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THE STATE AND ITS AUTHORIZED BODIES AS SUBJECTS OF PROTECTION OF INTELLECTUAL PROPERTY

The existence of an internationally recognized system is a necessary element for achieving the high development of any state. The protection of intellectual property promotes the use and further development of inventive and creative talents and achievements, promotes and preserves national potential in this area [1].

The term «intellectual property» is further defined in the Convention establishing the World Intellectual Property Organization. Article 2 covers the rights related to literary, artistic and scientific works, implementation of performing artists, sound recordings and broadcasting, inventions in all fields of human activity, scientific discoveries, industrial designs, trade and service marks, names and trade names, protection against unfair competition and all other rights arising from intellectual activity in the industrial, scientific, literary or artistic fields [2].

Ukrainian legislation on the authorities plays an important role in regulating legal affairs. The Constitution of Ukraine has the highest legal force.

The Constitution of Ukraine guarantees that a person can own, use and dispose of it, the consequences of creative and intellectual activity, scientific and technical freedom, artistic creativity, literary protection of intellectual property and legal rights. It presupposes authorial, spiritual and material interests. It comes from different types of intellectual activity [3].

Ukrainian Civil Code also plays an important role. It contains the Fourth

Book, the Intellectual Property Law, the legal norms of which regulate civil matters relating to the acquisition, exercise and protection of rights [4].

Ukrainian legislation in the field of intellectual property includes Ukrainian laws on industrial property, copyright and neighborly rights, as well as international treaties and agreements ratified by the Verkhovna Rada of Ukraine [5].

In Ukraine, two forms of protection can be distinguished: non-judicial (provides for self-defense of a legal entity or individual without the use of the state or competent authorities) and judicial (activities of state authorities for the recognition of rights).

In Ukraine, two forms of protection can be distinguished. Non-judicial (provides legal self-defense of legal entity or individual without appealing to state or competent authorities) and judicial (activities of state bodies on recognition of rights).

Appropriate forms of protection are divided into general (applicable in court) and special (administrative proceedings). The existence of judicial protection meets the international requirements of copyright protection. Judicial protection is the most effective form of judicial protection provided by courts of general jurisdiction in civil or criminal, administrative and economic proceedings [6].

Part 2 of the Article of the Commercial Code of Ukraine further states that the Supreme Court for Intellectual Property hears cases of intellectual property rights [7].

A citizen has the right to apply to the court, the competent public authority, a public organization, creative organizations and antitrust authority for the restoration of violated rights or to prevent it.

It is important to note that in connection with the publication of the Resolution of the Cabinet of Ministers of Ukraine of 11.05.2017 № 320 State Intellectual Property Service of Ukraine on 19 May 2017 ceased to perform state intellectual property policy functions: activities related to their implementation are now carried out by the Ministry of Economic Affairs Development and Trade of Ukraine [8].

The State Service actively cooperates with NGOs and public organizations representing the interests of international organizations, American, European and Ukrainian companies in Ukraine: Coalition for the Protection of Intellectual Property Rights, International Federation of Phonographic Industry, International the Intellectual Property Alliance, the International Confederation of Authors 'and Composers' Societies, the Association of International Collective Management Organizations for Audiovisual Works, the European Business Association, and others. Cooperation with regional international organizations and agencies, in particular the European Patent Office and the Interstate Council for Legal Protection and Protection of Intellectual Property,

is active and useful [4].

Every year the interest in the problem of the legal protection of intellectual property grows and this can be understood from the activities of state policy on the protection of rights by restoring and protecting violated rights, ratification of international agreements and treaties. This allows the creators of intellectual property to feel freer in the field of intellectual activity, having the opportunity through legal activity to register their rights and protect if it is necessary.

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ПРАВОВИЙ АСПЕКТ ЗЛОЧИНІВ У СФЕРІ ІТ-ПРАВА

ІТ-індустрія являється найбільш перспективною інтелектуальною галуззю. Вільний і швидкий доступ до Інтернету створює підґрунтя для безлічі шахрайських схем та інших правопорушень, що стосуються обробки персональних даних, чи прав інтелектуальної власності. Актуальність досліджуваної мною теми визначається тим, що в сучасних