JOURNAL OF SECURITY AND SUSTAINABILITY ISSUES
ISSN 2029-7017/ISSN 2029-7025 (online)
2020 Volume 9 Number May
http://doi.org/10.9770/jssi.2020.9.M(29)

Scopus

CREATION OF AN INTELLECTUAL PROPERTY COURT IN UKRAINE: PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN A SYSTEM OF ECONOMIC SECURITY OF A COUNTRY

Irina Aristova [1]*, Kristina Rezvorovich [2], Elvira Sydorova [3], lily Nesterchuk [4], Irina Kislitsyna [5]

*[1]*Sumy National Agrarian University, Gerasim Kondratieva Street, 160, Sumy, 40000, Ukraine*
[2,3] Dnipropetrovsk State University of Internal Affairs, Ave. Gagarina, 26, 49005, Dnipro, Ukraine
[4,5] National University "Odessa Law Academy", Fountain road, 23, Odessa, 65000 Ukraine

E-mail: [1] koaduep@gmail.com (Corresponding author)*

Received 20 November 2019; accepted 10 May 2020; published 30 May 2020

Abstract. The article highlights the legislative, organizational and economic aspects of the establishment and functioning of the intellectual property courts of the leading European countries and the modern state of the Ukrainian Intellectual Property Court formation. It also covers the stages of the Ukrainian IP Court establishment and formation of its judicial manpower (the arrangement of the candidates' selection for the posts of the judges of the first instance and the Appeals Chamber to the newly-established body by the High Qualifications Commission of judges of Ukraine (HQC)), as well the processes of the Federal Patent Court of Germany and Switzerland formation. The legal basis for the functioning was identified for already existing Federal Patent Courts of Germany and Switzerland, Tribunal de Grande Instance in France, Intellectual Property Enterprise Court in the United Kingdom, and the Ukrainian Intellectual Property Court that is still on the stage of its generation. Particular attention was put to the peculiarities of the formation of the judicial manpower of the corresponding judicial bodies, jurisdiction, and the instance-system building of the intellectual property judicial bodies. The authors define the leading role of intellectual property in the national economy and substantiate the economic and managerial processes of regulation of legal relations in relation to intellectual property. It is determined that the judicial practice of intellectual property cases should be based on social and economic methods of assessing and determining the level of efficiency of management of intellectual property.

Keywords: national security, judge, patent court, intellectual property management, socio-economic security, Ukrainian Intellectual Property Court (Ukrainian IP Court), the High Qualifications Commission of Judges of Ukraine (HQC).

Reference to this paper should be made as follows: Aristova, I., Rezvorovich, K, Sydorova, E., Nesterchuk, I., Kislitsyna, I. 2020. Creation of an intellectual property court in Ukraine: protection of intellectual property rights in a system of economic security of a country. *Journal of Security and Sustainability Issues*, 9(M), 362-380. https://doi.org/10.9770/jssi.2020.9.M(29)

JEL Classifications: F35, F42

1. Introduction

The principles of supremacy of law and proper justice execution have found their legislative reflection in both existing legislation of Ukraine and the corresponding regulations of the international level. The execution of justice is conducted with adherence to legal requirements and ethics. Hence, its final objective is to restore justice and rules of law in society.

One of the main factors, influencing the efficiency of the development and progress of the legal democratic state and its entrée into the world community; is the availability of qualitative legal human rights, freedoms, and legally protected interest systems. Intellectual property protection is not an exception. Hence, it requires proper legal and organizational support. Concerning legal groundwork, one should mention that the establishment of an effective legal and regulatory framework makes it possible to ensure not only human rights protection in the area of intellectual property of particular individuals but also economic security of the state in general (Reznik &

Shevchenko, 2015). The financial and economic situation in the country ultimately influences its positioning within the global space (Reznik, et. al., 2020; Drobyazko, et al., 2019; Tvaronavičienė 2019; Čizo et al., 2020). In the context of organizational support, the establishment of the intellectual property court is the key to guaranteeing the legal interests of the participants of these legal relationships.

As of now, the provision of the proper level of the protection of rights, freedoms, and legally protected interests of people in the area of intellectual property by the state is carried out through the corresponding judicial bodies – the courts. Considering the above-mentioned details, the study of the peculiarities of the intellectual property court establishment in Ukraine, the determination of its legal status and the key aspects of this body's activity requires a more profound study. In the framework of the topic under the study, it makes sense to set legal and organizational aspects of the functioning of such a judicial body in the leading European countries.

2. Literature Survey

The study of the peculiarities of the Ukrainian IP court establishment, the determination of its legal status, and the clarification of the key aspects of the activity of this body primarily require the establishment of legal and organizational aspects of the functioning of such body in the leading European countries. Herewith, it is worth mentioning that rights protection in the area of the intellectual property in most European countries belongs to the area of responsibility of the patent courts.

Thus, Germany has The Federal Patent Court (Bundespatentgericht), which was founded on 1 July 1961. At the same time, before the establishment of Bundespatentgericht, the decisions of expertise sections and departments of the German Patent Office, regarding the registering or existing industrial property rights, were a subject to re-examination by the appellate benches only. Regarding the members of the appellate benches, they were represented by the state employees, while the appellate benches themselves, from the organizational point of view, were a part of the German Patent Office. Based on the above-mentioned details, there was a thought that all those decisions had no legal arrangements of protection (The official website of Bundespatentgericht).

After the Basic Law for the Federal Republic of Germany from 23 May 1949 went into effect, one faced the need to reconsider the status of commissions for appeal claims. Para. 4 Art. 19 Basic Law for the Federal Republic provides guarantees to any person whose rights were breached by the state bodies, including the possibility to ask the court for protection (Basic Law for the Federal Republic of Germany, 1949).

On 13 June 1959, the Federal administrative court ordered the administrative action, referring to the principle, specified in Para. 4 Art. 19 of Basic Law for the Federal Republic. The court ordered that the body regarded as German Patent Office is not the court according to the content of the law; the decisions of the Boards of Appeal were the administrative acts, which could be appealed in the Administrative Court. After the addition of amendments to Basic Law for the Federal Republic, Bundespatentgericht was established as an independent, autonomous federative court. Bundespatentgericht is situated in Munich and is mended by the Federal Ministry of Justice (The official website of Bundespatentgericht).

