birth. That is, here confidential information about a natural person is disclosed not through information, but through data. At the same time, if all confidential information about a natural person consists only of data about such a natural person, then why is information about a natural person (personal data) disclosed through information?

It seems that it is part 1 of Article 11 of the Law of Ukraine "On Information" that creates a state of legal uncertainty.

The above leads to the conclusion that the current civil legislation of Ukraine is not sufficiently clear and consistent with regard to such a type of information as confidential information about a natural person. Such inconsistency creates the problem of classifying it as information (in the legal sense of the word). It consists in the fact that confidential information about a natural person, according to how it is defined in civil legislation, refers to a type of personal data, but along with this it is considered as information or a set of information about a natural person that is identified or can be specifically identified.

That is, from the given wording, confidential information about a natural person is information as a type of data. This legal status creates the problem of classifying it as information as an object of civil rights. This is due to the fact that information as an object of civil rights cannot be information as a type of data, since information, according to today's concept, can be either information, or data, or a combination of information and data.

The above leads to the need to bring the relevant civil law norms to the requirements of the general legal concept of information as an object of civil rights. In particular, this applies to Part 1 of Article 11 of the Law of Ukraine "On Information". Taking this into account, it is proposed to set out part 1 of Article 11 in the following wording: "Information about a natural person (personal data) – data or a set of data about a natural person who is identified or can be specifically identified".

UDC 347.99:347.77(043.2)

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ON THE QUESTION OF CONSIDERATION OF DOMAIN DISPUTES IN THE ASPECT OF JUDICIAL REFORM (IR OF THE COURT)

In connection with the rapid development of legal relations in the field of using the worldwide system of unification of computer networks for storing and transmitting information (the Internet), the problem of resolving disputes regarding domain names (a more accurate translation from English - domain

names, “domain name” – domain name) is gaining momentum, while an unambiguous algorithm for their solution at the level of legislation has not been established. The same model that exists at the level of legislation and is used in the case of protection of the rights and legally protected interests of persons in the field of legal relations regarding domain names and related objects of intellectual property rights is somewhat outdated and has certain gaps.

Taking into account the integration of Ukrainian society into the European Union (EU), it is necessary to fully fulfill obligations under a number of international agreements, in particular, compliance with the provisions of the association agreement between Ukraine and the European Union. In this agreement, which is of strategic importance for the development of the economy of our country, a separate chapter is devoted to the issue of intellectual property rights. The purpose of this chapter is to achieve the appropriate level of protection and realization of intellectual property rights at the expense of, in particular, appropriate quality standards of legislation and principles of civil protection.

An important step in this direction, in our opinion, is the reform of the judicial system with the creation of the High Court on Intellectual Property (IP Court).

For a more effective implementation of judicial protection in the field of legal relations that arise in connection with the use of Internet space, a high adaptability of national legislation is necessary both to the rapid development of the latest technologies and to changes in the judicial system.

Regulation of legal relations arising from the use of domain names is one of the issues that needs to be resolved at the legislative level.

A necessary condition for the effective protection of the rights of participants in legal relations arising from domain names is the provision of access to justice, which, in turn, is a component of the right to a fair trial, which is provided by paragraph 1 of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The competition of subject matter jurisdiction in the resolution of domain name disputes between the High Court of Intellectual Property, economic and local general (district economic and district) courts can lead to difficulties in determining the proper court in this category of cases. On the other hand, the lack of a clear demarcation of the subject jurisdiction in domain name disputes may result in the closure of the proceedings by the courts, both according to the rules of economic and civil proceedings, which will lead to a violation of the rights of individuals to judicial protection.

Unfortunately, in judicial practice, cases of closing proceedings in cases due to the lack of a clear demarcation of subject jurisdiction between courts can be found, which leads to a violation of access to justice. A clear example of the above can be the violation of Clause 1 of Article 6 of the European Convention

on the Protection of Human Rights and Fundamental Freedoms, established by the European Court of Human Rights in the decision on the case “Church of the village of Sosulivka v. Ukraine” (Application No. 37878/02) [1].

