

## **AREAS OF IMPROVEMENT OF PUBLIC ADMINISTRATION IN THE FIELD OF INTELLECTUAL PROPERTY IN UKRAINE**

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### **INTRODUCTION**

The determination of priorities and perspectives, as well as the purpose, strategic directions and main tasks of further development of public administration in the field of intellectual property, in our opinion, should be based on the results of a careful analysis of the current state of affairs of the public administration entities in the implementation of public policy in the sphere of intellectual property. Intellectual property is a decisive and inexhaustible resource of social, cultural and economic development of Ukraine and is an environment with internal unity, in which a set of different types of creative, intellectual activity of a person, covering different spheres of economic and social life is carried out, as a result of which intellectual property objects are created. whose rights are protected by current law and are inherently intangible. Therefore, the development of a strategy for the development of public administration in the field of intellectual property is a logical continuation of the process of improving the sphere of intellectual property in Ukraine, due to the need for radical changes aimed at the use of intellectual property as a strategic resource in the system of formation of national wealth and increase the competitiveness of the country development and integration of Ukraine into the international economic space. The National Intellectual Property Development Strategy specifies the main ways of realizing the conceptual ideas and views on the development of intellectual property in Ukraine, defined by the Sustainable Development Strategy "Ukraine-2020", the Concept of the National Targeted Economic Program for the Development of Industry for the period up to 2020, the Strategy of Information Society Development in Ukraine and the National Security Strategy of Ukraine. Thus, defining its own vector of further economic development in the modern geo-economic space in the harsh conditions of a market economy, Ukraine emphasized the innovative way, which is not only real for our country, but also practically the only possible one in modern conditions of transition of

developed countries from an industrial-type to a post-industrial economy. Moreover, we are convinced that it is no longer possible to ensure the competitiveness of the economy and the success of Ukraine on the innovative path of its development without a thorough understanding of the current state of such an influential factor of the economy as intellectual property.

### **1. Areas of improvement of the regulatory base of public administration in the field of intellectual property in Ukraine**

The current reform of the intellectual property sector is certainly closely linked to the preparation of a new concept of legislation in this field. According to Art. 85 of the Constitution of Ukraine defining the principles of domestic and foreign policy of Ukraine, approval of national programs of economic, scientific, technical, social, national and cultural development, environmental protection falls within the competence of the Verkhovna Rada of Ukraine. Implementation of the principles of national policy, determined by the legislative body of Ukraine – implementation of internal and foreign policy of the country, development and direct implementation of national programs of economic, scientific, technical, social, cultural development, environmental protection, as well as the development, approval and implementation of other state target programs, ensuring the development and government support of the country's scientific, technical and innovation potential in accordance with Art. 2 of the Law of Ukraine “On the Cabinet of Ministers of Ukraine” is one of the main tasks of the Cabinet of Ministers of Ukraine<sup>1</sup>.

Particular attention is also drawn to the need to improve administrative and legal measures to regulate the field of intellectual property. Its basis in Ukraine is the current Code of Ukraine of Administrative Offenses (hereinafter – CUAO), as it is intended to protect the sphere of intellectual property from unlawful encroachments. At the same time, the effectiveness of the administrative-legal policy in the field of intellectual property should be based both on a perfect system of regulation of legal relations of intellectual property, and should be supplemented by the existing infrastructure of the national system of protection and protection of intellectual property in, including administrative and legal means.

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<sup>1</sup> Про Кабінет Міністрів України : Закон України № 794-VII від 27 лютого 2014 р. URL.: <http://www.zakon3.rada.gov.ua/laws/show/794-18>.