The Bundespatentgericht competencies include the solution of questions about the provision of legal ownership (patent, trademark, useful model, topography, design, the right for a specific type of plants) or the rejection in registering the right of ownership. Based on the appeals petition or and application, Bundespatentgericht can cancel the adopted decision about the given property right, regarding the object of intellectual property through recalling or cancellation (The official website of Bundespatentgericht). It is worth noticing that the invalidity procedure is the proper procedure for revocation of a valid German patent or supplementary protection certificate, or a patent, or the additional protection certificate. The procedure for the determination of invalidity is separated from the grant

ISSN 2029-7017/ISSN 2029-7025 (online)
2020 Volume 9 Number May
http://doi.org/10.9770/jssi.2020.9.M(29)

of the patent and the judicial examination, and its purpose is to cancel the validity of the official act, upon which the patent was granted. The decision on invalidity cases in the first instance belongs to the jurisdiction of The Federal Patent Court (Bundespatentgericht), and in the second instance – to the jurisdiction of the Federal Court of Justice (Basic Law for the Federal Republic of Germany, 1949).

The judicial manpower of The Federal Patent Court (Bundespatentgericht) consists of 120 judges. According to the provisions of the Basic Law for the Federal Republic of Germany, the Courts Constitution Act, and the German Judiciary Act, the judges of The Federal Patent Court (Bundespatentgericht) are independent and can act in the frameworks, defined by the law. There are notions of substantive and personal independence of judges. The substantive independence resides in the fact that in the course of the decision-making, the judges are not tied with any instructions or recommendations. The personal independence lies in the impossibility of firing or dismissing the judge from his posts without the approval of such a decision by other judges. The judges are subject to disciplinary supervision only under the condition that their principle of independence is not breached (Basic Law for the Federal Republic of Germany, 1949; Courts Constitution Act, 1951; German Judiciary Act, 1972).

In France, the legislation in the area of intellectual property is codified. According to the Intellectual Property Code, any unique work, obtained in any form, can be protected by the law of copyright. The work you can protect with the law includes:
(1) literary and artworks,
(2) pre-production prototypes,
(3) inventions, which can be patented,
(4) audio-visual materials,
(5) computer programs,
(6) computer software or a data base,
(7) paintings and sculptures,
(8) photographs.

The Intellectual Property Code of France distinguishes pecuniary and non-property rights of the intellectual property objects' authors. While the pecuniary rights imply the sales or use opportunity, which is characterized by pecuniary benefits, the non-property rights guarantee the author the recognition and respect for his work and name. The pecuniary rights are valid throughout the lifetime of the author and during 70 years after his death, while the non-property rights belong to him forever, and can fall to his heirs after his death.

In France, the consideration of cases regarding the intellectual property rights violation, as a rule, takes place in the court of the highest resort – Tribunal de Grande Instance. At the same time, one does not exclude the consideration of such cases in specialized chambers of nine District courts, among which only the Court of Paris has the right to consider patent issues. The cases on the misappropriation of the know-how can be also reviewed in the commercial courts. The Administrative decisions of the National Patent and Trademark Office about the registration of intellectual property objects can be appealed in the Court of Appeal. The Intellectual Property Code includes the subject-matter and territorial jurisdiction of cases, regarding the breach of intellectual property rights. The cases upon the subject-matter jurisdiction are reviewed in Tribunal de Grande Instance. At the same time, there are exceptions: in the case of the violation of the intellectual property rights, the case is prosecuted in the Tribunal Correctionelle (special department of Tribunal de Grande Instance). The territorial jurisdiction of cases on the breach of the intellectual property rights makes provisions for the possibility of their reviewing upon both the place the damage was caused and the address of the defendant (Code de la propriété intellectuelle, 1992).

The United Kingdom has the Intellectual Property Enterprise Court, reviewing the cases, which are related to the

disputes on intellectual property, in particular: patents, copyright, registered trademarks, registered constructions, and other rights of intellectual property. If the amount of damages is less than £500.000, then the case can be reviewed in the Patents Court or Chancery Division. At the same time, the dispute, involving the damages over £ 500,000, can be considered in these instances if the parties do not reach the mutual agreement in the Intellectual Property Enterprise Court. The Intellectual Property Enterprise Court is a specialized court that is a part of the Business and Property Courts of the High Court of Justice, which is situated in London (Intellectual Property Enterprise Court).

In Switzerland, the Federal Patent Court operates since 1 January 2012. It is situated in the city of St. Gallen. The disputes under civil law on patent were previously referred to the jurisdiction of cantonal courts. The Federal Patent Court has exclusive jurisdiction in the civil cases, related to the patent validity, and infringement of patent rights. Herewith, other patent lawsuits, related to patents, may also be brought before the Federal Patent Court (for example, the disputes concerning the agreements on patent licensing or patent rights). The decision of the Federal Patent Court can be appealed in the body of the highest instance – the Federal Patent Court of the Swiss Confederation.

The legal status of the Federal Patent Court was regulated by the norms of the Federal Act on the Federal Patent Court from 20 May 2009. The Federal Patent Court is the patent court of the first instance of the Swiss Confederation. Its judicial manpower includes the judges with both legal and technical training. The judges are required to possess specific verified knowledge on patent law. The Federal Patent Court consists of two permanent judges and a sufficient number of non-permanent judges. Most non-permanent judges must go through technical training. The Federal Patent Court is located at the location of the Federal Administrative Court, serving as the seat of permanent judges, court officers, and administrative personnel (Federal Act on the Federal Patent Court, 2009). The judicial selection is conducted by the Federal Assembly. The requirement of incompatibility of judges is quite important, it provides for the following:
(1) the judges cannot be memebers of the Federal Assembly, the Federal Council or the Federal Court;
(2) the judges cannot be engaged in any activity, worsening their ability to perform the duties, required by their post, their independence or causing the harm to the reputation of the court;
(3) they cannot act officially from the name of the foreign state;
(4) the permanent judges cannot act as professional representatives of the third parties in the court;
(5) the permanent judges cannot be the members of the board of executive directors, the Supervisory board, the advisory board or be auditors of business enterprises (Federal Act on the Federal Patent Court, 2009).

