

Отже, наведені мною міркування послідовно доводять те, що при створенні ІТ-бізнесу існує багато нюансів і умов. Для успіху в ІТ-справі необхідно розробити план і вибудувати стратегію захисту. Важливо провести правовий аудит діяльності ІТ-компанії та знайти найкраще рішення для бездоганної реалізації ІТ-бізнесу. Такий вид діяльності є прибутковим і надзвичайно прогресивним. Тож не варто боятись цієї галузі, тим більше, що вона регулюється законодавством України і в будь-якому випадку кожен громадянин може захистити і відстояти власні права.

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PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN UKRAINE AND IN THE WORLD: A COMPARATIVE LEGAL ASPECT

The topic of protection of intellectual property rights is extremely important today. Creating an effective system of protection of these rights is one of the most important areas of integration of our country into the European Union. We need to substantiate all the concepts of this concept to understand the need for development of this area of law, the differences and features between the branches of law of Ukraine and other countries.

A positive fact is that in recent years in our country has formed a large number of authorities that directly or indirectly provide active activities in the field of protection and enforcement of intellectual property. Their main task and goal is to develop and consider various draft laws and other regulations on this area of law. For example, in the structure of the judiciary within the Supreme Commercial Court of Ukraine there is a Judicial Chamber that specializes in

commercial cases related to the protection and defense of intellectual property rights [1, p. 93-94].

In addition, the Ministry of Economic Development and Trade of Ukraine has an important role in the system of executive power in the protection of this type of property. This body implements state policy in the field of intellectual property. That is why the State Intellectual Property Service, which is the central executive body, reports to the Minister of Economic Development. Its main tasks are the implementation of the policy of our state in this area and the submission of proposals to ensure the formation of this phenomenon [2, p. 22].

Each state, forming its own legal system, set itself the task of creating the necessary and appropriate regulations that could regulate public relations for intangible objects. This is indeed an important part of the legislation of any country, especially today.

It should be noted that the countries of the European Union have a well-developed system of protection of intellectual property rights. For example, the member states of this union have introduced the idea of localization (binding to the place). This criterion in jurisprudence is interpreted in the form of «the place where rights are exercised». If we refer to this concept as an intangible object, then such a place is the place where the right to it applies. This rule, which has become part of the national legal system of many states, has led to the assertion that intellectual property rights are subject to the general principle of territorial conformity. Accordingly, the following consequences follow: protection provided by one state can operate independently of protection existing in another state; violation of rights is considered only actions committed in the territory where the protection of these rights is guaranteed by the state [3].

When studying the legislation of other countries, it is impossible not to notice that the security system we are currently considering is very detailed. It provides for the legal regulation of a large number of issues that may arise in public relations. Therefore, it is worth considering another issue of counterfeiting. This concept means a new product created on the basis of an existing original with infringement of intellectual property rights; counterfeit consumer goods [4, p. 352].

An example of the latter concept can be the organization and regulation of the anti-counterfeiting system. Spain has experience in this regard, being the first to set up a coordinated system at both national and EU level. The authorities of this country have established an interdepartmental commission to combat violations of property rights in this area. The main tasks of this body are to coordinate the activities of ministries involved in the fight against counterfeit products in the country, and to find appropriate practical solutions to this problem [5].

Comparing the authorities included in the system of protection of

intellectual property rights, we should mention the Committee on Science and Education, whose activities are: analysis of the practice of application of legislation in the activities of state bodies, their officials on matters within the competence of committees, training and submission of relevant conclusions and recommendations to the Verkhovna Rada of Ukraine; sending materials for appropriate response within the limits established by law, the bodies of the Verkhovna Rada; coordination of issues, holding consultations on the appointment and dismissal of heads of relevant state bodies, etc. [6, p. 60].

Thus, comparing the systems of protection and enforcement of intellectual property rights of Ukraine and other countries, we can conclude that, unfortunately, our legislation is not yet sufficiently developed. The positive aspects are that the government of our state contributes to the development of this area of law, but at this stage the activities of most bodies responsible for this process have more theoretical tasks and ideas than their practical implementation. Therefore, in order to promote faster integration of our country into the European Union and raise the organization and regulation of our legislation to a higher level, we need to draw on the experience of other countries and more actively apply the laws governing public relations in this area of law.

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