Referring to the experience of foreign countries in this field, it should be noted that in some countries separate codified regulations have been adopted in the framework of public administration procedures in the field of intellectual property. In Ukraine, however, the debate on the feasibility of adopting a separate codified legislative act – the Intellectual Property Code, and the inclusion in it of rules on administrative liability for intellectual property offenses has recently received new impetus. The idea of the need to develop an Intellectual Property Code is usually explained by its authors by the fact that it is such a normative act that will help to regulate the relations that have actually developed in society (sometimes under the influence of certain random and even conjuncture factors) and properly construct their new elements. , and will help to address the challenges of legal regulation and facilitate the application of intellectual property law, since the internal logic of the new act will make it clearer and clearer<sup>2</sup>. In our opinion, there are great doubts about this. The problem is that the improvement of administrative law requires, first and foremost, compliance with the principle of continuity in administrative law – the use of previous legal experience and ensuring the availability of common features in legal rules, jurisprudence and doctrinal scientific provisions<sup>3</sup>.

Thus, in our opinion, the inclusion of rules on administrative liability for infringements of intellectual property in the Intellectual Property Code proposed by some researchers is considered to be inappropriate and non-constructive. More justified is the traditional existence of a codified legal act containing all the rules on administrative liability.

Another topical issue of improving the state administrative and legal policy in the field of intellectual property is the unification and systematization of the relevant articles in the current Administrative Code. Numerous violations of systematic requirements in the current administrative legislation of Ukraine and the presence of numerous systemic contradictions in the experts have been repeatedly emphasized<sup>4</sup>. Ideally, the law on administrative responsibility should be logically

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<sup>2</sup> Підпригора О. А. Чи потрібен Україні Кодекс про інтелектуальну власність? *Університетські наукові записки*. 2005. № 1-2. С. 75–79. С. 76.

<sup>3</sup> Муза О. В. Проблеми розвитку адміністративного права України: ревізія системи галузі. *Наукові записки Інституту законодавства Верховної Ради України*. 2017. № 1. С. 65–70. С. 66.

<sup>4</sup> Демченко В. О. Проблемні аспекти систематизації джерел адміністративного права в Україні. *Міжнародний науковий журнал «Інтернаука»*. 2018. № 7(1). С. 98–101. С. 99.

complete, consistent, internally unified and integral system of norms and institutions, built and functioning on common principles and common principles, but in reality, domestic law is still far from this ideal. A striking example of the deficiencies in the legislature's systematic and systematic approach, both at the stage of development and adoption of the Code of Administrative Offenses (1984), and during its subsequent amendments, is the legislation on liability for offenses in the field of intellectual property. The rules on liability for administrative offenses in the field of intellectual property are found in three different chapters of the Code of Administrative Offenses (Chapter 6 "Administrative Offenses that Violate Property" (Art. 51-2 "Infringements of Intellectual Property Rights"), Chapter 9 "Administrative Offenses in Agriculture. Violations of Veterinary and Sanitary Rules" (Art. 107-1 ("Violations of Legislation on Breeding in Livestock")) and Chapter 12 "Administrative Offenses in Trade, Catering, services, financial and business activities" (Art. 156-3 ("Violation of the requirements of the law on the prohibition of advertising and sponsorship of tobacco products")) (in the part concerning intellectual property), 164-3 ("Unfair Competition"), 164-6 ("Filming and Distribution of Films without a State Certificate on the Right to Distribute and Display Films"), 164-7 ("Violation of the Conditions for Distribution and Display of Films Provided by a State Certificate for the Distribution and Display of Films I Films"), 164-8 ("Failure to Display National Movies Quotas Using National Screen Time"), 164-9 ("Illegal Distribution of Copies of Audiovisual Works, Phonograms, Videograms, Computer Programs, Databases") and 164-8 13 ("Violation of legislation governing the production, export, import of disks for laser reading systems, export, import of equipment or raw materials for their manufacturing"))).

