

and development of digital business in various fields, determine the success factors of digitalization processes. Successful examples of digital transformations around the world are based on strengthening the institutional environment, attracting investment in digital development of companies, funding digital research and development and other activities. In addition to the above, initiatives for the development of digital legislation are relevant for Ukraine; improving mobile Internet access, as well as its coverage and quality to increase innovation in the country. It is also important to train IT professionals and use applications to create jobs. Accordingly, for different countries, such conditions will have different opportunities and consequences, positive or negative. There are concepts such as digital benefits and digital inequality. The ability of economy to adapt quickly to new technologies in response to the changing landscape caused by a pandemic has already affected and will continue to affect the speed of recovery of each country. The COVID-19 pandemic has demonstrated the importance of digitalization as a way to increase the resilience of economies in most countries. One of the key contributing factors in this case is the digital competitiveness of the economy. This clearly shows the importance of digitalization to create a successful future in the global dimension.

The realization of the benefits of digital technologies in the national economy should be accompanied by the creation of appropriate conditions that allow their dissemination and adaptation in socio-economic processes, while maintaining a balance of benefits and risks of their use.

**Keywords:** digital economy; digital transformation; digital instruments; digital evolution.

*Стаття надійшла до редакції 21.04.2021*

УДК 347.779

DOI 10.33111/sedu.2021.48.023.035

**Lavrenenko Valentyna V.\***  
**Kyrylenko Viktoriia Yu.\*\***  
**Tereshchenko Yuliia O.\*\*\***

## **CHALLENGES OF INTELLECTUAL PROPERTY PROTECTION IN UKRAINE**

**Abstract.** Intellectual property is an integral part of any scientific and economic process. In today's world, in the age of globalization, intellectual property protection is becoming increasingly important. After all, examples of successful development and economic growth are countries with the most dynamic sectors of national economies, which are associated with intensive activities in the field of knowledge and intellectual property. Today, there are problems in Ukraine regarding the protection of intellectual property rights.

\* **Valentyna V. Lavrenenko** — Ph.D., Professor SHEI “Kyiv National Economic University named after Vadym Hetman”, ORCID 0000-0003-1371-8452, [valentyna.lavrenenko@kneu.ua](mailto:valentyna.lavrenenko@kneu.ua)

\*\* **Viktoriia Yu. Kyrylenko** — Master in Economics, ORCID 0000-0002-2618-6224, [viktoriia.kyrylenko@kneu.ua](mailto:viktoriia.kyrylenko@kneu.ua)

\*\*\* **Yuliia O. Tereshchenko** — Master in Economics, ORCID 0000-0002-7528-1834, [yuliia.tereshchenko@kneu.ua](mailto:yuliia.tereshchenko@kneu.ua)

The article considers the current state and problems of intellectual property regulation in Ukraine, the reasons for their appearance, and the factors that affect them. Ukraine's positions in the global ranking of the Global Innovation Index are considered. The analysis of the patent system of Ukraine is carried out. The already existing mechanisms of regulation of intellectual activity in Ukraine are considered. Consider the legal framework of Ukraine for the protection of intellectual property. Legislative innovations on the protection of intellectual property in Ukraine are considered. We have determined that today in Ukraine, there are enough unresolved problems for the protection of intellectual property. This includes Internet piracy, lack of protection of intellectual property rights on the Internet, lack of normal mechanisms for fixing such violations, and effective tools for protecting intellectual property rights, "patent trolling," etc. To solve these problems, IP should become a fundamental tool for creating an enabling environment for innovation, ingenuity, creativity, free competition, economic and cultural development of Ukraine, strengthening its scientific potential, and increasing the level of investment attractiveness in the country.

**Keywords:** intellectual property; innovation; legislation; protection.

**Introduction.** Globalization challenges the fundamental protection of intellectual property rights. Intellectual property is an integral part of international trade and global economics. However, since intellectual property rights are private and territorial in nature rights, the question arises as to whether you can provide effective intellectual property rights protected in the era of globalization. The rapid pace of international trade, accelerating interconnected economies and the consequences of ineffective protection at the level of individual national legal systems are known to push countries to rethink the essence and ways of improving the protection of intellectual property rights, including in its civil law aspects. As international trade and business expand, intellectual property's implications and uses across national borders also become more pressing. Countries and developing countries are looking for opportunities to create a favourable climate for attracting investments, including foreign ones, for business development and stimulate higher economic activity. To achieve this goal, an important consideration is the creation of a strong and balanced intellectual property regime that should facilitate commercial and industrial activities in general [4].

