

PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

V. Sanina, student,

V. N. Karazin Kharkiv National University

Law refers to the many and varied laws, rules and customs which govern, impact and deal with the legal interactions between different nations, their governments, businesses and organizations, to include their rights and responsibilities in these dealings.

One of the objects of international law is intellectual property. Everybody meets with intellectual property every day. However, not so many people know that they have to deal with intellectual property. That's why some objects of intellectual property rights are unusual for our understanding. But objects of intellectual property rights and their author, I mean subject of intellectual property rights, have rights to protection.

The concept of "intellectual property" is used in different meanings. It, in particular, is used to designate a set of exclusive rights both personal (moral) and property character on the results of intellectual, creative activity¹. Thus, the Convention establishing the World Intellectual Property Organization (WIPO), adopted on July 14, 1967, states that the term "intellectual property" covers rights that relate to literary, artistic and scientific works; executive activities of artists, sound recording, radio and television programs; inventions in all spheres of human activity; scientific discoveries; industrial designs; trademarks, service marks, brand names and commercial designations; protection against unfair competition; intellectual activity in the production, scientific, literary, artistic spheres.

Another common point of view regarding the application of this concept is the definition of "intellectual property" as a set of specific objects - the results of intellectual, creative activity. Proceeding from this point of view, intellectual property is the results of intellectual, creative activity of a person in production, scientific, literary, artistic and other spheres, the rights to which are protected by law.

For convenience, all objects are divided into three groups: objects of industrial

property, non-traditional objects of intellectual property, objects of copyright and related rights.

Objects of industrial property received this name due to the fact that they are used mainly in industry. The concept of "industrial property" is outlined in the Paris Convention for the Protection of Industrial Property of 1883. According to Article 1 of the Convention, the objects of protection of industrial property are patents for inventions, utility models, industrial designs, trademarks, service marks, brand name and instructions on the origin or name of the place of origin, as well as the cessation of unfair competition.

Other (non-traditional) objects of intellectual property rights include the results of intellectual, creative activity, used not only in industry, but also in other spheres of human activity. This group includes breeding achievements (new varieties of plants and animal breeds), layout (topography) of integrated circuits, trade secrets (including know-how), scientific discoveries and rationalization proposals.

The objects of copyright include the results of spiritual and intellectual creativity of a person: works of literature and art, computer programs, compilations of data (databases) and objects related to copyright, which include the performance of works, phonograms and videograms, programs (transfers) of broadcasting organizations.

We have identified what is intellectual property. But at the moment we are having a question: who can be the author of the property?

Authors are recognized as persons whose creative work created the work. The authors recognize not only the creators of original works, but also the creators of derivative (dependent) works, such as: translations, alterations, copies of works of art, etc. Along with individuals, copyright holders may be legal entities that have acquired certain copyright powers under an agreement with the author or received them by will or in other cases. The subjects of copyright after the death of the author are his heirs. Inheritance of copyright is carried out either by law or by will. When inheriting by law, only citizens who are legitimate heirs can become heirs. Upon inheritance by will, copyrights can be transferred to any citizen. Copyright holders can also be publishers, theaters, film studios and other organizations involved in the use of works.

Organizations that manage the author's property rights on a collective basis are not copyright holders. In relations with third parties, they act as representatives of the authors and act on their behalf, in their interests. So since we talk about Law, we have to draw attention to sources of intellectual property rights, where fixed above said.

The most important codified law among the sources of intellectual property rights is the Civil Code of Ukraine of January 16, 2003. (effective January 1, 2004). The fourth book "Intellectual Property Law," chapter 75 "Disposition of Property - New Intellectual Property Rights" and 76 "Commercial Concession" of the fifth book are devoted to the legal regulation of intellectual property in the code.

International sources of intellectual property rights include the following:

- Paris Convention for the Protection of Industrial Property of March 20, 1883;
- Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886;
- Madrid Agreement on International Registration of Marks of April 14, 1981;
- Patent Cooperation Treaty of June 19, 1970;
- The World Intellectual Property Organization Copyright Treaty adopted by the Diplomatic Conference on December 20, 1996;
- International (Roman) Convention on the Protection of the Interests of Performers, Producers of Phonograms and Broadcasting Organizations of October 26, 1961;
- and others.