And here the question immediately arises: is it advisable to place corpus delicti of administrative offenses that have a common object of encroachment – public relations in the field of intellectual property – in different chapters of K CUAO UPAP? After all, the legislator separated the chapters in the Special part of the CUAO on the basis of generic objects of unlawful encroachment, placing administrative and legal norms in different chapters on the basis of the criterion of homogeneity (similarity, similarity) of those social relations that are subject to administrative offenses. And, despite the fact that we have already proved the homogeneity of the intellectual property relationship, we have added that all intellectual property objects, despite the existing distinct

differences between them, are united by a number of common features. First, the legal regulation of the process of creation and use of intellectual property is carried out on the basis of a single regulatory act – the book of the fourth Civil Code of Ukraine. Second, Chapter 35 of Book Four of this Code sets out the common principles and rules for the creation and use of intellectual property by all entities. Third, this legal act establishes a set of property and personal (non-property) rights that are largely similar to intellectual property objects. Fourth, property rights can be transferred to third parties on the basis of similar in title and content of the contracts (license agreement, commercial concession agreement, etc.). That is why we believe that based on the systematic approach to the legislation on administrative liability, it would be correct to place those articles that provide for administrative liability for intellectual property offenses in one structural unit – a separate chapter of the CUAO<sup>5</sup>.

The analysis of the structure of the elements of the Code of Administrative Offenses allows to conclude that the legislator considers as the generic object of offenses in the field of intellectual property relations of property (Chapter 6), relations in agriculture (Chapter 9) and relations in the field of trade, catering, and services, in the field of finance and entrepreneurship (Chapter 12). However, none of the aforementioned chapters of the Special part of the Administrative Code is capable of fully integrating all objects of administrative offenses in the field of intellectual property. However, despite its dual nature, intellectual property is a single entity. Its constituent elements in the form of the results of intellectual creative activity are common, characteristic only of intellectual property, peculiarities. First of all, it is the intangible nature and the impossibility of its physical embodiment. This property determines that intellectual property right is a value precisely because of its exclusiveness, which should mean the principle of the attribution of this right to only one person or to several persons clearly defined in accordance with the law. In this regard, the administrative legislation in the field of intellectual property should aim, first and foremost, at ensuring the exclusiveness of intellectual property rights. The social detriment of the latter's infringement must be anticipated irrespective of the set of specific intellectual creativity results stipulated by civil law.

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<sup>5</sup> Хрідочкін А. В. Публічне адміністрування у сфері інтелектуальної власності : досвід Європейського Союзу. *Наукові записки Львівського університету бізнесу і права. Серія економічна. Серія юридична.* 2018. Випуск 19. С. 251-256. С. 253.

Thus, in our opinion, the system and structure of the Special part of the current Administrative Code does not allow to combine the administrative offenses in the field of intellectual property in one of the existing chapters of the Administrative Code without violating the principle of systematic placement of administrative and legal norms.

Certainly, the integration of norms is not capable of eliminating all the difficulties, since there are also problems that, as the practice shows, usually come to the fore – problems related to the personality of the enforcer. But this does not mean that, since there are enforcement problems, the law should not be improved. After all, to achieve a truly effective result of improving the administrative and legal protection of intellectual property, just combining the relevant articles of law in a separate chapter will not be enough. The new structural element of the Code of Administrative Offenses should be based on the current concept of intellectual property protection and have an appropriate structure that meets the today requirements.

As for the place of this chapter in the structure of the Special part of the Code of Administrative Offenses, we believe that it should be placed under Chapter 6 (“Administrative Offenses that Affect Property”). This is due to the dual nature of the results of intellectual creative activity, as well as to the sequence of placement of the Institute of Intellectual Property in the Central Committee of Ukraine, which is manifested in the fact that Book 3, entitled "Intellectual Property Law and Other Property Rights", is the next book. property". Based on the above, in our opinion, the best way to consolidate the rules establishing administrative responsibility for offenses in the field of intellectual property would be the following: the addition of the Special part of the Code of Administrative Offenses by Chapter 6-1 ("Administrative Offenses in the Field of Intellectual Property") administrative offenses:

Article 51-4. Violation of copyright and related rights.

Article 51-5. Violation of intellectual property right to scientific discovery.

Article 51-6. Violation of intellectual property right for invention, utility model, industrial design, layout of integrated circuits, rationalization proposal.

Article 51-7. Violation of intellectual property rights on a variety of plants and breeds of animals.