**Tasks, methods and materials.** At the same time, guaranteed profit from the use of intellectual property rights is possible only when the state has a developed system for the protection of such rights in all its components. At the same time, this system should include relevant legislation, which enshrines the appropriate procedures and methods of protection, the presence of qualified law enforcement and customs authorities, an independent court, and the like. It should also be borne in mind that the importance of the role of intellectual property rights protection in the country's innovative attractiveness is assessed not only at the national levels but also at the international level, in particular, in the process of determining the issues of the expediency of investment.

Ukraine should proceed from the European experience in terms of the protection of intellectual property rights. After all, the creation of a single European market requires harmonizing the relevant national legislation of the EU member states and improving the system of protection of intellectual rights at the interstate level. The

latter's importance is evidenced by the provisions on expanding EU competence in the field of trade aspects of intellectual property in the EU Nice Treaty of February 26, 2001, which entered into force on February 1, 2003 [1].

Intellectual property law spreads in EU member states, directly affecting national legal protection systems. The standards for the protection of intellectual property rights of the European Union play a decisive role in improving national protection systems and assessing the effectiveness of the implementation of rights.

For Ukraine, which took a course towards Euro-integration back in the early 2000s and actively implemented it, protecting intellectual property rights acquired additional meaning.

**Results.** For developing countries, such as Ukraine, innovation is of particular importance as it underlies industrialization, which plays a key role in diversifying the economy and overcoming its structural weakness. The industry is the engine of innovation, productivity growth, and exports. It accounts for 80 % of Europe's exports; 65 % of investment in research and development comes from the downstream industries [2]. According to UN Industrial Development, ten countries with modern industries are less susceptible to global shocks and can successfully overcome challenges. Moreover, they will retain significant opportunities for industrial growth and technological progress over the next decades. This is due to the significant influence of industry and, above all, its processing sector on economic processes. The increase in industrial production in Ukraine is an important factor in its development. Still, it should be carried out not at the expense of capital investments, natural and energy resources, but by increasing labour productivity, envisaging the introduction of labour and resource-saving technologies enhancing the innovative activity of industrial enterprises. The main role in the whole process of development is intellectual power [24].

According to the Global Innovation Index, in 2020, Ukraine took 45th position.

Table 1

#### GLOBAL INNOVATION INDEX 2020

Indicators	Ukraine		United States of America	
	Rank	Score	Rank	Score
Overall	45	36.3	3	60.6
Innovation Efficiency Ratio	5	0.8	13	0.8
Innovation Input Sub-Index	71	40.1	4	68.8
Innovation Output Sub-index	37	32.5	5	52.3
<b>Knowledge and technology outputs</b>				
Overall	25	35.1	3	56.8
Knowledge creation	23	41.6	3	72.8
Knowledge diffusion	32	35	16	35.9
<b>Creative outputs</b>				
Overall	46	41	1	100
Intangible assets	23	42.8	15	48.1

Source: [8].

For comparison, America ranked 3rd place. At the same time, the coefficient of efficiency of innovations in Ukraine is higher than that of America. According to the indicator Conclusions of knowledge and technology, Ukraine is in 25th place, America - in 3rd. The largest gap in the positions of Ukraine with America in creative outputs - Ukraine - 45th place, America - 1st place.

At the same time, the analysis of the rating positions of Ukraine for specific indicators allows us to note that Ukraine's place in certain groups of indicators characterizing the institutional and market environment is significantly lower than the overall rating. At the same time, the analysis of the rating positions of Ukraine for specific indicators allows us to note that Ukraine's place in certain groups of indicators characterizing the institutional and market environment is significantly lower than the overall rating. Simultaneously, it is worth noting the country's fairly high positions in terms of indicators characterizing the situation in creating an industrial property, intangible assets, revenues from intellectual property, dissemination and absorption of knowledge, human capital and research, and the like.

