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MECHANISMS OF LEGAL PROTECTION OF INTELLECTUAL PROPERTY IN UKRAINE AMID MODERN CHALLENGES AND DEVELOPMENT PROSPECTS

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In today's world, where innovative development and information technologies serve as key drivers of economic progress, intellectual property (IP) law occupies a central position within the legal system. This institution ensures the legal protection of intellectual activity outcomes, thereby stimulating scientific, technical, and cultural advancements. In this context, analyzing the legal mechanisms for IP protection becomes particularly significant for fostering sustainable societal development.

Intellectual property law encompasses two primary categories: non-property rights and property rights. Non-property rights grant authors or other creators of IP objects the ability to be officially recognized as such and to safeguard their honor and reputation against any unlawful encroachments. These rights include, in particular, the right to authorship recognition and the right to oppose actions that may harm the creator's reputation. Property rights, on the other hand, provide the authority to use IP objects, including the exclusive right to permit or prohibit their use by others. It is important to emphasize that non-property rights are perpetual, whereas property rights are subject to a limited duration as determined by legislation.

The objects of intellectual property law are diverse, encompassing a wide range of human activity results. Specifically, they include literary, musical, and artistic works; computer programs; databases; inventions; industrial designs; trademarks; geographical indications; and other creations. Each of these objects possesses unique characteristics and is governed by a specific legal regime

outlined in relevant normative acts. For instance, copyright protects literary, musical, and artistic works, while patent law regulates legal relationships pertaining to inventions and utility models [5].

Subjects of intellectual property law include creators of intellectual property objects (such as authors, performers, and inventors), as well as other individuals or entities holding the respective rights. Notably, property rights are often transferred to third parties through licensing agreements or assignments. This system facilitates the effective commercialization of intellectual property while simultaneously safeguarding the interests of creators.

One of the most critical aspects of intellectual property law is its protection against infringements. The enforcement system encompasses criminal, administrative, and civil liability. According to the provisions of the Criminal Code of Ukraine, criminal liability applies in cases of severe violations, such as the unlawful reproduction and distribution of works or other intellectual property objects that cause significant material damage. Specifically, Article 176 of the Criminal Code of Ukraine establishes liability for the unauthorized reproduction and distribution of scientific, literary, and artistic works, computer programs, and databases if such actions result in substantial financial harm. Similarly, Article 177 of the Criminal Code of Ukraine stipulates liability for violations of rights related to inventions, utility models, industrial designs, topographies of integrated circuits, plant varieties, or rationalization proposals, provided they cause significant material damage [1].

Administrative liability, as outlined in Article 51-2 of the Code of Administrative Offenses of Ukraine, applies to less severe violations, such as the unauthorized use of intellectual property objects or misappropriation of authorship. In such cases, administrative liability entails the imposition of fines and other sanctions aimed at preventing similar infringements [4].

Civil protection of intellectual property rights serves as one of the most effective mechanisms for safeguarding the interests of rights holders. According to the provisions of Book Four of the Civil Code of Ukraine, any individual or entity has the right to seek judicial protection of their intellectual property rights. The court may implement various measures, including the seizure and destruction of goods produced in violation of intellectual property rights at the expense of the infringer, as well as the publication of information regarding the infringement and the content of the court ruling. Additionally, in cases of unlawful use of intellectual property objects, the court may award compensation in lieu of damages.

Judicial practice indicates that the protection of intellectual property rights is a complex process that requires consideration of numerous factors. In particular, courts often implement immediate measures to prevent infringements, such as

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prohibiting the import of counterfeit goods across the customs border. Additionally, court rulings may mandate the publication of information regarding violations and the content of decisions, thereby raising overall awareness of the importance of intellectual property rights compliance.

Liability for intellectual property rights violations serves as a crucial mechanism for ensuring compliance. Criminal liability, as established by Articles 176 and 177 of the Criminal Code of Ukraine, applies in cases where violations result in significant material damage. Administrative liability, as outlined in Article 51-2 of the Code of Administrative Offenses of Ukraine, addresses less severe infringements but remains an effective tool for preventing violations. Civil law protection, based on the provisions of Book Four of the Civil Code of Ukraine, allows for the recovery of damages and the implementation of other protective measures [2].

Thus, intellectual property law is an integral part of the modern legal system, safeguarding the interests of authors, innovators, and society as a whole. The effectiveness of this institution depends on the proper application of legal norms, the development of judicial practice, and the enhancement of legal education. In the context of globalization and digitalization, intellectual property law is becoming an increasingly vital instrument for ensuring sustainable development and fostering innovation [3].

Therefore, an analysis of the legal aspects of intellectual property protection highlights its key role in contemporary society. The advancement of this institution requires continuous improvement of the legislative framework, the strengthening of judicial practice, and the promotion of public awareness regarding rights and obligations. Only under these conditions can effective intellectual property protection be ensured, creating a favorable environment for innovative development.

Conclusion. The legal protection of intellectual property in Ukraine plays a pivotal role in fostering innovation, safeguarding creators' rights, and ensuring economic progress. The analysis of existing mechanisms reveals a multifaceted approach that encompasses criminal, administrative, and civil liability, each serving as a critical instrument in addressing intellectual property infringements. The efficiency of these mechanisms largely depends on the proper application of legal norms, the responsiveness of judicial practice, and the continuous development of enforcement strategies.

Judicial practice demonstrates that intellectual property protection is a dynamic and complex process requiring a balance between preventive measures, legal enforcement, and public awareness. Immediate interventions, such as prohibiting the import of counterfeit goods and publishing information on

violations, contribute to strengthening compliance with intellectual property laws. Furthermore, the differentiation between criminal, administrative, and civil liability ensures a proportionate response to various degrees of infringement, reinforcing the overall integrity of the intellectual property system.

In the context of globalization and digital transformation, the importance of intellectual property protection continues to grow. Strengthening the legislative framework, enhancing judicial efficiency, and promoting legal literacy among rights holders and the general public remain essential for ensuring the sustainable development of the intellectual property landscape in Ukraine. Only through a comprehensive and adaptive legal approach can Ukraine create a favorable environment for innovation, economic growth, and integration into the global intellectual property system.

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