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Law enforcement function of the state in the field of intellectual property protection

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Abstract

In the conditions of innovative development of economic relations, the role of the law enforcement function of the state is increasing, which requires its authorised bodies and officials to ensure the guaranteed rights of citizens to protect their property and personal non-property rights in the field of intellectual property according to the Constitution and laws of Ukraine. This problematic issue remains relevant for the majority of intellectual property rights holders. The purpose of the study is to reveal the peculiarities of the law enforcement function of the state in ensuring the protection of certain objects of intellectual property. The methodological basis of the research consists of a set of general scientific and special methods and techniques of scientific cognition, including philosophical, metaphysical, deductive and inductive methods, methods of abstraction, modelling, and forecasting, which in combination helped to achieve the set goal. Based on the analysis of a significant number of regulatory legal acts and scientific opinions, research on the law enforcement function of the state in the field of intellectual property, which covers a wide range of private and public interests, has been conducted. The implementation of these constitutional provisions lies in creating proper and effective economic conditions for

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attracting investments in innovative product creation, and in case of their violation, the state, through its authorised bodies, is obliged to ensure the protection of violated rights. Attention is drawn to the specifics of the main law enforcement functions of the state, which provide for the creation of necessary conditions and stimulation of authors (creators) to obtain the result of creative activity, promote the free use (circulation) of the results of intellectual activity, protection of violated or contested intellectual property rights. It is emphasised that national legislation contains a list of actions that constitute a violation of intellectual property rights, which provide grounds for administrative or judicial protection. Existing gaps in legal protection of intellectual property are analysed. Attention is paid to the state of legislative reflection of the interests of participants in relations in the field of artificial intelligence, determination of the grounds and consequences of legal regulation in the European Union and Ukraine. The results of the work can be used by lawyers as well as by officials of state bodies ensuring the law enforcement function of the state in the researched sphere of relations

Keywords: innovation; breed of animals; trademarks; artificial intelligence; protection; court

Introduction

In modern conditions of economic and innovative development, processes in the field of intellectual property play an increasingly important role in Ukraine, where the state and its authorised public bodies are responsible for enforcing law enforcement functions. An important feature of law enforcement is that the state and its authorised bodies guarantee not only the provision of proper conditions for creating intellectual products but also respond to all manifestations of infringed or contested rights of illegal or unfair use of intellectual property objects. This places the responsibility on authorised state bodies to perform the tasks assigned in the researched area of relations in accordance with the defined legal powers. Issues of intellectual property protection constantly attract the attention of scientists, as evidenced by a significant number of scientific works. In particular, D.I. Kurbatov (2023) emphasised the importance of scientific, scientific-technical, and innovative activities, which, in his opinion, should play a leading role in addressing the challenges facing the state and overcoming the consequences of war.

Considering the limited state finances, the author believes it is necessary to create favourable conditions and remove regulatory barriers for wide involvement of non-budget funds in research and innovation development. Furthermore, the author proposes to establish an Agency for Defence Technologies as a separate body for shaping state orders in the defence and security sector.

The importance of protecting intellectual property rights in Ukraine, particularly considering the national system, is highlighted by I.O. Kravchenko and M.Yu. Kuznetsova (2023). The researchers concluded that in the conditions of technological progress and external threats, legislative updates should meet modern requirements for combating infringements. V.G. Pylypchuk *et al.* (2022) drew attention to the advantages and disadvantages of legal regulation in the field of artificial intelligence relations. They believe it is necessary to ensure a balance of interaction between humans and artificial intelligence, provide specific legal status for AI (artificial intelligence) robots, and apply electronic legal personality in

cases where robots make autonomous decisions or interact independently with third parties. P.R. Gould (2020), a lecturer at the London Metropolitan University, analysed issues of patent rights infringement, which is a growing problem in the information age. As intellectual property rights expand, companies and individuals find it increasingly easier to unintentionally infringe patents, thus patent law imposes strict liability on infringers. The author recommends reforming liability rules only in cases of direct patent infringement.

Researcher T. Headdon (Copyright exception for text..., 2023) drew attention to tackling problematic issues of using copyright for research and commercial purposes. In modern conditions, when main discussions focus on licencing copyright, the UK needs to address the exponential growth of generative artificial intelligence. E. Bonadio and L. McDonagh (2020) examined issues of machine learning through the use of artificial intelligence. The scholars pointed out that such a process lacks significant human intervention or assistance after the programme's work and relies on algorithms, namely sequences of instructions aimed at solving a problem or performing calculations, which should be protected by copyright.