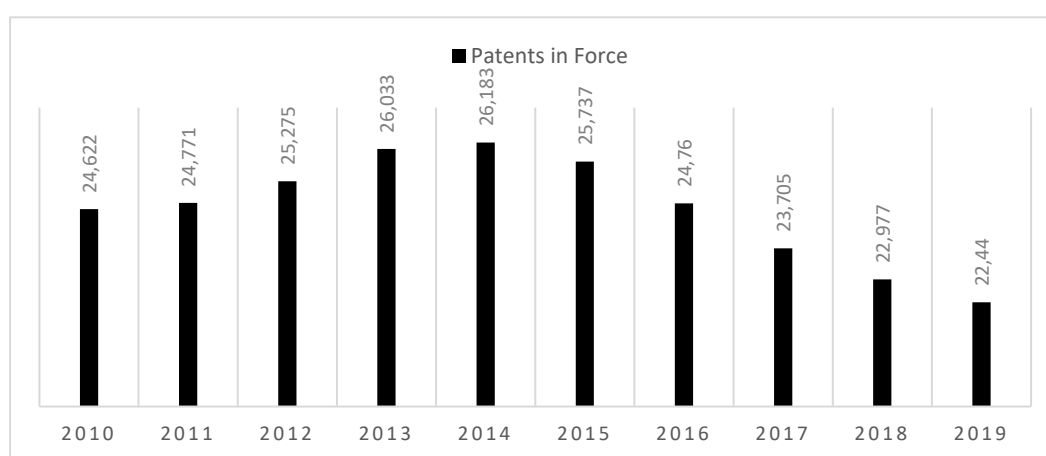


Figure 1. All patents in Force in Ukraine 2020

Source:[20].

Among the strengths of Ukraine, it is worth noting such indicators as the creation of knowledge and the results of scientific research, the ratio of patents by origin to GDP at purchasing power parity, the ratio of utility models by origin to GDP at purchasing power parity, spending on computer software as a percentage of GDP, ICT exports services as a percentage of total trade [20].

Among the problems of intellectual property protection, the main ones are [1]:

- lack of protection of intellectual property rights on the Internet;
- lack of normal mechanisms for fixing such violations;
- no cases of prosecution of the owners of sites with pirated content;
- lack of effective tools for the protection of intellectual property rights (in fact, the institutional failure of law enforcement agencies);

— "patent trolling," which in Ukraine has its specifics and is implemented in the form of fraud in the field of general consumer goods, in particular, during customs clearance;

— use of unlicensed software in government bodies;

— lack of adequate protection of the rights of authors and performers due to the existence of an opaque mechanism for collecting and distributing royalties through collective management organizations;

— the extreme complexity of the collection of evidence for the protection of infringed intellectual property rights in court due to the need to attract forensic research, which can now be carried out by almost two dozen forensic experts throughout the country;

— lack of effective judicial protection due to the presence of three jurisdictions through which such cases are resolved (general, administrative, and economic courts);

— lack of a developed strategy to combat existing organized markets with pirated content and counterfeit products (medicine, agro-industrial complex, FMGG);

— lack of proper mechanisms for the application of legal liability measures (from poorly formulated norms of administrative and criminal legislation to unacceptable methods for calculating damage caused by violations of intellectual property rights).

A number of factors underlie these phenomena. The lack of regulation of a significant number of issues at the legislative level, the presence of collisions, and gaps. Lack of a vision strategy for the national policy in the field of legal protection and protection of intellectual property rights. Absence over the year's attention from government bodies to intellectual property issues. Ineffective public administration. Along with this, one of the key factors should be understood as a low level of culture of intellectual property, lack of respect for the rights of creators and right holders.

Ukraine is characterized by the inconsistency of Ukrainian legislation on the protection of rights to trademarks; inconsistency of national legislation in this area with the requirements of the Association Agreement and inconsistency with EU legislation in this area; the presence of gaps and conflicts in the legislation on the protection of trademark rights; inconsistency of the specified legislation for the development of technologies, including on the electronic fall of applications for industrial property, in particular trademarks; establishing unreasonably large fees for the acquisition of intellectual property rights; long duration of the trademark registration procedure in Ukraine [21].

There is also an inconsistency in the norms of national legislation on the protection of rights to geographical indications; inconsistency of national legislation in this area with the requirements of the Association Agreement; and the need for Ukraine to fulfil its obligations under the Agreement in terms of the protection of geographical indications; the complexity and long duration of the registration procedure in Ukraine for geographical indications (qualified indications of origin of goods); lack of proper control of the presence of special qualities and other characteristics of goods in respect of which a geographical indication is registered (qualified indication of the origin of goods); low interest of small and medium-sized producers to create associations and register geographical indications in Ukraine and

in other states, necessitate the implementation of a set of measures to reform the Ukrainian system of protection of rights to geographical indications.

One of the problems to be solved is also the organization of professional development of experts. In recent years, Ukraine has lost the practice of training experts in leading foreign patent offices and regular improvement of the theoretical level on the basis of national higher educational institutions.

It should also be noted that over the past 18 years, seven heads of the examination institution – Ukrpatent – have changed in Ukraine. None of these leaders at the time of their appointment was an intellectual property expert or even encountered it in their previous activities. This situation is completely unacceptable for a specialized institution and has no similar precedents in the world. The incompetence of the leadership is one of the main reasons for the slowdown in the development of the system. In contrast, the system itself employs a sufficient number of specialists who are able to lead and develop it at the level of European patent offices. Without solving the problem of forming the management staff of the system from competent specialists, the implementation of any strategy for the development of the system is a senseless waste of time [3].

