

11. *Сорвачов О.В.* Охорона прав на промислові зразки в Україні: автореф. дис. ... канд. юрид. наук. Одеса. Нац. ун-т “Одес. юрид. академія”, 2015. 18 с.
12. *Куріло В.І., Світличний О.П., Гиренко І.В.* Основа права інтелектуальної власності: навч. посіб. КМ України. Донецький нац. ун-т біоресурсів і природокористування України. 2012. 262 с.
13. Інтелектуальна власність в Україні: проблеми теорії і практики: зб. наук. статей / за ред. Ю.С. Шемшученка, Ю.Л. Блошицького. Київ: Ін-т держави і права. ім. В.М. Корецького НАН України, 2002. URL: <http://rivne.kul.kiev.ua/virtualnaja-vistavki/intelektualna-vlasnist-v-ukrajini-problemi-teoriji-ta-praktiki.html> (дата звернення: 28.05.2021).
14. *Харитоновна О.І.* Правова природа права інтелектуальної власності. Наукові праці Одеської національної юридичної академії / гол. ред. С.В. Ківалов. ОНЮА. Одеса: Юрид. л-ра, 2008. Т. VII. URL: <http://dspace.onua.edu.ua/handle/11300/531?show=full> (дата звернення: 28.05.2021).
15. Конституція України: Закон України від 28 червня 1996 р. № 254к/96-ВР. Відомості Верховної Ради України від 23.07.1996 № 30. Ст. 141.

REFERENCES

1. *Sergeyev, A.P.* (2001) Pravo intelektual'noy sobstvennosti v Rossiyskoy Federatsi. “Intellectual Property Law in the Russian Federation”: textbook. 2nd edition, amend. and add. Moscow: PBOYUL E.M. Grizhenko. 752 p. [in Russian].
2. *Bobrova, D.V., Dzera, O.V., Dochert, A.S.* and others (2001) Tsyvil'ne pravo Ukrayiny. “Civil Law of Ukraine”: textbook: in 2 books. / for ed. O.B. Dzera, N.S. Kuznetsov. Kyiv: Yurinkom Inter. 864 p. [in Ukrainian].
3. Civil Code of Ukraine: Law of Ukraine of January 16, 2003 No 435-IV. Information of the Verkhovna Rada of Ukraine dated October 3, 2003 No 40. Art. 356 [in Ukrainian].
4. *Ostapchuk, V.O.* (2003) Pryroda prava intelektual'noyi vlasnosti. “The Nature of Intellectual Property Rights”. Legal Scientific Online Journal. URL: <https://synergy.ua/ru/pryroda-prava-intelektualnoyi-vlasnosti-ru/> (Date of Application: 28.05.2021) [in Ukrainian].
5. *Khodakivskyy, Ye.I., Yakobchuk, V.P., Lytvynchuk, I.L.* (2017) Intelektual'na vlasnist': ekonomiko-pravovi aspekty. “Intellectual Property: Economic and Legal Aspects”: textbook: 3rd ed., revised and amended. Kyiv: Center for Educational Literature. 504 p. [in Ukrainian].
6. Convention Establishing the World Intellectual Property Organization of July 14, 1967 (Stockholm). URL: https://zakon.rada.gov.ua/laws/show/995_169#Text (Date of Application: 28.05.2021) [in Ukrainian].
7. Paris Convention for the Protection of Industrial Property of March 20, 1883. Collection of current international treaties of Ukraine of 1990. No 1. Art. 320 [in Ukrainian].
8. Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, in the first edition (Paris Act of July 24, 1971, amended October 2, 1979). Official Gazette of Ukraine dated 18.10.2007. No 75. Art. 2809 [in Ukrainian].
9. International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (done at Rome on 26 October 1961). URL: https://zakon.rada.gov.ua/laws/show/995_763/print (Date of Application: 28.05.2021) [in Ukrainian].
10. *Horbova, N.A.* (2015) Teoriya intelektual'noyi vlasnosti: do postanovky pytannya. “Theory of Intellectual Property: on the Issue”. Bulletin of Zaporizhia National University. Legal Sciences 1, 16–22. URL: [http://nbuv.gov.ua/UJRN/Vznu_Jur_2015_1\(2\)_4](http://nbuv.gov.ua/UJRN/Vznu_Jur_2015_1(2)_4) (Date of Application: 28.05.2021) [in Ukrainian].
11. *Sorvachov, O.V.* (2015) Okhorona prav na promyslovi zrazky v Ukrayini. “Protection of Industrial Design Rights in Ukraine”: author's abstract ... Cand. Sci. (Law). Odessa National University. jurid. 18 p. [in Ukrainian].
12. *Kurilo, V.I., Svitlychnyy, O.P., Hyrenko, I.V.* (2012) Osнова prava intelektual'noyi vlasnosti. “Basis of Intellectual Property Law”: textbook. CM of Ukraine. Donetsk national University of Bioresources and Nature Management of Ukraine. 262 p. [in Ukrainian].
13. Intelektual'na vlasnist' v Ukrayini: problemy teorii i praktyky. Intellectual property in Ukraine: problems of theory and practice: coll. Science. articles / eds U.S. Shemshuchenko, Yu.L. Bloshytsky. Kyiv: Institute of State and Law; V.M. Koretsky NAS of Ukraine, 2002. URL: <http://>