The head of the Federal Patent Court is selected by the Federal Assembly out of Permanent Judges, and, after the election, he will represent the court in relation to the third parties. The Administrative Committee is in the charge of the court administration; it consists of: (1) The Head of the Federal Patent Court; (2) the Vice President; (3) the second permanent judge or, if he performs the functions of the Vice President, a judge who is not permanent. As a rule, the court makes a decision collectively. The jurisdiction of the Federal Patent Court is determined by Art. 26 of the Federal Act on the Federal Patent Court. The Federal Patent Court has an exclusive jurisdiction concerning (a) the disputes on the breach of the license issue for a patent procedure; (b) the adoption of preliminary measures before the commencement of the court proceedings as defined in the paragraph (a); (c) the implementation of decisions, adopted according to the exclusive jurisdiction of the court. Apart from the highlighted features, the jurisdiction of the Federal Patent Court applies to other civilian cases, which have relation to patents, in particular, the right for patents or their misappropriation. It is important to note that the jurisdiction of the Federal Patent Court does not exclude the jurisdiction of the cantonal courts. Thus, if the issue is about invalidity or patent violation, it should be solved by the cantonal court upon the preliminary request or for defense, the judge will give the parties reasonable time to file a claim for invalidity or infringement with the Federal Patent Court. The Cantonal Court

ISSN 2029-7017/ISSN 2029-7025 (online)
2020 Volume 9 Number May
http://doi.org/10.9770/jssi.2020.9.M(29)

stops the proceedings pending until the final or absolute decision upon the case. If no claim is lodged with the Federal Patent Court within the prescribed period, the cantonal court resumes the proceedings. But in the presence of a defendant's counter-claim for invalidity or patent infringement, the cantonal court transfers both claims to the Federal Patent Court (Federal Act on the Federal Patent Court, 2009).

Considering the peculiarities of the judicial systems of Germany, France, the United Kingdom, and Switzerland in the area of intellectual property protection, one should mention the following idea. The legal controversies, regarding the breach of intellectual property, are reviewed in the specialized courts, specializing in intellectual property issues, which is a reliable tool in the process of provision the proper and fair the protection of rights of individuals in this area. Particular attention is put to the formation of judicial manpower, consisting of highly qualified professional judges. The consolidation of specific types of activity, in its turn, which is incompatible with the position of judge, acts as a means of provision of the independence and impartiality of the law enforcement authorities.

As for the bodies of the global scale, the activity of which is focused on the rights protection of intellectual property, one can mention The World Intellectual Property Organization (WIPO). WIPO is an international intergovernmental organization, established on the basis of the Convention, adopted in 1967 by the memeber countries of the Paris International Union for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Work, and other special unions. Its Office for the Secretary of State is the International Organization WIPO, dislocating in Geneva from 1974 when WIPO got the status of a specialized organization of UN (The official website of WIPO).

Particular attention should be put to the establishment of the Unified Patent Court (UPC) on 19 February 2013. UPC possesses exclusive jurisdiction to hear all infringement and invalidation (revocation) cases of EU and single EU patents, as well as the infringement and validity certificates of the supplementary protection – the certificates, issued under EU Regulation No 2009/2009 on medical products or the EU Regulation No. 1610/96 on Phytopharmaceutical Products (Agreement on a Unified Patent Court (2013). The legal basis for UPC's activity is the Agreement on a Unified Patent Court.

UPC was established with the purpose:
(1) to eliminate parallel litigation in the different Member States of EU;
(2) to harmonize substantive patent law, related to the scope and limitations of the acquired patent rights, as well as remedies, in the case of their breach;
(3) to enhance legal certainty concerning the use of patents by means of agreed case law in the area of patent breach and validity;
(4) to provide simpler, faster, and more efficient judicial procedures and the reduction or expenses on solving of patent disputes (Androshchuk, 2019).

3. Methods

The study of legal and organizational aspects of the courts' establishment and functioning for the consideration of cases in the sphere of intellectual property in the leading European countries, and the current state of the High Intellectual Property Court formation in Ukraine, was conducted with the use of the historical, comparative, formal, legal, and systemic-and-structural methods.

The historical method was used to cover the stages of establishment of the High Court on Intellectual Property of Ukraine and its judicial manpower (the organization of the candidates' selection for the posts of judges to the first

instance and the Appeals Chamber of the newly-established body by High Judicial Qualifications Commission of Ukraine), as well as the processes of establishment of the Federal Patent Courts of Germany and Switzerland.

The use of the comparative method made it possible to determine the legal framework for the functioning of the already existing Federal Patent Courts of Germany and Switzerland, the Tribunal de Grande Instance in France, the Intellectual Property Enterprise Court in the UK, as well as the High Court of Intellectual Property in Ukraine that is still in the phase of formation. In particular, this applies to the formation of the judicial manpower of the corresponding judicial bodies, jurisdiction, the instance building of a system of judicial bodies for the reviewing of cases in the area of intellectual property. The analysis of the legislative regulation of the courts' activity on the intellectual property cases in the leading European countries and the state of legal support in Ukraine also made it possible to generate the corresponding proposals, concerning the requirements to the professional experience of candidates.The disclosure of the content of the provisions of the current Ukrainian legislation, which generally regulate the issues of the organizational building of a system of judicial bodies and the implementation of justice in Ukraine, and determine the legal status of the High Court on Intellectual Property (judicial composition, jurisdiction, etc.); was made by means of the use of the formal legal method. The system-structural method made it possible to present the quantitative indicators upon the results of competitive selection to the High Court of Intellectual Property of Ukraine and the Appeals Chamber of the newly-established body.

4. Results

Intellectual economy, intellectual resources and globalization become a linchpin of world economic and juridical development at the same time actively influencing one another and ensuring mutual development (Fig.1).