Analysis of scientific works has enabled the identification of predominantly researched issues related to artificial intelligence in recent years. Despite the importance of studying artificial intelligence, there are also problematic issues in the field of intellectual property protection that require resolution. These circumstances underscore the need for research into the law enforcement function of the state in the field of intellectual property protection.

The purpose of the article was to investigate the theoretical and practical aspects of the state's performance of functions in the field of intellectual property protection. To achieve this goal, the

following tasks were set: characterise the state's law enforcement function, analyse the existing state of legislative regulation of intellectual property, disclose the definition of the concept of "artificial intelligence", and provide an author's vision of ways to develop this legal phenomenon.

Materials and Methods

During the study of the state's law enforcement function in the field of intellectual property protection, a system of scientific methods was used. In particular, the philosophical method enabled the examination of complex issues of the state's law enforcement function in the field of intellectual property protection in their legal development and contradictions, as well as the scientific transformation of individual materials into scientific quality. The metaphysical method was used to analyse fundamental categories, including the law enforcement function. By applying the metaphysical method, it was possible to form a static picture of the state's law enforcement function and its structural elements. The deduction and induction methods were applied to analyse the definition of the state of regulatory regulation of intellectual property protection relations. With the help of these methods, specific results were identified, and conclusions were drawn regarding the state of legislation in the field of intellectual property protection.

The abstraction method allowed for the identification of features of the implementation of the state's law enforcement function by authorised bodies, distinguishing them from each other, and substantiating the expediency and elimination of various state bodies. Modelling and forecasting methods were used in shaping the directions for improving the state's law enforcement function, which helped identify shortcomings in regulatory regulation of relations in the field of protection of

animal breeding achievements and artificial intelligence. The normative basis of the article consists of valid legislative and subordinate legal acts regulating the legal protection of intellectual property: Law of Ukraine No. 3691-XII (1993), Constitution of Ukraine (1996), Resolution of the Cabinet of Ministers of Ukraine No. 459 (2014), Order of the Cabinet of Ministers of Ukraine No. 1556-r (2020), Law of Ukraine No. 2811-IX (2022). Various publicistic materials were used in the research, such as the Resolution of the Supreme Court in Case No. 910/1759/19 (2020), Resolution of the Supreme Court in Case No. 922/1966/18 (2020), Information materials of the Ministry of Economy of Ukraine (Information materials..., 2023), and analytical materials, which collectively helped to uncover the state's law enforcement function.

Results and Discussion

Article 54 of the Constitution of Ukraine (1996) designated the guarantee of intellectual property rights as one of the most important functions of the state. This constitutional norm is imperative and must be adhered to by all participants in social relations, which has led to the peculiarities of legal regulation of intellectual activity. It indicates that the state ensures the guarantee of these rights through a combination of legally defined protection systems, without which ensuring proper protection of intellectual property would be impossible. Scholars S.I. Zapara and I.O. Kravchenko (2022) also drew attention to the state guarantee of intellectual property protection as provided by the Constitution of Ukraine. They argue that such an approach is a justified step for a state capable of guaranteeing the protection of intellectual property, particularly amidst economic and technological developments that may lead to intellectual property violations on the Internet.

Due to the fact that intellectual property relations affect various interests, state regulation gives rise to a set of relationships that constitute personal non-property and property rights of intellectual property, which the law provides legal protection for, as a result of which the state defines the rules of conduct for a significant number of participants in this process involving numerous subjects of private and public law. It is worth noting that in legal science, issues related to the state and its role in regulating social relations provoke a considerable amount of ambiguous and debatable opinions. This is because the state is the main regulator of all internal and external functions, and all processes that take place within it. Social relations largely affect the interests of citizens and society first and foremost, and as a result, they influence the functions of the state (Byelov, 2020). The modern law enforcement function of the state is also characterised through the prism of ensuring the protection of the rights and freedoms of individuals and citizens, which is one of the main functions of the state, carried out through the proper form by which social relations are regulated (Terekhov, 2021).