Similar problems exist with respect to any other IP subject matter in terms of legislative regulation. At the same time, a significant factor in improving the legislation of Ukraine in the field of intellectual property is the influence of international treaties concluded by Ukraine, the fulfilment of obligations under the Agreement "On Trade Aspects of Intellectual Property Rights" of the World Trade Organization, agreements between Ukraine and the European Union and agreements concluded within the framework of the World Trade Organization [22].

So, we see that the presence of a modern, internationally recognized system of the legal protection of intellectual property is a necessary element for achieving the high economic and social development of Ukraine. Effective legal protection of intellectual property contributes to the use and further development of inventive and creative talents and achievements, maintains and preserves national potential in the field of intellectual property, and attracts investments, stabilizing the economic situation in which both domestic and foreign investors can be sure that their rights will be respected. The creation of just such a system is of particular importance for Ukraine, a country with significant scientific, technical and intellectual potential.

A pressing issue at present is the implementation of changes in the legislation of Ukraine in the field of intellectual property in accordance with the requirements of the Association Agreement between Ukraine and the European Union, which should bring the legislation of Ukraine in the field of intellectual property closer to EU standards and ensure the functioning of a free trade zone between Ukraine and the EU creation and use of objects of intellectual property rights.

By order of the Cabinet of Ministers of Ukraine dated 01.06.2016 No. 402-r, the Concept of Reforming the State System of Legal Protection of Intellectual Property in Ukraine was approved, as a result of which in August 2016, the institutional reform of the sphere of state administration of legal protection of intellectual property on the implementation of the Resolution of the Cabinet of Ministers of Ukraine dated

23.08.2016 No. 585 on the liquidation of the State Intellectual Property Service of Ukraine, the functions of which were transferred to the Ministry of Economic Development and Trade of Ukraine [9].

On May 24, 2018, in accordance with Order No. 718 of the Minister of Economic Development and Trade, the state organization National Intellectual Property Office (NIPO) was established – the body of the state system for the legal protection of intellectual property, recognized at the national level, exercises powers in the field of intellectual property, determined by law and charter [12].

Ukraine is a party to 22 multilateral international treaties, the administrative functions of which are implemented by WIPO, the International Union for the Protection of New Varieties of Plants, and is a party to bilateral agreements with intellectual property protection major trading partners. Essential for strengthening the protection of intellectual property rights in Ukraine has Ukraine's accession to the World Trade Organization trade in 2008 and amendments to Ukraine's laws to bring them in line with the Agreement "On Trade Aspects of Intellectual Property Rights"[22].

The main challenges for the development of Ukrainian legislation are currently associated with the implementation of the Agreement on associations between Ukraine, on the one hand, and the European Union, the European Community for nuclear energy and their member states, on the other hand (the political section of the Agreement was signed 03.21.2014, the economic part – 06.27.2014, effective from 01.09.2017), which provides for the harmonization of national legislation to EU legislation [23].

The MEDT and a number of other ministries (in particular, the Ministry of Agrarian Policy, the Ministry of Health) are actively involved in the preparation of draft laws aimed at implementing the Association Agreement between Ukraine and the EU. Among the bills that are still being worked on are:

a) the draft Law "On Amendments to Certain Legislative Acts of Ukraine to Improve the Legal Protection of Intellectual (Industrial) Property" (patent trolling) [ 3];

b) the draft Law "On Amendments to Certain Legislative Acts Concerning Strengthening Responsibility and Protection of Rights in the Sphere of Intellectual Property" [14];

c) the draft Law "On Amendments to Certain Legislative Acts of Ukraine to Improve the Legal Protection of Geographical Indications" [16];

d) the draft Law "On Amendments to Certain Legislative Acts of Ukraine regarding the Improvement of Protection for the Layout of a Semiconductor Product" (topography of integrated circuits) [17];

e) the draft Law "On Amendments to Certain Legislative Acts in the Sphere of Copyright and Related Rights" [18];

f) the draft Law "On Amendments to Certain Legislative Acts of Ukraine Concerning Improving the Protection of Inventions (Utility Models)" [13];

g) the draft Law "On Amendments to Certain Legislative Acts of Ukraine (Concerning Strengthening the Protection of Intellectual Property Rights)" [19].