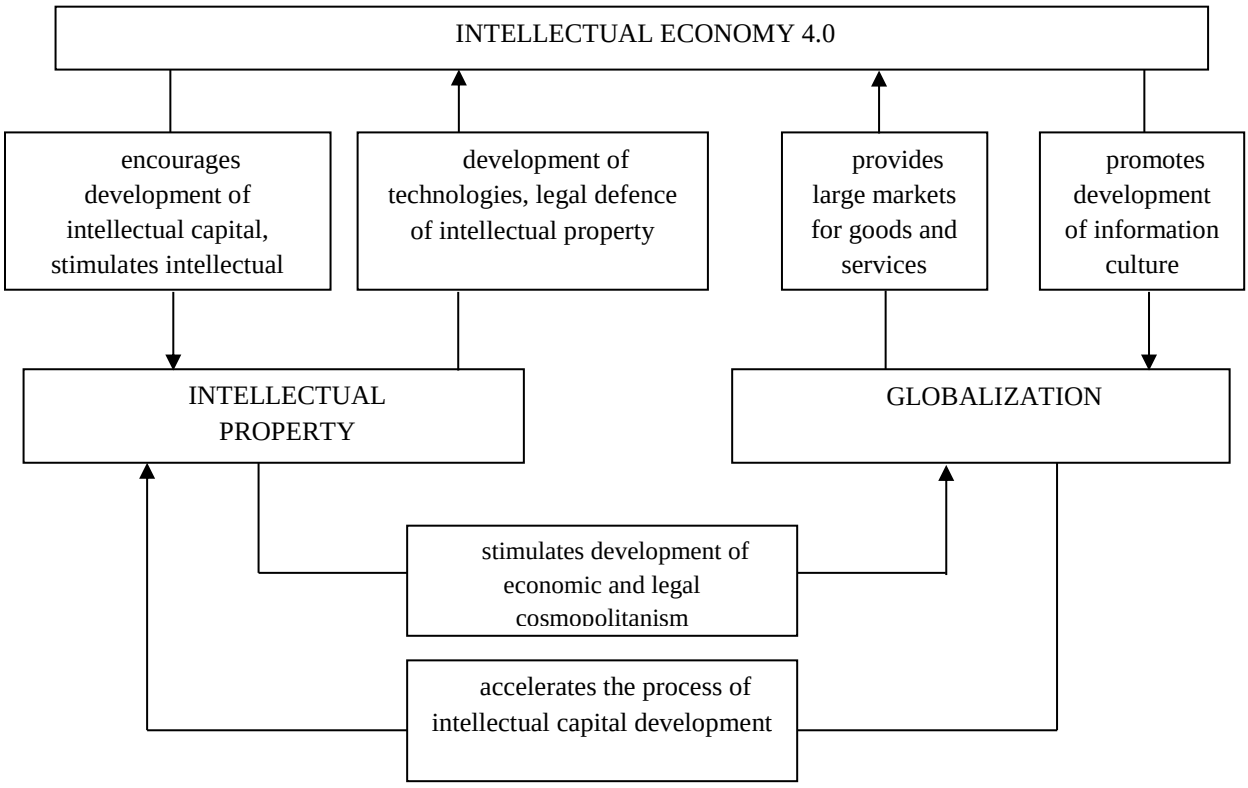

Figure 1. Intellectual property in a system of interconnections of the main world tendencies

JOURNAL OF SECURITY AND SUSTAINABILITY ISSUES
ISSN 2029-7017/ISSN 2029-7025 (online)
2020 Volume 9 Number May
http://doi.org/10.9770/jssi.2020.9.M(29)

The availability and effective use of intellectual property causes a new cycle in the development of new technologies and production of intellect-intensive products which stimulate the formation of intellectual economy and new trends of its legal defence. Globalization herewith provides large market outlets for intellectual property. In turn, on the one hand, intellectual economy contributes to the development of intellectual property and, on the other hand, encourages the development of information culture on a global scale (Watson & Stanworth, 2006).

In confirmation of the given arguments, we will consider the tendencies of the world market of intellectual property and its legal defence. Thus, in 2018 inventors submitted 3.17 mln patent applications all over the world which indicates the growth of the corresponding indicator for the eighth year in a row. The total number of trademark applications was 12.39 mln which was 26.8% more than a year before; moreover, this number demonstrates that double-digit growth rates on hold for the third year in a row (International intellectual property alliance (IIPA). The total number of submitted industrial design applications in the world exceeded 1.24 mln while the number of utility model applications was 1.76 mln (Fig. 2).

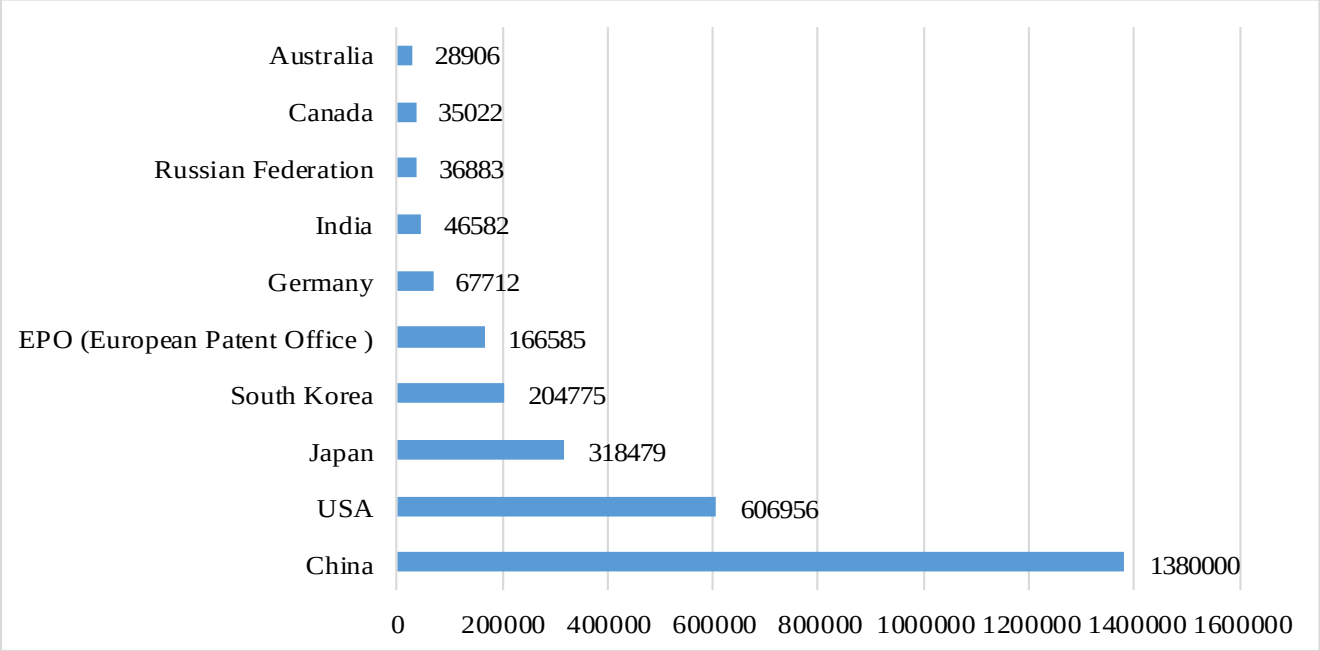

Figure 2. Distribution between the world's 10 leading patent offices regarding the intellectual property rights (The official website of WIPO)

In 2018 there were 13.72 mln valid patents in the world, about 2.98 mln of which were valid in the United States of America (USA), 2.1 mln in China and 2 mln in Japan. 14.9 mln out of 43.23 mln valid trademark registrations in the world were only in China; the USA(2.2 mln) and Japan(1.9 mln) took the second the the third places according to the number of registrations. The total number of valid industrial designs in the world increased by 5% and was 3.75 mln. A share of China was not only 39% of all valid industrial designs in the world (a bit less than a half) but also almost all valid utility models (92%) (European Patent Office (EPO) (2019).