rivne.kul.kiev.ua/virtualnaja-vistavki/intelektualna-vlasnist-v-ukrajini-problemi-teoriji-ta-praktiki.html
(Date of Application: 28.05.2021) [in Ukrainian].

14. *Kharytonova, O.I.* (2008) Pravova pryroda prava intelektual'noyi vlasnosti. "The Legal Nature of Intellectual Property Law". Scientific works of the Odessa National Law Academy / ch. ed. S.V. Kivalov. ONUA. Odessa: Legal Literature. Vol. VII. URL: <http://dspace.onua.edu.ua/handle/11300/531?Show=full> (Date of Application: 28.05.2021) [in Ukrainian].

15. Constitution of Ukraine: Law of Ukraine of June 28, 1996 No 254k / 96-VR. Information of the Verkhovna Rada of Ukraine dated July 23, 1996. No 30. Art. 141 [in Ukrainian].

UDC 347.77/,78

Boiko Ivan,

Senior Staff Scientist of the State Research Institute MIA Ukraine, Kyiv, Ukraine,
ORCID ID 0000-0002-1713-9098

THE CONCEPT OF INTELLECTUAL PROPERTY RIGHTS: LEGAL ASPECTS

Research article studies the concept and content of intellectual property rights, which are considered as an element of legal capacity of an individual and as a subjective right of a person. The relations between intellectual property rights and property rights, types of intellectual activity and its features are considered. The legal essence of intellectual property rights is revealed, which in the subjective sense is assessed as a complex of legal possibilities of possession, use, disposal and legitimization of the result of intellectual, creative activity, which belong to its author under the conditions established by law. The concept of "intellectual property rights" is a generalizing concept that has two main meanings: as a civil law institution and as a subjective right of the creator to the result of his creative mental activity.

At present, according to the World Bank, intellectual property as a component forms on average more than 60 % of the total wealth of the developed countries of the world community and it continues to grow.

The main provisions of some international legal conventions on intellectual property to which Ukraine has acceded are highlighted. Thus, the "Convention Establishing the World Intellectual Property Organization" establishes general types of intellectual property rights. The "Paris Convention for the Protection of Industrial Property" defines the types of objects of industrial property protection. The "Berne Convention for the Protection of Literary and Artistic Works" discloses the term "Literary and Artistic Works" which covers all works in the field of literature, science and art. In addition, the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations establishes a legal regime for the protection of the rights of performers, producers of phonograms and broadcasting organizations.

The author's concept of "intellectual property right" is stated, and also the substantiated offers for the perfection of the legislation and regulations in the field of intellectual property are formulated.

Keywords: law, intellectual property, civil legal relations, person, creative activity.

Отримано 08.06.2021

© Boiko Ivan, 2021

DOI (Article): [https://doi.org/10.36486/np.2021.2\(52\).4](https://doi.org/10.36486/np.2021.2(52).4)

Issue 2(52) 2021

<http://naukaipravoohorona.com/>