The main reason why I chose this topic is a large number of violations of intellectual property rights, which we have had recently. Today we are witnessing a high level of piracy and a large scale of violations of intellectual property rights. As for the legal regulation of issues related to the introduction of intellectual property rights, it is imperfect. But the most serious problem in this area is both the insufficient level of the general culture of citizens and the low level of education in the field of intellectual property.

I'm sure many people have done it too. In our time we have Internet, AI, piracy sites in easy access. A lot of people don't want to strain their brains to come up with

their own abstract presentation, that is, create their own creative object or pay money for a book or film, if all this can be found on the Internet. I must clarify that, of course, some objects have already expired the validity of intellectual property rights or the author himself added it to free access. But we speak up about other things.

It's true, the ease of access to the Internet and digital platforms has significantly changed the way we engage with intellectual property and creative content. While it offers incredible convenience, it also raises ethical and legal questions. Many individuals opt for shortcuts—downloading pirated content, plagiarizing ideas, or repurposing someone else's work without credit—because it feels effortless and cost free. Yet this behavior undermines the value of creativity and hard work that goes into producing such content.

Creators invest time, effort, and resources into their work, whether it's an artist crafting a painting, an author writing a novel, or a filmmaker creating a movie. Ignoring intellectual property rights not only affects them financially but can also discourage future creativity and innovation. After all, why pour your heart into a project if it's going to be freely exploited without acknowledgment?

Moreover, pirated sites and the act of copying can come with hidden risks. Some pirated files may contain malware, putting your devices and personal data in danger. Ethically, taking the work of others without their consent contributes to a culture where originality and fairness are undervalued.

Instead, fostering respect for intellectual property by supporting creators—whether it's buying a book, subscribing to a film streaming service, or giving credit for borrowed ideas—builds a stronger creative community. It may cost us some effort or money, but it ultimately fuels the cycle of innovation and artistry that benefits us all.

The challenge lies in creating greater awareness and offering accessible alternatives that reward creativity while meeting the needs of a digitally-driven generation.

As conscious citizens, we must stop this, not otherwise support our intellectual property rights will be similarly violated, but now you may know that you have the right to protect these rights.

That's why I want to describe how you can to protect your intellectual property rights for preserving your ideas, works and innovations:

1. Legal registration

- Copyright: Register your works (music, books, paintings, etc.) with the relevant government agencies. In many countries, copyrights arise automatically, but registration can simplify protection in case of violation.

- Patents: If you have created a new invention, apply for a patent. This grants you the exclusive right to use the invention for a prescribed period.
- Trademark: Registration of a logo, brand name or symbol will protect you from illegal use by competitors.

- Trade secret: Protect sensitive information or know-how with non-disclosure agreements (NDAs).

2. Compliance with legal documents

- Conclusion of contracts with clear terms that indicate your rights to IP objects, for example, copyright contracts, license agreements, transfer agreements, etc.

3. Electronic protection

- Use watermarks, digital signatures, encryption to protect your materials on the Internet.

- Register domain names to avoid being used by third parties.

4. Surveillance and monitoring

- Monitor the use of your IP facilities online and offline. You can use special tools to monitor online violations, such as anti-piracy platforms.

5. Legal response to violations

- Contact the court in cases of violation of rights. The legislation of many countries provides for compensation for the illegal use of IP objects.
- Send a claim or warning letter to the offender demanding that you stop using your facility.

6. Educational activities

- Raise awareness of your rights by regularly studying current IP legislation, and participate in thematic seminars and trainings.

7. International Protection

- If you plan to protect your IP rights abroad, use international agreements such as the Berne Convention or the WIPO (World Intellectual Property Organization) system.

However, I have to clarify what exactly your idea is protected, namely its form. I mean that, for example, if you decide to write a book and of course you have some idea of the book, but this idea doesn't have protection, but your finished book has. To see another situation: you have an idea for a future book, but a person stole this idea and a public book with your idea. In this situation you have to have some notices or you have already started to write the book, or something else which can prove exactly your idea. Honestly, it's really difficult to prove. So, my recommendation is to not talk about your ideas, because we have many people who can steal and publicize before you do it.