Article 51-8. Violation of intellectual property rights to trade secrets.

Article 51-9. Violation of intellectual property rights on the trade name, trademark and geographical indication of the origin of the goods.

Separate scientific studies should be devoted to the development of the dispositions and sanctions of these articles.

Thus, in our opinion, the main measures to improve the regulatory framework of public administration in the field of intellectual property should include the development of a long-term strategy for the development of intellectual property in Ukraine and the elimination of conflicts between the conceptual apparatus and the content of the rules of administrative law and other branches of law economic and administrative) in matters of legal protection of intellectual property.

## **2. Areas of improvement of the institutional base of public administration in the field of intellectual property in Ukraine**

The next area of further development of public administration in the field of intellectual property, in our opinion, is to improve its institutional base. Today, it includes government bodies, institutions and structures endowed with direct and indirect functions and responsibilities in the field of intellectual property, and the judiciary<sup>6</sup>. It should be noted that the constant reforms of the system of public administrations in the field of intellectual property, which have occurred over the last decade, have become one of the most negative factors, which not only contributed to, but also significantly impeded the process of development of the sphere of intellectual property in our country. country and greatly complicate its protection.

In Ukraine, there has traditionally been a three-tier institutional framework for public administration in the field of intellectual property (the ministry – the central executive authority of the relevant sectoral competence – state structures subordinate to it). The effective functioning of such an institutional framework has proved difficult in practice.

In order to create a modern system of public administration in the field of intellectual property, Ukraine has chosen the way to build a two-tier system, which has already proven effective in many countries of the world. It envisages the implementation of the concept of the corresponding single state body for public administration of sectoral competence. But the formation of this system in Ukraine began with the

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<sup>6</sup> Дергачова В. В., Пермінова С. О. Інтелектуальна власність: навчальний посібник. Київ : НТУУ «КПІ», 2015. 416 с. С. 215.

liquidation in 2017 of the State Intellectual Property Service (hereinafter referred to as the SIPS) of Ukraine and the transfer of its powers to “Ukrpatent” – in fact, one of the structures of the SISI subordinate to Ukraine. And the decision to exercise these powers can only be taken as part of the negotiation process with the International Bureau of the World Intellectual Property Organization, as it is based on an international agreement, which has been rethought by years of active negotiation. In addition, many of the functions defined by the concept for a new body (for example, the invalidation of intellectual property rights in the pre-trial order) are completely new to Ukrainian law and, accordingly, do not contain any regulatory basis.

It is clear that the liquidation of the SIPS not only did not complete the process of establishing a two-tier institutional framework for public administration in the field of intellectual property, but also raised a number of issues without which the creation of a modern system of public administration in the field of intellectual property is impossible. Therefore, the scope of the powers of this state-owned enterprise is limited by the issues of acquisition and registration of intellectual property rights, and outside its competence there is a rather large range of issues that does not allow it to be recognized as the sole body of intellectual property. Meanwhile, the sphere of intellectual property is one of the key elements of ensuring the economic development of the country<sup>7</sup>. At the same time, its effectiveness depends to a large extent on active international cooperation and the stability of the national patent office's approaches to the basic issues of protection and protection of intellectual property. Unfortunately, the concept proposed by the Ministry of Economic Development of Ukraine envisages a classic reform for Ukraine: to liquidate the existing state body and create a new one in its place. As practice shows, such reforms are delayed in time, and the expected positive results are either not achieved at all or are only partially achieved. The problem is compounded by the fact that, in the case of intellectual property, such experiments are very dangerous and have the potential to cause negative consequences for the economy, in particular, the country's investment attractiveness.

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<sup>7</sup> Хрідочкін А. В. Особливості публічного адміністрування правовідносин у сфері інтелектуальної власності в Україні на сучасному етапі. *Правові реформи : міжнародний і український досвід : матеріали міжнародної науково-практичної конференції, м. Дніпро, 24–25 листопада 2017 р.* Дніпро : Дніпровський гуманітарний університет, 2017. С. 123–126. С. 124.