Analysing scholarly sources reveals that researchers focus on the important role of the state, its internal and external functions, among which law enforcement plays a leading role in the sphere of intellectual property. Primarily, it aims to protect the rights and legitimate interests of citizens, in accordance with the norms of the Constitution and laws of Ukraine, against any encroachments, restoring the legal status in case of violations of property and personal non-property rights of intellectual property rights holders. To achieve the tasks assigned to authorised bodies, they employ legal and non-legal forms of management activities, depending on the nature of legal consequences.

Protective legal relations are essential for authorised individuals or bodies performing law enforcement functions. In case of violations of personal non-property and/or property rights of intellectual property, the authorised person is obligated to document unauthorised use of the intellectual property object, appropriation of rights to this object, or any other intentional violation of subjective rights of intellectual property rights holders by drawing up a protocol, as noted by O.M. Korotun (2020). If alternative approaches prove unsuccessful or insufficiently effective, the individual may resort to the court, which will make decisions regarding infringement, non-recognition, or appeal of their rights. Court decisions are mandatory and ensure effective protection of intellectual property rights (Strelnyk *et al.*, 2023). These opinions demonstrate that ensuring proper protection and defence of intellectual property is an integral process of state functions.

In modern conditions, the law enforcement function of the state is influenced by external factors, such as military aggression, resulting in significant internal changes in the law enforcement function of the state due to the need to ensure the legal regime of martial law. This has affected the law enforcement activities of state bodies, according to O. Yara and O. Svitlychny (2023). This is confirmed by a series of laws and subordinate legal acts adopted in 2022 and 2023, including Law of Ukraine No. 2174-IX (2022), Law of Ukraine No. 2811-IX (2022), Resolution of the Cabinet of Ministers of Ukraine No. 859-2023-p (2023). These normative legal acts are primarily aimed at resolving existing problematic issues in the field of intellectual property and innovation, ensuring proper protection of rights holders of individual objects of intellectual property, which in complex economic conditions is an important tool for ensuring the proper functioning of the innovation system.

In conditions of war and under the legal regime of martial law, scholars unanimously point out that, despite the existing situation, it is important to ensure economic growth and the proper functioning of all mechanisms related to the acquisition, protection, and defence of both intellectual property and investment entities (Bondarenko, 2023). In this regard, a group of scholars concludes that the state should ensure not only its own security but also the protection of the rights of other participants in innovative and investment processes. Preserving intellectual property involves implementing effective security measures, such as protecting research laboratories and production units from unauthorised access, theft, or damage to intellectual property. This also involves protecting computer technologies and databases. Additionally, there should be sufficient legal means of protection against any infringements of intellectual property rights, ensuring inventors and creators access to fair and timely justice, as noted by researchers A.O. Shapovalova *et al.* (2023).

It is known that intellectual property is a specific area that affects the economic security of a country (Baranov *et al.*, 2020). On the other hand, for the national economy, the development of science and technology, and the innovative economy, intellectual property serves as a significant lever for economic growth and may be considered an indicator of the financial well-being of a country's economy. The implementation of innovations in the production process signifies economic growth for many countries worldwide. Moreover, innovative knowledge and achievements in economic development through the commercialisation of intellectual products are recognised as a model of economic development in the European Union, as indicated in the research by O. Svitlychny *et al.* (2022).

Emphasising the attention on economic relations, which have become an integral attribute of military aggression, it is worth noting the high level of intellectual potential of Ukrainian citizens and the development of investment activities. Specialists point out that this and other tasks are also related to the establishment of the Ukrainian National Intellectual Property and Innovation Office. The office should not only contribute to the effective protection of intellectual property but also ensure innovation processes at a proper level, which positively impacts not only the operation of enterprises and their employees but also increases tax contributions to the state budget (Olena Orlyuk: "Striving for progress...", 2023). S. Khalymon *et al.* (2019) pointed out that this is also driven by the creation of a single accessible global economic space under the influence of globalisation, which countries in Eastern Europe are striving to fully integrate into.