Protection of intellectual property rights is fundamental to fostering creativity, innovation, and economic development. By ensuring that creators, inventors, and businesses have exclusive rights over their works, intellectual property laws encourage investment in new ideas and provide a fair reward for effort and ingenuity.

Effective protection not only safeguards the moral and economic interests of rights holders but also promotes healthy competition and cultural enrichment. It ensures that innovations, whether in art, technology, or industry, contribute positively to society by balancing the rights of creators with the interests of the public.

However, challenges such as piracy, counterfeit goods, and unauthorized use of intellectual property persist, making enforcement a critical aspect of protection. Strengthening legal frameworks, raising public awareness, and promoting international cooperation are necessary to address these issues effectively.

In conclusion, protecting intellectual property rights is not just about individual benefit; it is a collective effort to sustain an environment where creativity and innovation can thrive, benefiting society as a whole.

References

1. "Civil Code of Ukraine". (2003). Law of Ukraine No. 435-IV, adopted January 16, 2003, effective January 1, 2004. Kyiv: Verkhovna Rada of Ukraine.
2. "Convention Establishing the World Intellectual Property Organization

- (WIPO)". (1967). Adopted July 14, 1967, at Stockholm. Geneva: WIPO.
3. "Paris Convention for the Protection of Industrial Property". (1883). Adopted March 20, 1883, as revised. Geneva: World Intellectual Property Organization.
 4. "Berne Convention for the Protection of Literary and Artistic Works". (1886). Adopted September 9, 1886, as revised. Geneva: World Intellectual Property Organization.
 5. "Madrid Agreement Concerning the International Registration of Marks". (1981). Adopted April 14, 1981. Geneva: World Intellectual Property Organization.
 6. "Patent Cooperation Treaty (PCT)". (1970). Adopted June 19, 1970, as amended. Geneva: World Intellectual Property Organization.
 7. "WIPO Copyright Treaty (WCT)". (1996). Adopted by the Diplomatic Conference on December 20, 1996. Geneva: World Intellectual Property Organization.
 8. "International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)". (1961). Adopted October 26, 1961. Geneva: World Intellectual Property Organization.
 9. "WIPO". (2023). "Intellectual Property Handbook: Policy, Law and Use". 2nd ed. Geneva: World Intellectual Property Organization.
 10. "Kur, A. & Levin, M". (2019). "Intellectual Property Rights in the Global Economy". Cambridge: Cambridge University Press.
 11. "Kornilova, O". (2021). Legal Regulation of Intellectual Property Relations in Ukraine. "Journal of Intellectual Property Law", 15(2), pp. 45–62.
 12. "Bently, L. & Sherman, B". (2018). "Intellectual Property Law". 5th ed. Oxford: Oxford University Press.
 13. "Kraß, D". (2022). "The Enforcement of Intellectual Property Rights in the Digital Age". Munich: Beck Publishing.
 14. "World Intellectual Property Organization (WIPO)". (2022). "WIPO IP Facts and Figures 2022". Geneva: WIPO.
 15. "European Intellectual Property Office (EUIPO)". (2023). "The Impact of Piracy and Counterfeiting on the Creative Economy". Alicante: EUIPO.
 16. "Kornilova, O. & Sydorenko, V". (2020). Protection of Intellectual Property Rights in Ukraine: Current Challenges and Future Perspectives. "Ukrainian Law Review", 8(3), pp. 112–128.
 17. "Torremans, P". (2019). "Intellectual Property Law". 7th ed. Oxford: Hart Publishing.
 18. "Lemley, M. A". (2021). "The Myth of the Sole Inventor". Michigan Law Review, 110(5), pp. 739–782.
 19. "Ministry of Economy of Ukraine". (2021). "State Policy on Intellectual Property Protection: National Report". Kyiv: Ministry of Economy of Ukraine.

THE ROLE OF INTERNATIONAL LAW IN PROTECTING CIVILIANS DURING ARMED CONFLICT

Fedorenko P., student,