

the need to know which network they are using or how to route information to them. In other words, the Internet is a conceptual creation consisting of protocols and procedures, which are then used by the constituent networks to interconnect. This notion was captured in a definition by the United States Federal Networking Council (Resolution 1995), as submitted to the United Nations Working Group on Internet Governance with a proposed amendment to reflect the evolving nature of the Internet [7, p. 2-3].

At the 36th plenary meeting of The Commonwealth of Independent States (CIS) Interparliamentary Assembly a Model Statute on the Basics of Internet Regulation (Resolution No. 36-9 of 16 May 2011) was enacted. The Model Statute (Art. 2) provides such definition of «Internet» as a global telecommunications network that combines information systems and telecommunications network in different countries using global address space based on the use of complex Internet protocol (Internet Protocol, IP) and data transmission protocol (Transmission Control Protocol, TCP) and allows the implementation of various forms of communication, including posting information to the public. Model legislation, as it is known, has a recommendation character and plays the role of a guide for national legislative bodies.

As for the current legislation of Ukraine, the definition of «Internet» is enshrined in Article 1 of the Law of Ukraine «On Telecommunications», according to which it is the world information system of general access which is logically connected by global address space and an internet protocol established according to international standards. Under information system of general access it is meant a series of telecommunications networks and facilities for storage, processing and transmitting data.

Analysis of the above definitions leads to the conclusion that all they characterize the Internet primarily as technical means of information transfer. They focus on the technical side of the network, leaving aside legally significant aspects.

Speaking of the Internet as a legal category, it should be noted that still there is no single approach to determining its legal nature in the legal doctrine: whether it is an object of rights or a subject or an object of legal regulation.

Thus, considering the potential ability for the Internet to serve as the object of law, most scientists eventually come to the conclusion about the absence of sufficient grounds for declaring this statement true because of the fact that the Internet in general can not belong to anyone on the right of property and can not be an object of civil circulation.

Indeed, the software used on the Internet, belongs to its developers; digitized works of science, literature, music performances, etc. placed on the Internet belong to their right holders; computer equipment used for access to the Internet belong to users; servers belong to specialized companies. Internet is not an object of law as a kind of property or an object of intellectual property, the Internet can not be sold or bought.

In our view, generally the Internet is neither material nor immaterial good, due to which occur certain relations. Relevant relations arise about that individual objects that are somehow involved into the Internet in its broader sense.

Talking about the ability of the Internet to be a subject of law, it should be understood that the network does not possess such common features of the legal entity, such as: organizational unity, the presence of separate property, the ability to participate in civil circulation on its behalf, and the ability to be a plaintiff or defendant in court. The absence of organizational and structural design of the Internet as a specific organization is proved by the fact that there is no single network management as well as there is no single organization that owns, manages or controls the Internet.

However, there are some non-profit organizations that provide operation of the Internet, including, in particular, the Internet Corporation for Assigned Names and Numbers (ICANN), responsible for the global coordination of the unique elements of the network system and safe and stable operation of the organization; Internet Society, which promotes the development of the Internet, the development of new Internet technologies and ensuring the availability of the World Wide Web on a global scale; Internet Architecture Board (IAB), which oversees the architecture of the Internet, including its protocols and associated procedures, and the creation of new Internet standards and includes an engineering group that is addressing technical issues Internet (IETF) and the research team (IRTF).

Moreover, the Internet has no property-based autonomy because, as it has been noted above, the material (technical) and immaterial resources of the network are owned by different entities. There is also a view that all users involved in Internet technology communication form the Internet Society as a social structure. However, there is no sufficient basis for the identification of the entire Internet with the Internet community and presenting in this way the features of the Internet as an entity.

According to the basic provisions of the theory of jurisprudence, the subject of legal regulation is public relations, while the object of legal regulation

Information Center» (UNIC) in coordination with the international system administration on the Internet.

Seventhly, the extraterritorial nature of the construction and operation of the Internet requires combination of international and national regulation.

Currently, international legal regulation of relations on the Internet is carried through the means of so-called «soft law» in the form of various recommendations, resolutions and declarations issued by international organizations (International Telecommunication Union, World Intellectual Property Organization, the United Nations, UNESCO, the Council of Europe, the Internet Corporation for Assigned Names and Numbers, etc.). The provisions of these documents are not formally binding and their compliance by states is based solely on the authority of the subjects they are adopted by. However,

currently it is necessary to accept the international agreement, which would resolve the question of the notion of the Internet, its legal regime, structure, applicable law, dispute resolution, and other aspects of the network at national, regional and global levels. Certainly this kind of regulation of the Internet and the relations that occur on it should take into account principles of decentralization and self-regulation underlying network operation.

Conclusions. To sum up, the following definition of the Internet as a legal category could be proposed: the Internet is a global publicly available information and telecommunications network with a complex multi infrastructure, which operates on the basis of cross-border management and gives opportunities for creating, posting information and access to it and also for providing related information services.

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SOME ASPECTS OF THE LEGAL NATURE OF THE INTERNET NETWORK

The article is devoted to the research on the Internet as a legal category. The legal nature of the Internet is determined as an object of legal impact. The main characteristics of the Internet, which are important for the understanding of this phenomenon, are listed. It is suggested author's own definition of this category as a global publicly available information and telecommunications network with a complex multi infrastructure, which operates on the basis of cross-border management and gives opportunities for creating, posting information and access to it and also for providing related information services.

Keywords: Internet network, Information and Telecommunications Network, legal nature, the object of the legal impact.

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ДЕЯКІ АСПЕКТИ ПРАВОВОЇ ПРИРОДИ МЕРЕЖІ ІНТЕРНЕТ

Стаття присвячена дослідженню мережі Інтернет як правової категорії. Визначено правову природу мережі Інтернет саме як об'єкту правового впливу. Наведено основні характеристики мережі Інтернет, які мають значення для розуміння сутності цього явища. Запропоновано авторське визначення цієї категорії як глобальної загальнодоступної інформаційно-телекомунікаційної мережі зі складною багаторівневою інфраструктурою, яка функціонує на засадах транскордонного управління та надає можливості для створення, розміщення інформації і доступу до неї, а також надання пов'язаних із цим інформаційних послуг.

Ключові слова: мережа Інтернет, інформаційно-телекомунікаційна мережа, правова природа, об'єкт правового впливу.