It is important to confirm the appropriate administrative and legal status of a single intellectual property body for its tasks, functions and powers. In particular, as the single intellectual property body, a new entity in the field of public administration is called upon to pursue international cooperation in the field of intellectual property and to represent Ukraine's interests in this field in international organizations. The task of this body should be to train representatives in the field of intellectual property (patent attorneys), to improve their skills and to improve the skills of other professionals in the field of intellectual property, as well as employees of the judiciary and law enforcement agencies. He is tasked with determining the requirements for obtaining the status of an intellectual property representative (patent attorney), defining and approving the procedure for passing patent examinations and listing the questions for qualifying examinations (attestation), determining the amount of the fee for attestation, approving the oath text or revocation of a certificate of the right to pursue the activities of intellectual property representatives (patent attorneys), issuing a duplicate thereof. It is as a single intellectual property body that the public administration entity should participate in the implementation of state policy in this area and the preparation of information, education and training materials, conducts educational activities to raise awareness and respect for intellectual property, the development of social culture in this society, in the creation of centers of invention together with the central body of executive power, which provides for the development and implementation of state policy in the field of education and science, in the anizatsiyi contests and inventions, including children, students and young people and in training on intellectual property. Its tasks should be to carry out scientific and technical examination of applications for intellectual property objects, legal examination of documents concerning the entry into the state registers of information on intellectual property objects protected in the territory of Ukraine, research related to the protection of other objects intellectual property and other results of intellectual creative activity (domain names, genetic resources, traditional knowledge, folklore, etc.), as well as certification of representatives in intellectual affairs Second property (patent attorneys). Among the tasks of a single intellectual property body, methodological, methodological and informational assistance to central executive bodies, law enforcement agencies on protection and protection of intellectual property rights, scientific institutions, educational institutions, other physical and legal entities

should be given a high priority. issues related to the legal protection, commercialization and protection of intellectual property rights, as well as the administration of state registers of intellectual property objects, the state register of representatives in the cases of intellectual property (patent attorneys) of Ukraine, entry of information into them, provision of extracts and extracts, issuance of security documents.

Therefore, a single intellectual property body and a central executive body that provides for the formation and implementation of national intellectual property policy should ensure interaction and coordination of activities for the stable development of the national intellectual property sphere, protection and protection of the interests of its subjects.

Taking into account the place of a single intellectual property body in the system of public administration entities, its structure should be built, the important elements of which should be recognized by the councils (scientific-advisory and supervisory), the chamber (appellate), commissions (attestation, appellate and commission on coordination of questions on insertion of a mark containing the official name of the state "Ukraine" in the trade mark (mark for goods and services)) and service (internal audit). Thus, the Scientific Advisory Board of a single intellectual property body shall become a consultative advisory body, the order of organization and activity of which shall be determined by a provision approved by that body. It is created to address the problematic issues of the practice of applying the legislation in the field of intellectual property and to develop and submit to the sole body of intellectual property appropriate recommendations (proposals for improvement of current acts of the legislation in the field of intellectual property and draft normative legal acts developed by the sole body of intellectual property; application of international and national legislation in the field of intellectual property, methodological recommendations grants on specific issues of scientific and technical examination of applications for intellectual property and legal examination of documents submitted to the national intellectual property body for submission to the state registers of information about objects of intellectual property and intellectual property rights, as well as information, educational and training materials developed by a single intellectual property body).

The structural unit of the national intellectual property body should be the Court of Appeal, whose task will be to consider objections, statements and other matters within its competence.

The Attestation Committee of a single intellectual property body is formed in order to determine the level of professional qualification

of persons who have expressed their intention to acquire the right to occupy the activity of an intellectual property representative (patent attorney).

The Appellate Committee of a single intellectual property body shall be formed in order to consider the complaints of patent attorneys against decisions of the certification committee.