In early 2015, Ukraine signed an agreement on associative membership in the Horizon 2020 Program, which opens up new scientific, technical, and technological

cooperation with EU countries. No less important are the steps were taken by the government already in 2016 to join the COSME program, which is aimed at supporting the development of small and medium-sized innovative businesses. At the same time, if the European Union at the last stage of the Horizon 2020 program (2019 – 2020) identified the financial gap in support of innovations and a fragmented innovation ecosystem as one of the main problems in the development of innovations (The challenge in Europe: a gap financing in coupled with a fragmented innovation ecosystem) and launched a new pilot initiative to solve this problem, it should be noted that this problem is becoming even more acute for Ukraine [11].

And since Ukraine, unlike the EU, has very limited budgetary opportunities for direct financial support of innovative projects, the concentration of financial instruments on the development and support of effective organizations of innovative infrastructure can become a very strong positive catalyst for the development of the innovation sphere and the expansion of the export of innovative products and services. It is the fullest possible use of the opportunities arising in the framework of cooperation with partners from the EU that becomes an urgent task both for the government and for scientists and entrepreneurs – innovators.

Certain steps taken in 2017-2018 were positive developments for the intellectual property sphere. So, in 2017, in connection with the adoption of the Law of Ukraine No. 1977-VIII "On State Support of Cinematography in Ukraine," a number of important changes were made to protect copyright and related rights on the Internet in other laws of Ukraine, in particular, to the Law of Ukraine "On copyright and related rights," the Code of Ukraine on Administrative Offenses, the Criminal Code of Ukraine. Also, in 2017, the Law of Ukraine "On Amendments to the Economic Procedure Code of Ukraine, The Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts," which supplemented the provisions of the procedural legislation of Ukraine on the High Court of Intellectual Property [22].

In 2018, a separate law was adopted to streamline the sphere of collective management of property copyright and related rights "On the effective management of property rights of copyright holders and (or) related rights," taking into account individual comments of international experts and the provisions of the Directive 2014.26. EU "on collective management of copyright and related rights and multi-territorial licensing of rights to musical works for the purpose of online users in the domestic market". Although already now, representatives of the film industry insist on the need to classify the use of audio-visual works under extended collective management and the formation of a separate CMO for the audio-visual sector.

By order of the Cabinet of Ministers of Ukraine (CMU) dated July 10, 2019, No. 526r, the Strategy for the Development of the Innovation Activity Sphere for the Period until 2030 was approved, which defines the main areas of innovation activity, among which the support of start-ups takes a central place. The complete state of the innovation sphere in Ukraine in the middle of the current decade is given in the National Report Innovative Ukraine 2020. The analysis carried out later gave grounds to conclude that the most important barrier to innovation activity of Ukrainian



enterprises in the years of independence was the lack of financial resources. The lack of own funds was complemented by the high cost of bank loans to finance innovative activities. Along with this, Ukraine remains one of the few European countries where there are virtually no indirect incentives to support innovation. The introduction of appropriate incentives consistent with European practice and the creation of the necessary institutions that would contribute to innovative development remains one of the most important tasks of the legislative branch [6].

**Conclusions and Discussions.** We have determined that today in Ukraine, there are enough unresolved problems to protect intellectual property. This includes Internet piracy, lack of protection of intellectual property rights on the Internet, lack of normal mechanisms for fixing such violations, and effective tools for protecting intellectual property rights, "patent trolling," etc. To solve these problems, IP should become a fundamental tool for creating an enabling environment for innovation, ingenuity, creativity and free competition, economic and cultural development of Ukraine, strengthening its scientific potential, increasing the level of investment attractiveness country.

In general, increasing the level of protection of intellectual property rights provides for the implementation of many complex tasks related to both improving national legislation and law enforcement practice, completing institutional reforms, as well as establishing active interaction between authorized government bodies, law enforcement, fiscal, customs authorities, etc. A significant role in this process is also assigned to the judicial branch of government, which is in the stage of active reform, especially considering the prospect of the commencement of the activities of the High Specialized Court on Intellectual Property in Ukraine in 2020 and the existing reform of procedural legislation, as a result of which most IP infringement disputes are considered the order of economic jurisdiction. Despite the fact that two forms of IP protection are used in Ukraine – jurisdictional and non-jurisdictional, the latter is considered ineffective due to low legal culture. Protection of IP rights can be carried out in the administrative-legal, criminal-legal, economic-legal, civil-legal order. However, a common problem for all aspects of the protection of intellectual property rights is the inconsistency of the normative legal acts that regulate the legal relationship on OPIV by the norms of the Association Agreement, the "obsolescence" of certain provisions of these acts. The long process of implementing European approaches in this area, which has not yet been completed, causes complications in building an effective mechanism for protecting IP rights. Along with this, the weak point of the national policy for the protection of IP is the prevention and counteraction of administrative and criminal offenses in the field of relevant rights, which leads to a serious imbalance in the measures of state coercion in this area and inadequate protection of rights to OIP.