Globalization accelerates the process of creation, accumulation and use of intellectual property ensuring their redistribution, concentration and intensive representation, which, in turn, involves working with global bases of an intellectual property object and experience of their use and stimulates the development of economic

cosmopolitanism.The latter speeds up the globalization process. Summarizing all the above mentioned, it can be marked that the role of intellectual property in modern economic transformations characterizes the following treds:1) high specific gravity of intellectual propery and intellectual labour in GDP growth;2) economic growth significantly depends on the use of intellectual property now which determines innovative development and scientific and technological progress;3) information and innovative sector accounts for 85% of GDP growth in developed countries. The more developed a country is, the more strongly the intellectual property and intellectual labour are used, and vice versa. Self-expansion of intellectual property plays the same role in the intellectual economy as self-expansion of material and real capital in the industrial one.

Thus, the effectiveness of the use of intellectual property and intellectual labor determines the prospects of economy development of this or that country in the following aspects:

1) high specific gravity of income from intellectual activity in the total income of the population. Intellectual activity includes the work in governance, finance, jurisprudence, scientific and educational activity, mass media, culture, etc. It is the scale of intellectual activity in developed countries that speaks about the formation of legal intellectual economy;
2) the key role of information in economic and social processes.In the intellectual economy the significance of information exceeds material products and energy in its scales;
3)transformation of science directly into prodective power.

Let us move on to the review of judicial practice of intellectual property protection. The Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 acts as the normative document, making allowances for the human rights and fundamental freedoms protection. In particular, Art. 6 of the Convention presents the right of an individual for fair judgment: everyone has the right for a fair and public hearing of his case within a reasonable time by an independent and impartial tribunal, established by law. The Convention makes provisions for the protection of the human rights and fundamental freedoms by the judicial proceeding under two conditions: (1) the existence of a dispute over civil rights and obligations; (2) criminal charge of a person in the violation of the law (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950).

One should mention that there are a lot of international agreements, the provisions of which regulate the issues on the intellectual property in the European Union territories. Among them are:
(1) The Paris Convention for the Protection of Industrial Property of 20 March 1883;
(2) Madrid Agreement concerning the International Registration of Marks and the Protocol to it of 14 April 1891;
(3) Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957;
(4) The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 31 October 1958;
(5) The Hague Agreement Concerning International Registration of Industrial Designs of 28 November 1960;
(6) Locarno Agreement Establishing an International Classification for Industrial Designs of 8 October 1968;
(7) The Patent Cooperation Treaty PCT of 19 June 1970;
(8) The Strasbourg Agreement Concerning the International Patent Classification of 24 March 1971;
(9) Berne Convention for the Protection of Literary and Artistic Works of 24 July 1971;
(10) Geneva Convention on the Protection of Producers of Phonograms Against Unauthorized Duplication of 29 October 1971;
(11) Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks of 12 June 1973; (12) Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure of 28 April 1977;

(13) Trademark Law Treaty (TLT) of 27 October 1994;
(14) Patent Law Treaty (PLT) of 1 June 2000;
(15) Singapore Treaty on the Law of Trademarks of 27 March 2006.

The directives of the European Union, the provisions of which provide for the right of individuals to claim and protect their rights in the sphere of intellectual property in the court, are the directives issued by the European Parliament and of the Council. In particular:
(1) Directive 2004/48/EC of the European Parliament and of the Council from 29 April 2004 on the enforcement of intellectual property rights;
(2) Directive 2014/26/EC of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market;
(3) Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions etc.

Thus, for example, the Directive 2004/48/EC about the enforcement of intellectual property rights determines the scope of persons who have the right to file an application about the application of measures, procedures, and tools of legal protection. It also regulates the questions, regarding the provision of evidence to the cognizant authorities, temporary, and preventive measures by the court, court injunctions, court expenses, etc. (Directive 2004/48/EC, 2004). Herewith, it is important to mention that the Directive 2004/48/EC does not include any clear procedure on the intellectual property protection by the court, and this issue has the corresponding explanation. The Preamble to a document states that the Directive does not aim set harmonized rules for the judicial cooperation, jurisdiction, recognition, and enforcement of judgments in the civil and business cases as well as sets aside from existing legislation. There are specific tools of the Community, which regulate such issues in the general outline, and, technically, are applicable to intellectual property (Directive 2004/48/EC, 2004).

The fundamentals on human rights protection are defined at the constitutional level. According to Art. 55 of the Constitution of Ukraine from 28 June 1996, the rights and freedoms of individuals are protected by the court. Each person is guaranteed the right to appeal against the rulings, actions or inaction of the state bodies, the local government bodies, and the officers in the court. Art. 124 of the Constitution of Ukraine stipulates for the implementation of justice in Ukraine by the courts only. To this end, the delegation of the courts' functions and the assignment of these functions by other bodies or officials are not allowed (Constitution of Ukraine, 1996).

The issue concerning the organization of the judiciary and the implementation of justice in Ukraine, operating on the basis of the provisions of the law in accordance with the European standards and guarantees the right of everyone to a fair trial, is regulated at the legislative level by the Law of Ukraine "On Judiciary and Status of Judges" of 2 June 2016. Based on the content of Art. 17 of the Law, under the components of the judicial system one can consider: 1) local courts; 2) courts of appeal; 3) the Supreme Court. Herewith, the legislator stipulates that to view certain categories of cases in accordance with the Law, the higher specialized courts operate in the judicial system. One of their types is the High Court on Intellectual Property (Art. 31 of the Law) (Law of Ukraine On the judiciary and the status of judges, 2016).

It is important to consider the timeline of the events that preceded the creation of the High Court on Intellectual Property in Ukraine. In 2001, the United States of America recognized Ukraine as the US Trade Representative as "Priority Foreign Country". In terms of intellectual property rights, the state received the worst rating due to the production and export of the largest number of pirated disks. In this situation, the US industry alone lost $200 million annually (Ukraine Designated as Priority Foreign Country Under Special 301).

On 27 April 2001, the President of Ukraine issued a decree "On Measures on Protection of Intellectual Property in Ukraine" to ensure the constitutional rights of citizens for the protection of intellectual property, favorable conditions for the creation of the intellectual property objects, the development of the Ukrainian market of these objects.