The Single Intellectual Property Committee on the coordination of questions on the introduction of a designation containing the official name of the state "Ukraine" in the trade mark (mark for goods and services) should become an advisory body of a single intellectual property body and be formed on a parity basis from representatives of the respective central executive bodies government, a special-status state body (the purpose of which is to ensure the state protection of competition in business and in the sphere of state x Procurement), the Presidential Administration of Ukraine, a single body of intellectual property, specialized scientific institutes (centers) of the National Academy of Sciences of Ukraine and national sectoral academies of sciences of Ukraine (if any) and a specialized media.

The Internal Audit Service should be an independent unit of a single intellectual property body that conducts an internal audit of its activities and reports to the Supervisory Board.

The appropriate administrative and legal status of a single intellectual property body places high requirements for its personnel, first of all expert, because it must have the necessary knowledge to carry out scientific and technical and (or) legal expertise and to provide an opinion on the investigated issues. His professional duties will include conducting a full study and providing a reasoned and objective conclusion based on the results of scientific and technical or legal expertise, in the manner prescribed by the laws on protection of intellectual property rights and rules approved by the central executive body. that provides for the formation and implementation of state policy in the field of intellectual property. It should be entitled to a clear definition of job responsibilities and appropriate working conditions and logistical support, as well as remuneration, depending on the position occupied, the results of employment, seniority in the national intellectual property body and / or in the field of intellectual property, the presence of a scientific degree, academic title.

Thus, the simplification of the institutional system of public administration in the field of intellectual property in Ukraine is on the one hand a positive phenomenon, and on the other – the constant reformation

of the administrative sphere creates additional problems related to the establishment of work and interaction of these structures, creation of appropriate personnel, development and continuity of professional knowledge and skills, transparency of public administration in the field of intellectual property, which in turn directly affects the system protection of intellectual property in Ukraine and gives offenders new opportunities to commit offenses in this area with impunity.

### **3. Areas of improvement of the infrastructure base of public administration in the field of intellectual property in Ukraine**

A promising and significant direction for the further development of public administration in the field of intellectual property is, in our view, the improvement of its infrastructure base. The fact is that the functioning of the intellectual property sphere is characterized by a wide range of different activities<sup>8</sup>. However, an effective and balanced monitoring system has not yet been established<sup>9</sup>. On the one hand, there are modern tools for detailed monitoring of individual activities, such as patenting of intellectual property and protection of their rights, and on the other hand, monitoring of the use of intellectual property objects, achieved economic impact, impact on the strengthening competitiveness, conflict situations related to the use of intellectual property objects, the level of counterfeiting and piracy is not a sign of regular action and is fragmentary. Often, information collected by one institution may not always be accessible to other institutions. Such information does not always have quantification and evaluation.

Generalized statistical indicators of receipt of applications for intellectual property for the whole period of existence of the system of monitoring of the sphere of intellectual property (1992–2018) are as follows. Of the total number of applications submitted, 21.0% are applications for inventions, 13.7% are for utility models, 60.7% are for signs for goods and services, 4.6% are for industrial designs, 0.007% are for indications of origin goods. More than 70% of the total number of applications for inventions were submitted by national applicants, and

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<sup>8</sup> Бабець І. Г., Мойсеєнко І. П. Інтелектуальна власність : навч. посіб. Львів, 2015. 158 с. С. 58.

<sup>9</sup> Косенко О. П. Моніторинг комерційного потенціалу об'єктів інтелектуальної власності з використанням тангенціальної функції економічного ефекту. *Теоретичні і практичні аспекти економіки та інтелектуальної власності*. 2014. Вип. 1(2). С. 49–55. С. 51.

about 30% by foreign applicants. The largest number of applications from foreign applicants (almost 70%) is submitted from the USA, Germany, France, Switzerland, the United Kingdom and the Russian Federation.