The main directions for improving the state of IP should be the successful completion of legislative, institutional and judicial reform in the field of IP for creation, protection, management, commercialization of IP, maximizing the potential of intellectual property, creation of an effective system for the protection of intellectual property rights, support inventions, raising the level of education and

culture and promoting knowledge in the field of intellectual property, would generally contribute to the development of a national competitive digital economy based on knowledge, innovation, and creativity, and also increases its investment attractiveness.

### References

1. "Readiness for the Future of Production Report 2018." World Economic Forum. <https://www.weforum.org/reports/readiness-for-the-future-of-production-report-2018> (accessed May 27, 2021).
2. "World Intellectual Property Report." WIPO-WTO Colloquium Papers, (2015).
3. "Zakon Ukrainy «Pro Vnesennia Zmin Do Deiakykh Zakonodavchykh Aktiv Ukrainy Shchodo Pravovoi Okhorony Intelektualnoi Vlasnosti» vid 22.05.2003 № 850-IV." [Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning legal protection of intellectual property "].
4. Ofitsiyni Vebportal Parlamentu Ukrainy. [Official web portal of the Parliament of Ukraine]. <https://zakon.rada.gov.ua/laws/show/850-15#Text> (accessed May 27, 2021). [in Ukrainian].
5. *Global Innovation Index 2018. Energizing the World with Innovation.* Ithaca, Fontainebleau, and Geneva. Cornell University, INSEAD, and the World Intellectual Property Organization, 2018. [http://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_gii\\_2018.pdf](http://www.wipo.int/edocs/pubdocs/en/wipo_pub_gii_2018.pdf) (accessed May 27, 2021).
6. "Ukraine Intellectual Property and Technology Transfer Regulatory Review." World Bank. Open Knowledge Repository, 1970. <https://openknowledge.worldbank.org/handle/10986/28830?locale-attribute=en> (accessed May 27, 2021).
7. Dialoh Ukraina – YeS z pytan prava intelektualnoi vlasnosti. [EU - Ukraine dialogue on intellectual property rights]. <http://nipo.gov.ua/news/dialog-ukraina-es-z-pitan-prava-intelektualnoi-vlasnosti> (accessed May 27, 2021). [in Ukrainian].
8. Global Innovation Index. <https://www.globalinnovationindex.org/analysis-comparison> (accessed May 27, 2021).
9. Innovatsiina Ukraina 2020: natsionalna dopovid. [Innovative Ukraine 2020: national report]. Kyiv: NAN Ukrainy, 2015. <http://ief.org.ua/wp-content/uploads/2015/07/Innovatsiina-Ukraina-2020++.pdf> (accessed May 27, 2021). [in Ukrainian].
10. Kerivnytstvo. (n.d.). [Leadership]. <https://ukrpatent.org/uk/articles/management> (accessed May 27, 2021). [in Ukrainian].
11. Otchet o promyshlennom razvitii – 2014. Rol tehnologiy i innovatsiy vo vseohvatyivayuschem i ustoychivom promyshlennom razvitii. Obzor. Organizatsiya Ob'edinenyih Natsiy po promyshlennomu razvitiyu. [Industrial Development Report 2016. The Role of Technology and Innovation in inclusive and sustainable industrial development. Overview. Organization United Nations Industrial Development Organization]. Vena, 2015. [https://www.unido.org/sites/default/files/2015-05/pbc31\\_3r\\_0.pdf](https://www.unido.org/sites/default/files/2015-05/pbc31_3r_0.pdf) (accessed May 27, 2021). [in Russian].
12. Prezentatsii predstavnykiv EIC iz zakhodu "EIC Roadshow" v MON Ukrainy. [Presentations of EIC representatives from the event "EIC Roadshow" at the Ministry of Education and Science of Ukraine]. <https://mon.gov.ua/ua/nauka/innovacijna-diyalnist-ta-transfer-tehnologij/zahodi/eicroadshow?fbclid=IwAR0PnHevIVoE0qwe0CGGs2SLbvgVACLbhmBm4QNfQZPXyJIKgaK8ENfBQ> (accessed May 27, 2021). [in Ukrainian].
13. Prezentatsii Predstavnykiv EIC Iz Zakhodu "EIC Roadshow" v MON Ukrainy. [Presentations of EIC representatives from the event "EIC Roadshow" at the Ministry of Education and Science of Ukraine]. <https://iea.gov.ua/uchast-v-informatsijnomu-zahodi-eic-roadshow-kiyiv-24-lipnya-2019/> (accessed May 27, 2021). [in Ukrainian].