In 2001, Ukraine joined the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of 26 October 1961; the WIPO Copyright Treaty, signed in Geneva on 20 December 1996, and the WIPO Performance and Phonograms Treaty, signed in Geneva on 20 December 1996; and in 2002 to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, signed in Geneva on 2 July 1999, and to the Patent Law Treaty, signed in Geneva on 1 June 2000. The decree also made provision for the study of the creation of the specialized patent court (Decree of the President of Ukraine No. 285/2001, 2001). Thus, one can state that the issue on the establishment of specialized patent legislation was formally raised back in 2001.

However, by 2016, the issue of the establishment of a separate specialized judiciary on intellectual property in Ukraine had not been given sufficient attention. The explanatory note to the Law of Ukraine "On the Judiciary and Status of Judges" of 30 May 2016 stated that the establsihment of the High Court on Intellectual Property meets the positive experience of the European countries, and will make it possible to quickly and properly consider the disputes, falling in their jurisdiction, by highly qualified judges of the corresponding specialization (Explanatory Note to the Draft Law of Ukraine On Judiciary and Status of Judges, 2016).

On 29 September 2017, the Decree of the President of Ukraine № 299/2017 established the High Court on Intellectual Property with the location in Kyiv (Decree of the President of Ukraine № 299/2017, 2017). Thus, the creation of a specialized court aimed to: (1) resolve a range of issues in the area of intellectual property, hindering the development of intellectual property relations for a long time; (2) raise the standards of protection of the intellectual property rights in Ukraine. Despite the establishment of the High Court on Intellectual Property as one of the proofs of progress in this area, the US Trade Representative has not changed the position of Ukraine, and it remained in the "Priority Watch List." Such a decision was justified by the slow progress of Ukraine in this direction (International intellectual property alliance (IIPA) Special 301 report, 2019).

The first selection of judges to the High Court on Intellectual Property was held on 30 September 2017, when the High Qualifications Commission of Judges of Ukraine announced about a competition for the vacancy of judges to the newly-established judicial body and approved the conditions for holding this competition. According to the Decision of the High Qualification Commission of Judges of Ukraine № 98/zp-17 of 30 September 2017, one issued 21 vacant post1 for the Supreme Court Judge on Intellectual Property. The deadline for submitting the applications was 15 calendar days, starting from 1 December 2017 (Decision of the High Qualification Commission of Judges of Ukraine № 98/zp-17, 2017). The requirements to the candidates for the position of the judge were determined by the Conditions of the competition for the vacancy of the posts of judges of the Supreme Court on intellectual property, posted on the official website of the High Qualifications Commission of Judges of Ukraine. The competition allowed individuals who:
(1) submitted the required documents in accordance with the procedure and terms, determined by the Terms of the competition for the vacancy of judges for the High Court on Intellectual Property;
(2) as of the day of the document submission meet the requirements to the candidate, determined in Art. 33, 69 and 81 of the Law of Ukraine "On Judiciary and Status of Judges" for the post of a judge to the High Intellectual Property Court (Conditions of competition for the vacancy of judges of the High Court of Intellectual Property, 2017).

Para. 1 Art. 33 of the Law of Ukraine "On Judiciary and Status of Judges" determines the requirements to the Judge of the High Court on Intellectual Property, which can be represented by an individual who meets the requirements to the candidates on the post of a judge, approved his qualification level upon the results of qualification assessment, and meets one of the following conditions:
(1) has working experience as a judge of at least three years;
(2) has at least five years of professional experience as an intellectual property representative (patent attorney);
(3) has at least five years of professional experience as a lawyer, related to representing the intellectual property in the court;
(4) has total working experience (professional activity) according to the requirements, determined in the Para. 1-3, of at least five years (Law of Ukraine On the judiciary and the status of judges, 2016).

The Para. 19 of the Conditions of competition for the vacancy of judges of the High Court of Intellectual Property of 2017 determined the range of documents, confirming the adherence to one of the conditions, defined in Para. 1 Art. 33 of the Law of Ukraine "On Judiciary and Status of Judges." To confirm the length of service of a judge, it is enough to provide a copy of the employment record. The more documents were required to confirm the professional experience of an intellectual property representative (patent attorney) and a lawyer in the representation of a court in intellectual property rights cases. (Conditions of competition for the vacancy of judges of the High Court of Intellectual Property, 2017).

The total number of candidates who expressed a desire to participate in the competition was 234 persons, and 219 candidates were admitted: 206 judges, 6 patent attorneys, 5 attorneys and 2 persons with a total length of service. The consideration of the question about the access to the competition took more time than it was planned – from December 2017 to early July 2018. After that, the participants of the competition went through a special inspection, which included the receiving of information about the candidates from the authorized bodies (for example, about education, professional experience, property, the absence of criminal record). From July to September 2018, the High Qualifications Commission of Judges of Ukraine considered the results of the special examination and decided whether to admit the participants to the qualification evaluation within the competition. Thus, out of 219 candidates, only 210 candidates remained. In the framework of the competition, the participants had to pass a law knowledge test, complete a practical task (write a court decision upon the materials of the model case, the phase "Exam"), pass a test with a psychologist, and interview with members of the High Qualifications Commission of Judges of Ukraine. The Commission decided to hold both testing and practical work during one day – on 3 October 2018. Thus, only 148 candidates out of 210 were allowed to pass a qualification evaluation. There were 86 candidates who were admitted to the practical task, the number of people who had completed the "Exam" phase. Upon the completion of the practical task, there were only 63 candidates who continued to participate in the competition. During December 2018, participants who coped with the "Exam" phase had to pass through psychological testing, including the performance of the corresponding tests and interviewing by a psychologist. In the lines of testing, one determined the level of logical, verbal, abstract thinking of candidates, the stability of their work motivation, emotional stability, stress resistance, and other determinants. During July-September 2019, the members of the High Judicial Qualifications Commission interviewed the participants of the judicial selection. Based on the information messages on the official web site of the commission, the results of the interviews are as follows: for 47 candidates – a break is announced for deciding on the results of the qualification evaluation for the post of the judge; 13 candidates were not interviewed / not completed; 2 candidates stopped the competition; for 1 candidate, the qualification evaluation is suspended. As a result, the selection of judges to the first instance of the High Court on Intellectual Property has never been completed.