The foregoing indicates that the functions of the state in the field of intellectual property protection manifest in various forms and methods of state regulation. Even under conditions of martial law, the state guarantees the protection of intellectual property rights and investment security. Intellectual property and innovative developments are integral processes of creating the corresponding creative product. The authors agree with the opinion of N.P. Khrystynchenko (2022) that objects of intellectual property created in accordance with the law are subject to legal protection. The World Intellectual Property Organisation's Innovation Index, which represents the latest global innovation trends and the annual innovation rankings, indicates that in most rankings in 2022, Ukraine deteriorated its ranking and occupied the 57th position (in 2021, it was in the 49th position) in the Global Innovation Index among 132 countries, as well as the 34th

place among 39 economies of European countries (Information materials..., 2023). This suggests, according to researchers S. Dutta *et al.* (2022), that Ukraine does not ensure a sufficient level of development of innovative and technological processes. Therefore, scientists I.V. Aristova and M.Yu. Kuznetsova (2023), when studying ways to improve the protection of intellectual property under the conditions of martial law, focused on two components: protection and counteraction to violations in this sphere. They believe that this can be achieved through criminal legal protection and judicial defence. They also noted that such protection is relatively satisfactory. In addition to criminal legislation, significant weight in countering illegal or unfair use of intellectual property rights belongs to administrative, economic, and civil legislation.

It is worth noting that the position of the legislator in the investigated sphere of relations is not unequivocal. The question arises about the adoption of special legislative acts or substantial amendments to existing laws, the norms of which should correspond to the provisions of the Civil Code of Ukraine (2003) and international legislation. The importance of applying effective technological measures to protect copyright in the online environment is emphasised by foreign scholars as well. Specifically, in the work of N.Th.N. Tuyen (2024), it is noted that Vietnam has created a special agency to protect copyright, aiming to clearly and swiftly prevent actions that violate copyright in the online environment, thus providing effective control mechanisms to be exercised by separate entities of the state.

A characteristic feature of the law enforcement function of the state in the field of intellectual property protection is that the norms of special laws and subordinate regulatory legal acts, such as Resolution of the Cabinet of Ministers of

Ukraine No. 459 (2014), define that the Ministry of Economy is the state body responsible for implementing the law enforcement function of the state. Considering these provisions, the state has delegated to the Ministry of Economy of Ukraine the function of implementing state policy and exercising control over subordinate entities in the field of intellectual property protection.

At the same time, it should be noted that one of the functions of the state is to develop a consistent legal policy regarding the protection of intellectual property rights. Thus, in the absence of a special law providing protection for intellectual property rights on a commercial name, in practice, commercial names are often equated with trademarks, leading to disputes being considered in court. A notable example of such disputes is the case of the company "Icynene Inc.", which in 2015 filed a lawsuit seeking to invalidate trademarks reproducing its commercial name and potentially misleading consumers regarding the manufacturer (Decision of the District Administrative Court of Kyiv No. 826/21704/15, 2015). The absence of a special law and the unfinished judicial reform indicate that the incomplete judicial reform hinders the improvement of the judiciary's functioning and the administration of justice in Ukraine (Popovych, 2023). Especially when it comes to electronic proceedings, which should effectively safeguard the rights and interests of all participants in the judicial process. Characterising the Strategy for the Development of the Judicial System and Constitutional Proceedings for 2021-2023 in the context of ensuring the development of electronic proceedings, scholars consider it appropriate to introduce full-fledged electronic proceedings in Ukraine given the state of emergency (Teremetskyi *et al.*, 2023).

Regarding the use of commercial names and trademarks, it is also worth noting that their use

often leads to confusion between these objects and the entities using them, resulting in ambiguous judicial decisions, for which the higher courts must provide appropriate explanations (Resolution of the Supreme Court in Case No. 910/1759/19, 2020). Additionally, in the absence of a special legislative act, the regulation of relations related to trade secrets is mostly governed by the provisions of civil, commercial, and criminal legislation, other legislative acts, as well as subordinate normative acts. The state's position on this issue is unclear, particularly as the legislator has not fully regulated the issue of proper protection of animal breeds, as the provisions of Law of Ukraine No. 3691-XII (1993), regulating relations in this area, are outdated. This law not only does not comply with the provisions of the Civil Code but also fails to ensure compliance with the requirements of state registration of breeding achievements in animal husbandry. In the absence of information on the state registration of breeding achievements in animal husbandry, the provisions of this law effectively do not ensure compliance with the requirements of legal protection of breeding achievements, thus violating the intellectual property rights of animal breeds. The absence of a special judicial body, which should be the Higher Court for Intellectual Property Matters, tasked with professionally and competently resolving judicial disputes in case of infringement of intellectual property rights, for various reasons, has not been operational for over six years since its establishment by law. This negatively affects the law enforcement function of the state and is accompanied by significant image losses for the state.