14. Projekt Zakonu Ukrainy «Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo vdoskonalennia pravovoi okhorony vynakhodiv i korysnykh modelei». [Draft Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on improving the legal protection of inventions and utility models”]. [http://search.ligazakon.ua/l\\_doc2.nsf/link1/DH5TE72A.html](http://search.ligazakon.ua/l_doc2.nsf/link1/DH5TE72A.html) (accessed May 27, 2021). [in Ukrainian].

15. Projekt rozporiadzhennia KMU «Pro skhvalennia Kontseptualnykh zasad reformuvannia derzhavnoi systemy pravovoi okhorony intelektualnoi vlasnosti v Ukraini». [Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Concerning legal protection of intellectual property”]. <http://www.me.gov.ua/Documents/Detail?lang=uk-UA&id=727fc030-84ff-4e45-acaeccc412cd212f&title> (accessed May 27, 2021). [in Ukrainian].

16. Projekt Zakonu Ukrainy «Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo posylennia vidpovidalnosti za porushennia prav u sferi intelektualnoi vlasnosti ta zakhystu tsykh prav». [Draft Law of Ukraine “On Amendments to Certain Legislative Acts Ukraine to strengthen liability for violations of rights in the field intellectual property and protection of these rights”]. <https://www.me.gov.ua/Documents/Detail> (accessed May 27, 2021). [in Ukrainian].

17. Projekt Zakonu Ukrainy «Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo vdoskonalennia pravovoi okhorony heohrafichnykh zaznachen». [Draft Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on improving the legal protection of geographical indications”]. <https://www.kmu.gov.ua> (accessed May 27, 2021). [in Ukrainian].

18. Projekt Zakonu Ukrainy «Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo vdoskonalennia okhorony prav na komponuvannia napivprovodnykovykh vyrobiv». [Draft Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on improving the protection of layout rights semiconductor products”]. [http://search.ligazakon.ua/l\\_doc2.nsf/link1/JI00052A.html](http://search.ligazakon.ua/l_doc2.nsf/link1/JI00052A.html) (accessed May 27, 2021). [in Ukrainian].

19. Projekt Zakonu Ukrainy «Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo avtorskoho prava ta sumizhnykh prav». [Draft Law of Ukraine “On Amendments to Certain Legislative Acts Ukraine to strengthen liability for violations of rights in the field intellectual property and protection of these rights”]. <https://ips.ligazakon.net/document/XH2UK00Q> (accessed May 27, 2021). [in Ukrainian].

20. Projekt Zakonu Ukrainy «Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo pidvyschennia rivnia okhorony i zakhystu prav intelektualnoi (promyslovoi) vlasnosti ta udoskonalennia derzhavnoho upravlinnia sferoiu intelektualnoi vlasnosti». [Draft Law of Ukraine “On Amendments to Certain Legislative Acts Ukraine to increase the level of protection and defense of intellectual property rights (industrial) property and improving public administration thirteen intellectual property”]. [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=64604](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=64604) (accessed May 27, 2021). [in Ukrainian].

21. Statistical Country Profiles: Ukraine. Statistical Country Profiles. [https://www.wipo.int/ipstats/en/statistics/country\\_profile/profile.jsp?code=UA](https://www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=UA) (accessed May 27, 2021).

22. The 45 Adopted Recommendations under the WIPO Development Agenda. <https://www.wipo.int/ip-development/en/agenda/recommendations.html> (accessed May 27, 2021).

23. Ukrainian Reading and Publishing Data 2018. <http://data.chytomo.com/knygovy-dannya-vukrayini> (accessed May 27, 2021).

24. Verkhovna Rada Ukrainy. Ofitsiyniy veb-portal. Zakonoproekty. [Verkhovna Rada of Ukraine. Official web portal. Bills]. <https://rada.gov.ua/news/zp> (accessed May 27, 2021). [in Ukrainian].

25. Zakonoproiekty № 2255 ta № 2258, Yaki Vprovadzhuiut Reformu Systemy Pravovoi Okhorony Intelektualnoi Vlasnosti. [Bill № 2255 AND № 2258, which implement the reform of the legal system protection of intellectual property]. <https://ukrpatent.org/uk/news/main/2255-2258-05022020> (accessed May 27, 2021). [in Ukrainian].