Inventions and utility models remain the main source of technological innovation in Ukraine, so monitoring the patenting processes of these intellectual property objects is of particular interest because it reveals industry priorities for the activities of different categories of business entities. This information can be used in research, analysis of innovation processes, investment attractiveness of Ukraine, etc. The number of applications for inventions and utility models for the whole period of monitoring system operation exceeded 247 thousand. More than 80% of the total were submitted by national applicants. Between 2004 and 2018, the most active national applicants were applicants for higher education and science, who submitted more than 50% of the total number of applications for inventions and utility models (legal entities), and applicants – individuals – 37.7%.

In today's market economy, information on the protection of trade marks, including trademarks (trademarks for goods and services), is relevant for assessing the competitive environment and is of interest to both the national economy and foreign investors. According to statistics, the largest number of applications is submitted to this intellectual property object (60.7%). Out of their total number of applications, foreign applicants make up 47.7%, with over 70% of such applications filed under the Madrid International Registration System (it significantly facilitates the registration of trademarks (goods and services marks)). The largest number of applications for registration of marks from foreign applicants is submitted from the USA, Germany, Switzerland, France and the Russian Federation.

During the whole period of functioning of the domestic sphere of intellectual property, more than 36 thousand agreements on the disposal of intellectual property rights were entered into state registers (20.4% – agreements on the issuance of a license for the use of intellectual property objects, 76.1% – contracts ownership transfer, 5.2% of "open" licenses for inventions and utility models). Of these: 15.5% for inventions, 5.3% for utility models, 5.1% for industrial designs, and 74.1% for trademarks.

According to the Law of Ukraine "On Copyright and Related Rights" a copyright subject for certification of a copyright (copyright) for a published work or a fact, date and date of publication of a work or contracts concerning the author's right to a work, in any time during the copyright term may register its copyright in the relevant state registers.

Between 1995 and the end of 2018, over 70,000 copyright certificates were issued for the work. Since 2002, when the registration of contracts related to the author's right to the work began, and by the end of 2018, more than 3,000 such contracts have been registered. The Register of Software Manufacturers and Distributors from 2003 to 2018 contains information on over two thousand manufacturers and distributors.

It is difficult to overestimate the presence and role of the creator in creating not only intellectual property as such, but also in the existence of the sphere of intellectual property in general. The development of national creativity has no prospects, unless there is a process of training specialists capable of creative work, and the author is not guaranteed a remuneration for his personal creative work. Therefore, an important task of improving the infrastructure of public administration in the field of intellectual property is the training and dissemination of knowledge in the field of intellectual property, organized and implemented by the state. This activity is aimed at enhancing the understanding by Ukrainian society of the need for the legitimate application of intellectual property rights. We believe that the proper application of such rights will ensure the development of the economy, it will be worthy to stimulate creative activity and innovative process for the benefit of the whole country. This activity is aimed at forming the necessary level of knowledge and nurturing respect for intellectual work and its results, which are embodied in the objects of intellectual property, as well as for informing the society about possible losses and existing threats to the well-being and health of the people containing counterfeit and pirated goods.

To raise awareness and develop the high culture of the general public in the field of intellectual property, it is necessary to inform the general public and business circles about the role and importance of intellectual property in order to increase interest in the creation and proper use of intellectual property objects, increase the competitiveness of enterprises, economic, social and cultural development of the country. There is a need to disseminate and promote knowledge of intellectual property law, the importance of protecting and enforcing intellectual property rights for various categories of users of intellectual products, and providing access to information and knowledge in the field of intellectual property through modern media, information and communication technologies<sup>10</sup>.

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<sup>10</sup> Інтелектуальне право України : підручник / за заг. ред. О. С. Яворської. Тернопіль : Підруч. і посіб., 2016. 608 с. С. 222.

The urgent task is to take measures aimed at increasing the interest and awareness of the young students, the importance of intellectual property in solving pressing problems of society (introduction of environmental innovations, protection of traditional knowledge and folklore, etc.) and organizing activities to attract attention to the sphere of intellectual ownership of pupils, development of creative activity of young generation by stimulating research and innovation activity among pupils. Institutions of intellectual property right creators, intellectual property representatives and valuers of intellectual property need support.

