?? ?????? «????? ?????? ??????????» ??? ?????? ?? ?????????? ??? ????
?????????. ?????????? ??? ?????? ?????????? ?? ???????, ?????? ?????? ?????????? ??? ??
?? ?????????? ??? ?????????? ?? ??? ?????? ?????? ?? ?????????? ?????????? ??? ??????
????????? ?????????? ??? ?????????? ??????, ?????? ??? ?????????? ??? ?????????? ??? ????
13, A, ?????????? 1, ?????????? ??, ??? ?????? ??????, ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ?????? 63 ??? 65 ??? ?????? ?????????? ?????????? ??? ?????????? ???,
?????????, ??? ??? ??? ?????????? ??? ??????.

??? ??? ?????????? ????

82 ??????? ??? ? ?????? ?????????? ??? ?? ??? ?????? ?????? ?????????? ??? ?????? ???
?? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ???, ?' ???
????????? ?? ?????????? ??? ?????? ?????? ?????? ??????. ?? ?????? ??? ?????? ??????????
???? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
?????????.

??? ??? ?????? ????, ?? ?????????? (????? ????) ??????????:

1) ? ??? «????? ??????????» ?? «????????????? ??? ?????? ?????? ??????»
??????, ??? ?????? 13, A, ?????????? 1, ??????? ??, ??? ?????? ?????? 77/388/??
?? ??????????, ??? 17? ??? 1977, ??? ?????????? ??? ?????? ?????? - ??? ??????
????? ????, ??? ?????? ?? ??? ?????? ?????? ?????? ?????? - ??? ??????
????? ?????????? ?????: ?????????? ?????? ?????? ???, ??? ?????? ???
????? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ???, ?? ??????
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ?????? ??? ??????
????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?
????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???, ???? ??? ?
????? ?????? ???, ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???, ?????? ??? ?
?????????.

2) ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ????
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ????
2004/?? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ???, ??? 31? ????
2004, ??? ???? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ???? ???, ???
?????????, ??? ??????, ??? ??????????, ?? ?????? ???, ??? ?????? ??? ???? ?
????????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ???? ?
????????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ???? ?
????????? ??? ???? ?????? ???, ??? ?????? ??? ?????? ?????? ???, ??? ???? ?
13, A, ?????????? 1, ??????? ??, ??? ?????? ??????, ?? ?????? ??? ?????? ???

???? ???? ???? ? CopyGene ??? ?????????? «????? ?????????? ??? ?????? ?????? ?????? [??
????????????? ????????, ?????? ??????? ?????????????? ??? ?????????????? ??????]
????? ?????? ??????????????», ???? ??? ?????? ??? ?????????? ??????. ??????, ? ??????
????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????
????? ?? ??? ?????????? ?????????? ??? ?????? ??? ???? ? CopyGene ?? ??????
«????? ??????????» ???? ?????? ?? ?????????? ??? ?? ?????? ??????
????????? ??? ?????? ?????????? ?? ????????, ?????? ?????? ??????????, ?? ??
????????? ??? ?????? ?????????? ?? ??? ?????? ?????? ?? ?????????? ?????????? ???
????? ?????? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ???
????????? ??? ?????? 13, A, ?????????? 1, ?????????? ?, ??? ?????? ??????77/388,
????????? ??? ?? ?????? ??? ?????? ???, ??????????, ??? ?????? ??? ?????? ???
????????????? ??? ?????.

(?????????)

* ?????? ??????????: ? ??????.