The examples provided indicate that the law enforcement function of the state has its shortcomings; it does not fully meet the conditions of legal protection. There is a need to improve

existing legislative acts and adopt new special laws. They would address the need for the adoption of appropriate laws in the near future, which would correspond to the interests of the participants in the relevant legal relations and also reflect the proper state of the law enforcement function of the state in the field of intellectual property protection. In modern complex conditions of Ukrainian state activity, the issue of its law enforcement function is an important tool for ensuring the full functioning of the entire intellectual property protection system. However, the aforementioned problems do not meet the requirements of European and international standards in the field of intellectual property protection. These circumstances do not contribute to the adequate protection of creators of intellectual products, their legitimate users, and the functioning of the innovation system.

Along with the above, attention should be paid to other issues that are important in clarifying the consequences of the legal mechanism for protecting such a legal phenomenon as artificial intelligence. Judicial systems worldwide are increasingly adopting technologies that assist parties in predicting judicial decisions and judges in determining case outcomes. The integration of AI into the judicial process can enhance the efficiency of judicial proceedings, reduce their duration, save resources, and expand access to justice. However, there are concerns that the use of artificial intelligence systems in the judiciary sector may jeopardise the transparency of decision-making, contribute to discriminatory practises, threaten fundamental human rights, and hinder legal development, as noted by lawyer M. Voynov (Artificial intelligence and the legal sphere..., 2024).

Creativity in artificial intelligence is often judged by the results it produces. One advantage of AI-generated results is that the content

it creates can be of higher quality, accuracy, and informativeness compared to content created by humans. This is because AI models can learn from large volumes of data and identify patterns that may be invisible to humans. AI models can generate diverse content, including text, images, and videos, as noted by Th.H. Davenport and N. Mittal (How generative AI..., 2022). It is important to consider that business projects dictate their requirements, and therefore AI technologies are most often used to increase the efficiency of technological processes, a wide range of product and goods output, and when providing various types of services. At the same time, increasingly complex computer programmes can create works that are subject to copyright protection if created by a human author. In the modern world, discussions revolve around the issue of ownership rights to intellectual products created by artificial intelligence. This issue remains open.

Regarding the concept of “artificial intelligence”, debates arise not only about defining this concept through official documents but also based on legal doctrinal approaches. The European Commission is considering the existing risks of artificial intelligence; however, it believes that Europe plays a leading role in the world regarding AI. In April 2021, the Commission proposed the Regulation on Artificial Intelligence. It aims to address the risks associated with specific uses of AI. In doing so, the AI Regulation ensures that Europeans can trust the AI they use. The Regulation is also key to building an ecosystem of excellence in AI and strengthening the EU’s ability to compete globally (Proposal of the European Commission No. COM/2021/206 final, 2021).

Concerning the use of AI in various instances, including judicial ones, there are ambiguous positions. The issue of AI usage is associated not only with regulatory legal regulation, but also

with resolving many technical issues. In the USA (United States of America) there are numerous lawsuits against companies using AI, resulting in, according to the plaintiffs, violations of their copyright and related rights. However, most of these lawsuits are dismissed by US courts. Based on an analysis of scientific and other sources, it can be said that there is no judicial practise in resolving disputes related to AI. Additionally, the main regulatory act approving the Concept of AI Development in Ukraine is Order of the Cabinet of Ministers of Ukraine No. 1556-r (2020), which considers AI issues and provides a definition of this concept. Since these relations constitute an intersection of a wide range of interests regarding the legal protection of AI, it primarily concerns the nature of the grounds for recognising or not recognising a patent as valid. Therefore, the question arises about the need to resolve existing problems in this area of AI relations through the adoption of a legislative act that should ensure legal protection of inventions, the interests of other participants in this process, from possible problems. The above indicates that the law enforcement function of the state should influence all processes related to the protection and defence of intellectual property, as the essence of the law enforcement function of the state is organically linked to all processes of organisational and legal mechanisms of state governance, especially when it comes to mechanisms for implementing the state function (Khlivna *et al.*, 2020).

Therefore, the law enforcement function of the state in the field of intellectual property protection is a certain direction of state activity, which, in accordance with the provisions of the Constitution, laws of Ukraine, and other regulatory legal acts, recognises the right of a person to the result of intellectual, creative activity or to another object of intellectual property rights that

meets the requirements of the law and to which legal protection is provided, which includes the fixed possibility for a person to protect subjective rights in public administration bodies or in court.