## ПРОБЛЕМИ ЗАХИСТУ ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ В УКРАЇНІ

**Лаверенко Валентина Віталіївна,**

кандидат економічних наук, професор  
ДВНЗ «Київський національний економічний університет»  
імені Вадима Гетьмана»  
ORCID 0000-0003-1371-8452

**Кириленко Вікторія Юріївна,**

магістр економіки  
ДВНЗ «Київський національний економічний університет»  
імені Вадима Гетьмана»  
ORCID 0000-0002-2618-6224

**Терещенко Юлія Олександрівна,**

магістр економіки  
ДВНЗ «Київський національний економічний університет»  
імені Вадима Гетьмана»  
ORCID 0000-0002-7528-1834

**Анотація.** Інтелектуальна власність - невід'ємна частина будь-якого наукового і економічного процесу. У сучасному світі, в епоху глобалізації, захист інтелектуальної власності набуває все більшого значення. Адже прикладами успішного розвитку та економічного зростання є ті країни, які мають найдинамічніші сектори національної економіки, які пов'язані з інтенсивною діяльністю в галузі знань та інтелектуальної власності. Сьогодні в Україні є проблеми з захистом прав інтелектуальної власності. У статті розглянуто сучасний стан і проблеми регулювання інтелектуальної власності в Україні, причини їх появи та фактори, які на них впливають. Розглянуто позиції України в світовому рейтингу Global Innovation Index. Проведено аналіз патентної системи України. Розглянуто вже існуючі механізми регулювання інтелектуальної діяльності в Україні. Розглянуто правову базу України щодо захисту інтелектуальної власності. Розглянуто законодавчі нововведення щодо захисту інтелектуальної власності в Україні. Ми визначили, що сьогодні в Україні досить невирішених проблем щодо захисту інтелектуальної власності. Включаючи Інтернет-піратство, відсутність захисту прав інтелектуальної власності в Інтернеті, відсутність нормальних механізмів для виправлення таких порушень і ефективних інструментів для захисту прав інтелектуальної власності, «патентний тролінг» і т.д. Для вирішення цих проблем інтелектуальна власність повинна стати фундаментальним інструментом для створення сприятливого середовища для інновацій, винахідливості, творчості і вільної конкуренції, економічного і культурного розвитку України, зміцнення її наукового потенціалу, підвищення рівня інвестиційної привабливості в країні.

**Ключові слова:** інтелектуальна власність; інновації; законодавство; захист.

## ПРОБЛЕМЫ ЗАЩИТЫ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ В УКРАИНЕ

**Лаврененко Валентина Витальевна,**  
кандидат экономических наук, профессор  
кафедры бизнес-экономики и предпринимательства  
ГВУЗ «Киевский национальный экономический университет»  
имени Вадима Гетьмана»  
ORCID 0000-0003-1371-8452

**Кириленко Виктория Юрьевна,**  
магистр экономики  
ГВУЗ «Киевский национальный экономический университет»  
имени Вадима Гетьмана»  
ORCID 0000-0002-2618-6224

**Тереценко Юлия Александровна,**  
магистр экономики  
ГВУЗ «Киевский национальный экономический университет»  
имени Вадима Гетьмана»  
ORCID 0000-0002-7528-1834

**Аннотация.** Интеллектуальная собственность - неотъемлемая часть любого научного и экономического процесса. В современном мире, в эпоху глобализации, защита интеллектуальной собственности приобретает все большее значение. Ведь примерами успешного развития и экономического роста являются те страны, которые имеют наиболее динамичные секторы национальной экономики, которые связаны с интенсивной деятельностью в области знаний и интеллектуальной собственности. Сегодня в Украине есть проблемы с защитой прав интеллектуальной собственности. В статье рассматривается современное состояние и проблемы регулирования интеллектуальной собственности в Украине, причины их появления и факторы, которые на них влияют. Рассмотрены позиции Украины в мировом рейтинге Global Innovation Index. Проведен анализ патентной системы Украины. Рассмотрены уже существующие механизмы регулирования интеллектуальной деятельности в Украине. Рассмотрена правовая база Украины по защите интеллектуальной собственности. Рассмотрены законодательные нововведения по защите интеллектуальной собственности в Украине. Мы определили, что сегодня в Украине достаточно нерешенных проблем по защите интеллектуальной собственности. Включая Интернет-пиратство, отсутствие защиты прав интеллектуальной собственности в Интернете, отсутствие нормальных механизмов для исправления таких нарушений и эффективных инструментов для защиты прав интеллектуальной собственности, «патентный троллинг» и т.д. Для решения этих проблем интеллектуальная собственность должна стать фундаментальным инструментом для создания благоприятной среды для инноваций, изобретательства, творчества и свободной конкуренции, экономического и культурного развития Украины, укрепления ее научного потенциала, повышения уровня инвестиционной привлекательности в стране.

**Ключевые слова:** интеллектуальная собственность; инновации; законодательство; защита.

Стаття надійшла до редакції 4.05.2021