

Lietu tiesību objekti

Rights in rem

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The article deals with rights *in rem*. It comes forth with an opinion that objects like intangible property, especially intellectual property, shall be regarded as objects of property law according to the Civil Law of the Republic of Latvia, although during establishment of these legal norms, intellectual property as an object of rights *in rem* was not well known. The concepts of movable and immovable things and movable and immovable property are used in parallel in the Civil Law, even though the first are only attributed to tangible property, while the latter may be used also with respect to intangible property.

A common tendency in Latvian laws is the movement from a rather narrow understanding of rights *in rem* towards a broader understanding. The same tendency may be observed with respect to an aggregation of property. Movable things are regarded to be a part of immovable things (*superficies solo cedit*) only in cases specifically provided by law (*numerus clausus*). Still, due to peculiarities of Latvian legal system, several exceptions may be established. They, in turn, cause uncertainty in public registration system of immovable property in Latvia. There are also problems with identification of individual objects of intellectual property subject to registration, e.g. trademarks. Such practise has, consequently, caused or may potentially cause unlawful losing of the rights that have been already obtained, e.g. the ones acquired by a creditor secured by the right of pledge.

To solve the problem, it is more urgent to skilfully interpret existing norms rather than to amend the current legal norms.

Atslēgvārdi: ķermeniskas un bezķermeniskas lietas, kustamas un nekustamas lietas, objekts, komercķīla, intelektuālais īpašums, lietu kopība, nekustamas lietas daļa, manta, *superficies solo cedit*, *numerus clausus*, zemesgrāmatas, atzīmes, secība.

Keywords: tangible and intangible property, movable and immovable property, an object, commercial pledge, intellectual property, an aggregation of property, a part of immovable property, assets, *superficies solo cedit*, *numerus clausus*, Land Register, records/entries, succession.