

д-ра філ. наук, проф. В.В. Дубічинського. Харків: ВД «ШКОЛА», 2006. 1008 с.

5. Пашук Т. Теорія юридичних засобів: концептуально-методологічний аспект. *Проблеми державотворення і захисту прав людини в Україні*. Матеріали XI регіональної наук.-практ. конф. Львів, Львівський нац. ун-т ім. І.Франка, 2005. С. 20.

6. Конституція України: станом на 16.09.2016 р. Відомості Верховної Ради України. URL: <http://zakon2.rada.gov.ua/laws/show/254к/96-вр> 22.

7. <http://www.nusta.edu.ua/wp-content/uploads/2016/11/.pdf>.

УДК 343 (043.2)

Topchy V.V., Candidate of Law,
Prosecutor of the Regional Prosecutor's Office of the Kyiv region, Ukraine

CRIMINOLOGICAL CHARACTERISTICS OF THE INTELLECTUAL PROPERTY PROTECTION SYSTEM IN UKRAINE

Today, Ukraine is on track to reform its own system of intellectual property rights (intellectual law). On the one hand, Ukraine participates in all the main (basic) universally recognized international treaties in the field of intellectual property protection, on the other - Ukrainian legislation has not been formed in final form. Attention is drawn to the need to update the existing system of intellectual legislation in scientific articles, as well as in many documents of both research [2, с.5-6] and political content, such as the Program for the Development of the State System of Intellectual Property Protection in Ukraine, the Program for Integration of Ukraine into the European Union Recommendations of parliamentary hearings «Protection of Intellectual Property Rights in Ukraine: Issues of Law Enforcement and Enforcement», there is now a broad discussion on how to further develop the intellectual property law system. Increasing attention is being paid to State policy in the sphere of regulating public relations with regard to intellectual property for compliance with world standards and the desire to harmonize domestic legislation with the norms of the main international legal acts. The non-compliance of certain provisions of domestic legislation with the norms of conventions and international treaties to which Ukraine has acceded is mentioned in many research papers on the problems of regulating intellectual and legal relations [3, p.116-117; 1, p. 29].

Draft changes to special laws are being developed and discussed in connection with the emergence of new results of intellectual activity, as well as new ways of fixing and distributing intelligent products. Thus, recent developments in the field of digital technology, voice communication, etc., due to intensive technological development, have created many questions on the protection of the rights of broadcasting organizations, the global Internet. Also today there are laws that are not brought into line with the Civil Code of

Ukraine, issues of protection of computer programs, databases, industrial designs and useful models, know-how, rationalization proposals are not properly regulated, there is ambiguity of terminology in various normative legal acts [4, p. 95-96].

Thus, intellectual property right in an objective sense is a set of legal rules governing social relations in the process of creation, use, and protection of intellectual property objects. Intellectual property right in a subjective sense is the rights of a person to own, use, dispose of the results of intellectual activity owned by him on the appropriate legal grounds.

The content of an intellectual property right constitutes the personal non-property and property rights of the relevant subjects of the intellectual property right, which are specified by law with respect to certain objects. Intellectual property rights are inviolable. No one may be deprived of or restricted in the exercise of intellectual property, except as provided by law.

At the present stage of society development, the State actively implements and implements legal policy in the field of intellectual property through the adoption of various legal and regulatory acts. The analysis of modern regulatory regulation of intellectual property shows that there is no coherent, coordinated regulatory regulation of relations in the field of intellectual property rights protection, as the results of intellectual creative activity should be subject to special legal protection. It first of all is connected with legal policy in to this sphere. Therefore, according to the correct idea of academician Y. S. Shemshuchenko, the fundamental idea of legal policy should be its institutional connection with the law. The policy detects social problems and initiates their solutions to the authorities, and the law grants the appropriate solution of the legal form, ensures the implementation of these decisions at the state level [5, p. 33].

Literature

1. Ніколаєнко С. Проблеми законодавчого забезпечення та правозастосування щодо захисту прав інтелектуальної власності. *Інтелектуальна власність*. 2007. № 2. С. 4-14.

2. Базилевич В.Д. *Інтелектуальна власність: підручник*. Київ: Знання, 2006. 413 с.

3. Орлюк О. Захист прав інтелектуальної власності: проблеми правозастосування. *Інтелектуальна власність*. 2007. № 2. С. 24-29.

4. Головка О.М. Генезис правової охорони інтелектуальної власності. *Форум права*. 2008. № 1. С. 92-98.

5. Шемшученко Ю.С. Що є право? Антологія української юридичної думки: у 10 т. Київ: Видавничий Дім «Юридична книга», 2002-2005. Т. 10: Юридична думка незалежної України / упоряд.: В.Ф. Погорілко, І.Б. Усенко, Н.М. Пархоменко; відп. ред. Ю.С. Шемшученко і В.Ф. Погорілко. 2005. С. 30-46.