In the science of law, there is an opinion that the most problems with the interpretation of the proper court arise when new specialized courts are formed, which is connected, in particular, with the complexity of material and legal relations. That is why, in order to distinguish the subject matter jurisdiction between the newly created Supreme Court on Intellectual Property and local (commercial and general) courts, a number of issues must be resolved at the legislative level, in particular, regarding the legal regulation of domain names.

When determining the appropriate court in domain name disputes, it is necessary to take into account the existing gaps in the current legislation.

Thus, before the adoption of the Economic Procedural Code of Ukraine in the version of Law No. 2147-VIII dated 03.10.2017, disputes in the field of intellectual property law in general and, in relation to domain names, in particular, were considered both according to the rules of economic and civil proceedings. depending on the subject composition of the parties. The assignment of certain categories of cases to the jurisdiction of the Higher Specialized Courts is regulated by the procedural law [2]. According to the norms of the Economic Procedural Code of Ukraine, cases related to intellectual property rights, the list of which is not exhaustive, are assigned to the jurisdiction of the High Court on intellectual property issues [3].

Determining the subject matter jurisdiction of disputes regarding domain names after the creation of the High Court on Intellectual Property Matters becomes problematic because, although the norms of civil law define domain names as objects of civil legal relations, they are not classified as independent objects of intellectual property law. There are no references to domain names in the list of intellectual property law cases considered by the Supreme Court on Intellectual Property Law, determined by the norms of Part 2 of Article 20 of the Commercial Procedure Code of Ukraine. It seems that without proper legislative regulation, consideration of such cases may remain within the competence of local general or local commercial courts, depending on the subject composition of the parties, which, in our opinion, will not contribute to the implementation of the idea of effective protection of the rights and legally protected interests of participants in legal relations in the field intellectual property rights and will not meet the purpose of creating the High Court on Intellectual Property.

Consideration of disputes regarding domain names by the Supreme Court on Intellectual Property Issues under the current legislation seems possible only when such disputes concern the protection of the rights of the owners of adjacent objects of intellectual property rights (trademarks, commercial names, copyright objects, etc.). Therefore, the issue of delimiting the jurisdiction of

disputes regarding domain names, as independent objects of civil relations, has not been settled by law and requires significant revision.

In our opinion, there are three possible ways to solve the problem of resolving the issue of jurisdiction over domain name disputes, after the High Court on Intellectual Property issues begins:

1) enshrining the legal regime of domain names in the norms of material law with the determination of the place of domain names among objects of civil rights. At the same time, it is necessary to resolve the issue of determining the appropriate criteria for assigning domain names to objects of intellectual property law;

2) making changes to the procedural legislation with an indication of domain names in the list of categories of cases that can be considered by the High Court on Intellectual Property;

3) making changes both to the norms of substantive law regarding the definition of the legal regime of domain names, and to the norms of procedural law regarding the assignment to the jurisdiction of the High Court on Intellectual Property for the resolution of disputes regarding those domain names which, according to the criteria defined by law, belong to objects of intellectual property rights.

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2. On the judicial system and the status of judges: Law of Ukraine No. 1402-VIII dated June 2, 2016. URL: https://zakon.rada.gov.ua/laws/show/1402-19 (application date: April 20, 2023).

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УДК 347.78(477)(043.2)

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м. Київ, Україна

ДЕЯКІ ПРОБЛЕМНІ ПИТАННЯ ЩОДО ПОШИРЕННЯ НЕДОСТОВІРНОЇ ІНФОРМАЦІЇ У ПЕРІОД ДІЇ ПРАВОВОГО РЕЖИМУ ВОЄННОГО СТАНУ

Із введенням в Україні воєнного стану тимчасово, на період дії правового режиму воєнного стану, можуть обмежуватися конституційні права та свободи людини і громадянина, передбачені статтями 30–34, 38,