In order to foster respect for intellectual property, it is advisable, in our view, to develop an appropriate policy for the development of creative activity of children, youth and youth through the preparation of information and training materials to raise awareness, respect and develop the culture of society in the field of intellectual property and improve educational programs for students and students and predicting in them information about intellectual property and its role in the socio-economic development of society. It is necessary to promote the introduction of courses on invention as electives in school education programs and to determine the discipline of "Intellectual property" as compulsory for studying in all higher education institutions of Ukraine. Support is also needed for conducting summer intellectual property schools based on leading national universities, conducting competitions on intellectual property, and facilitating the opening of intellectual property training courses in Ukraine based on leading national universities<sup>11</sup>. It is not superfluous to carry out specialized information campaigns aimed at the target audience (students of schools, students, educators, entrepreneurs, consumers, representatives of the public sector, judicial and law enforcement agencies) with the aim of informing about the negative effects of counterfeiting and piracy and piracy intellectual property, as well as the perspectives and benefits provided through creative activity, protection and introduction of intellectual property.

Legal rules in the field of intellectual property are intended to protect intellectual products, inventions, newly created utility models from misuse, to provide a worthy evaluation of the investment in the invention or development of the work of an individual or labor collectives.

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<sup>11</sup> Орлюк О. П. Захист прав інтелектуальної власності в контексті європейської інтеграції. *Вісник Національної академії правових наук України*. 2016. № 3. С. 58–74. С. 60.

According to the regulation of intellectual property relations, the right of its owner to own, use and dispose of it shall be enshrined. On the other hand, an important part of the regulation of intellectual property relations is the provision of opportunities for its commercialization, that is, the introduction into economic circulation and profit from this.

## **CONCLUSIONS**

Determination of the purpose, strategic directions and main tasks, priorities and prospects of further development of public administration in the field of intellectual property should be based on the results of a careful analysis of the current state of both the activity of the public administration entities in the implementation of state policy in the field of intellectual property and the intellectual sphere itself. property. The effectiveness of the implementation of public administration tasks in the field of intellectual property depends on internal factors, favorable opportunities, as well as threats that can adversely affect its development and depend on the effects of external factors. Strategic directions for further development of public administration in the field of intellectual property in Ukraine should focus on solving the following three complexes of basic problems of public administration in the field under study: regulatory problems (it includes national legislation, as a set of legal provisions, on the basis of which entities are public administrations create the proper conditions for the acquisition, implementation, protection and protection of rights arising from various types of intellectual creative activity members of the public), problems of the institutional base (public administration entities, endowed with appropriate powers in the field of intellectual property in order to solve a wide range of problems in the provision of legal protection, management, implementation and protection of intellectual property rights) and problems of the infrastructure base (elements and relationships that ensure and maintain at the appropriate level the functioning of the intellectual property sector, as well as the users of that sphere). In particular, the mechanisms for acquiring legal protection of intellectual property by improving the examination of applications for intellectual property at the level of the leading patent offices in the world and improving the methodological support for examination of applications for intellectual property are required. There are also a number of issues involved in creating the right conditions for the commercialization of intellectual property items.

## SUMMARY

The article presents a theoretical generalization and new solution to the scientific problem of determining the nature and features of the system of public administration in the field of intellectual property in Ukraine. The author has formulated Specific proposals for strategic directions of further development of public administration in the field of intellectual property in Ukraine. The following three complexes of basic problems have been emphasized: the problems of the regulatory, institutional and infrastructure base of public administration in the field of intellectual property. The necessity of systematization of the national legislation on administrative liability for intellectual property offenses has been emphasized by combining the respective warehouses of administrative offenses in a separate chapter of the current Code of Administrative Offenses. The need to improve the institutional base of public administration in the field of intellectual property in the direction of realization of the concept of creating a single body of intellectual property in Ukraine has been argued. The priority of the task of improving the infrastructure of public administration in the field of intellectual property by intensifying the activities on the dissemination of knowledge in the field of intellectual property, fostering respect for intellectual property has been substantiated.

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