Conclusions

In this way, based on normative legal acts, legal doctrinal approaches to the legal category of “law enforcement function of the state”, it can be noted that the law enforcement function is implemented through the adoption of management decisions based on constitutional and legislative imperative norms, expressed in categorical directives of authorised state bodies, their officials who establish rules of conduct for participants in legal relations, which is of great importance for the interests of the state and society. The law enforcement function of the state in the researched sphere of relations is not constant; under the influence of internal and external factors, it may undergo changes. The law enforcement function of the state is directly or indirectly entrusted to subjects of public law, whose activity aims to ensure the protection of intellectual property. The performance of the law enforcement function of the state is an indicator of constitutional guarantees for the protection of the results of intellectual creative activity, which comply with the requirements of the law. Considering the specifics of the law enforcement function of the state in the field of intellectual property, it performs all functions directly or indirectly related to the sphere of intellectual property.

In the domain of intellectual property, the state not only creates conditions for the realisation of basic values enshrined in the Constitution of Ukraine and other normative legal acts regarding the results of intellectual creative activity but also acts as a guarantor of the protection and defence of property and personal non-property

rights of intellectual property. Since the role of the state and its authorised bodies in the mentioned relations is crucial, the state is not always able to ensure a complex of organisational, economic, and legal measures to protect the right to intellectual property, to promote proper conditions for innovation activity.

Considering the provisions of legislative norms establishing the legal regime of commercial designation and trademark as means of individualisation of participants in economic relations, which often leads in practise to the confusion of these concepts by subjects of entrepreneurial activity, with the aim of eliminating existing shortcomings, it is advisable to adopt a special Law of Ukraine "On the Protection of Rights to Commercial Designation". The variety of possible ways to establish legal protection of

artificial intelligence, regarding which there are various opinions among specialists, requires a creative process of searching, systematising the necessary information regarding the protection of intellectual property rights in this complex field of relations. Considering that the provisions of the Law of Ukraine "On Breeding Business in Animal Husbandry" do not meet the conditions for the legal protection of breeding achievements in animal husbandry, the issue of applying norms in this field requires improvement and further research.

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Conflict of Interest

None.

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Правоохоронна функція держави у сфері охорони інтелектуальної власності

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Анотація

В умовах інноваційного розвитку економічних відносин зростає роль правоохоронної функції держави, що потребує від її уповноважених органів та їхніх посадових осіб забезпечити гарантовані конституцією та законами України права громадян на захист їх майнових та особистих немайнових прав у сфері інтелектуальної власності. Це проблемне питання залишається актуальним для більшості правовласників об'єктів права інтелектуальної власності. Метою дослідження є розкриття особливостей правоохоронної функції держави в контексті забезпечення охорони окремих об'єктів інтелектуальної власності. Методологічну основу дослідження склали сукупність загальнонаукових та спеціальних методів і прийомів наукового пізнання, зокрема, було використано загальнофілософський, метафізичний, методи дедукції та індукції, методи абстрагування, моделювання і прогнозування, які у своєму поєднанні допомогли досягти виконання поставленої мети. На підставі аналізу значної кількості нормативно-правових актів та наукових думок здійснено дослідження правоохоронної функції держави у сфері інтелектуальної власності, яка охоплює широке коло приватних та публічних інтересів. Реалізація цих конституційних положень полягає у створенні належних і ефективних економічних умов залучення інвестицій у створення інноваційного продукту, а у разі їх порушення держава в особі уповноважених органів зобов'язана забезпечити захист порушених прав. Звертається увага на специфіку основних правоохоронних функцій держави, яка забезпечує створення необхідних умов та стимулювання авторів (творців) на отримання результату творчої діяльності, сприяє вільному використанню (обігу) результатів інтелектуальної діяльності, захисту порушеного або оспорюваного права інтелектуальної власності. Підкреслено, що національне законодавство містить перелік дій, вчинення яких є порушенням права інтелектуальної власності, що дає підстави для адміністративного або судового захисту. Проаналізовано існуючі прогалини правової охорони інтелектуальної власності. Приділена увага стану законодавчого відображення інтересів учасників відносин у галузі штучного інтелекту, визначення підстав і наслідків правового регулювання в Європейському Союзі та Україні. Результати роботи можуть бути використані як юристами, так і посадовими особами державних органів, що забезпечують правоохоронну функцію держави у дослідженій сфері відносин

Ключові слова: інновації; порода тварин; торговельні марки; штучний інтелект; захист; суд