JOURNAL OF SECURITY AND SUSTAINABILITY ISSUES
ISSN 2029-7017/ISSN 2029-7025 (online)
2020 Volume 9 Number May
http://doi.org/10.9770/jssi.2020.9.M(29)

The new version of the Commercial Procedure Code of Ukraine states that within the High Court of Intellectual Property, there is a Court of Appeal to review the decisions of this court in the first instance (Commercial Procedure Code of Ukraine, 1991). That is why in October 2018, the High Qualifications Commission of Judges of Ukraine announced the competition for 9 vacant posts of judges to the Appeals Chamber. During October-November 2018, the potential participants had to apply the required documents. The selection to the Appeals Chamber follows the analog procedure to the selection of judges to the first instance. At the end of April 2019, the admitted participants took testing on knowledge of the law (it included only 50 people), and the ones who had successfully passed through the test (38), were invited to pass through a practical task the next day. But the results of the practical assignment have not been determined and announced.

The quantitative indicators upon the results of the competitive selection to the High Court on Intellectual Property of Ukraine and the Appeals Chamber of the newly-established body are given in Table 1.

Table 1. The results of the competition to the High Court on Intellectual Property of Ukraine and the Appeals Chamber of the newly-established body

Indicator	Judicial selection to the first instance	Judicial selection to the Appeals Chamber
The applicants who have applied for the competition	234	97
The applicants who were admitted to the participation in the competition	210	57
The applicants who had passed anonymous written testing in the framework of the first evaluation phase "Exam"	86	38
The applicants who had successfully passed the first qualification evaluation "Exam"	63	-
The conduction of interviews as a part of qualification evaluation	13	no provision
The check of practical tasks, done during the exam in the lines of the qualification evaluation	no provision	-

Source: The table was formed with the use of data from the official website of High Qualifications Commission of Judges of Ukraine, regarding the results of holding the competition to the High Court on Intellectual Property and the Appeals Chamber of this court

Concerning the adoption of the Law of Ukraine "On Amendments to the Law of Ukraine On the Judiciary and Status of Judges and Certain Laws of Ukraine on the Activity of Judicial Governments" on 16 October 2019, one stopped the powers of all members of the High Qualifications Commission of Judges and established a new procedure of the commission formation under the participation of international experts (Law of Ukraine On Amendments to the Law of Ukraine On the Judiciary and Status of Judges and Certain Laws of Ukraine on the Activity of Judicial Governments, 2019).

On 13 February 2020, according to Art. 147 of the Law of Ukraine "On the Judiciary and Status of Judges," one created the new legal entity – the High Court on Intellectual Property, evidenced by the record to the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations of Ukraine. The new legal entity sits in Kyiv. As of now, other measures are currently held to ensure the required actions for the proper beginning of work for the High Court on Intellectual Property and the presentation of the court as a public authority, in relations with other public authorities, local authorities, individuals and legal entities (Proper Court on Intellectual Property), 2020).

Among the recent events, related to the formation of the High Intellectual Property Court, one considers it important to note the one, held on 13 February 2020 upon the round table initiatives of the Intellectual Property Committee of the Ukrainian National Bar Association, "The High Intellectual Property Court: The State of Formation in the Context of the Competitive Antitrust Reform." This meeting was attended by judges of the court chamber to review the cases on intellectual property rights protection, the candidates for the post of judges for the High Intellectual Property Court, the lawyers, the scientists, the patent attorneys, the court experts, the human rights representatives,

public organizations, and other specialists in the field of intellectual property. In the course of such an event, they discussed organizational issues on the creation of the High Intellectual Property Court, they pushed the proposals for the legislation improvement that would regulate its activity, viewed the ways of solving the conflict of jurisdictions, and future perspectives of work under the conditions of competitive antitrust reform, etc. (The official website of the Supreme Court of Ukraine).

If the place of the High Intellectual Property Code in the system of courts is determined by the Law of Ukraine "On Judicial System and Status Judges," the competencies of this judicial body are determined by the corresponding provisions of the Economic Procedure Code of Ukraine. Thus, according to Para. 2 Art. 20, the reviewing of cases on intellectual property fall into the jurisdiction, namely:

(1) the cases in disputes over inventions, the utility model, an industrial design, a trademark (a trademark for goods and services), a trading name, and other intellectual property rights, including the right of prior use;
(2) the cases in disputes, related to the registration, accounting of the intellectual property rights, invalidation, continuation, early termination of patents, certificates, other acts, certifying or on the basis of which the given rights appear or infringe such rights or related legitimate interests;
(3) the cases of recognition of well-known trademarks;
(4) the cases in disputes, concerning the author's rights and related rights, including the disputes related to the collective management of the author's property rights and related rights;
(5) the cases in disputes, concerning the conclusion, modification, termination, and execution of an agreement on the disposal of property rights of intellectual property and commercial concession;
(6) the cases in disputes, arising out of relationships, related to the protection from unfair competition, concerning: the misuse of marks or goods of another manufacturer; copying of the appearance of the product; the collection, disclosure, and use of trade secrets; appealing of decisions of the Antimonopoly Committee of Ukraine on the issues specified by this paragraph.

The cases, in certain disputes, the High Intellectual Property Court considers as the court of the first instance. The court decisions, adopted by the High Intellectual Property Court are reviewed by the Appeals Chamber upon the appellate procedure (Commercial Procedure Code of Ukraine, 1991).

Judicial practice of case consideration in the intellectual property area should be based on social and economic methods of assessment and determination of the management efficiency level of intellectual property objects. In the organizational and economic mechanism of intellectual property management we distinguish such management method as: 1) organizational (administrative); 2) economic; 3) socio-psychological; 4) legal (Fig. 3).

JOURNAL OF SECURITY AND SUSTAINABILITY ISSUES
ISSN 2029-7017/ISSN 2029-7025 (online)
2020 Volume 9 Number May
http://doi.org/10.9770/jssi.2020.9.M(29)

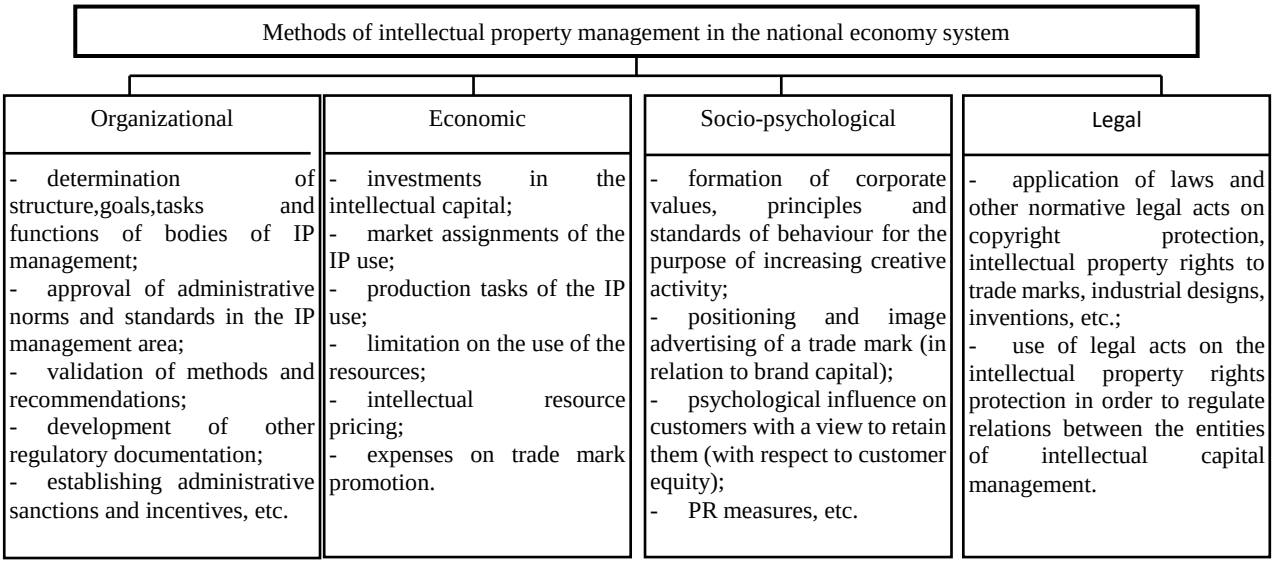

Figure 3. Methods of intellectual property management in the system of national economy

Economic methods of management exert their influence on the course of use and representation of intellectual property with the help of such levers as investment in the intellectual property, prices on intellectual resources, payment for labour of entities of intellectual property management, rent for intellectual property use that is not alienated from its carrier, sanctions, etc. Social and psychological methods of management find their application regarding personnel as an entity of management and relatively whole range of intellectual property types as control objects: corporate culture, relations with customers, trademarks, etc. Legal methods are implemented by the use of the whole series of legislative acts, first of all of laws and other normative documents on intellectual property, in order to regulate relations between the entities of intellectual property management.

Let us form the recommendations on the application of the cost approach to the cost estimate of intellectual capital, which can be used in pre-trial and judicial practice of case consideration in the intellectual property area. The method of replacement value is based on the principle that for a buyer of an intellectual property object it is important to know which way of their purchase will turn out to be more efficient: a buyer is ready to purchase a finished intellectual product or, having spent the means and time, to obtain necessary knowledge himself and create a required product on their basis on his own.

$$P_1 = \sum Z + \sum Y + \sum I, \tag{1}$$

where P_1 –is a cost estimate of an intellectual property object;

$\sum Z$ –is the amount of indexed financial expenses on previously obtained knowledge of "a seller of a finished intellectual product";

$\sum Y$ –is the amount of indexed efforts (expenses of power and time) of a seller on learning of the necessary educational program;

$\sum Y = yt$, where y –is an opportunity cost;

t –is a duration of obtaining an object of intellectual property;

$\sum I$ –is a total accumulated depreciation of the previously received objects of intellectual property (obsolescence, forgetting, unfavorable changes in the market).

The concept of "knowledge" is not limited only to an object of intellectual property received in the process of studying a formal educational program- the knowledge is also created in the process of personal interaction of an

ISSN 2029-7017/ISSN 2029-7025 (online)
2020 Volume 9 Number May
http://doi.org/10.9770/jssi.2020.9.M(29)

individual with the surrounding world. Considering this, in the expression (1) it is necessary to adjust the component ∑Y so that it would reflect the efforts spent on gaining intellectual experience and, perhaps, broadening the outlook/increasing erudition.
The method of replacement value allows to assess "cost demand" (that is, what costs not a seller of a product but a buyer should incur starting from a certain moment of time):

$$P_2 = \sum_{i=0}^{t-1} \frac{Z_i(1+g)^i}{(1+\inf)^i} + PV(Y), \quad (2)$$

where P_2 –costs for obtaining an intellectual resul;
Z_i – financial expenses of the period i on obtaining an object of intellectual property;
g – is an expected growth rate of the tuition fees;
inf –is an expected inflation rate;
t –is a number of periods of time which is necessary to receive an object of intellectual property;
$PV(Y)$ –is a present value of efforts (time expenses) on obtaining an intellectual result.

Within the limits of this method, while evaluating an object of intellectual property, it is necessary to assess the volume of accumulated intellectual property objects, to make adjustments taking into account their obsolescence and forgetting, and to multiply every adjusted volume of a particular type by the cost per unit of volume of an intellectual property object of this type:

$$P_3 = \sum_{i=1}^{k} a_i TK_i \quad (3)$$

where P_3 –is a cost of accumulated intellectual property objects;
a_i –is empirically determined coefficients which match the value and volume of accumulated intellectual property objects of the i type;
TK_i –total accumulated knowledge of the i type;
k –number of types (kinds) of intellectual property objects.

Total accumulated knowledge of an individual should be determined considering the factors of obsolescence of the received intellectual property objects (moral depreciation) and forgetting:

$$TK_i = \sum_{j=-t}^{0} tk_{ij}(1-A_i(-j))(1-3(-j)) = \sum_{j=-t}^{0} tk_{ij} e^{bt_j}, \quad (4)$$

where tk_{ij} –accumulated knowledge of the i type, obtained for the j period;
A_i –is moral depreciation of an intellectual property object of the i type per unit of time (intellectual wear);
Z –forgetting of an intellectual property object by an individual per unit of time;
b – empirical numerical coefficient, inverse in duration;
t –is time required to obtain an object of intellectual property in a TK amount.

With the aid of expressions (3) and (4) it is possible to evaluate the cost of qualified services of an individual:

$$P_{ку} = P_3 \times n_i \times k_i = P_3 \times n_i \times t_i \times z \quad (5)$$

where $P_{ку}$ –is the cost of providing qualified services;
P_3 –is the cost of accumulated objects of intellectual property which is determined by an expression (3);
n_i –is a share of accumulated intellectual property objects which is necessary to solve the i problem;
k_i –is a number of cycles of use of an intellectual property object while solving the i problem;
t_i – time required to solve the i task;

z – is a coefficient of proportionality.

Therefore, determination of the value of an intellectual property object within the given method, according to the authors, allows to define "cost supply". General recommendations for the application of income, market and cost approaches to evaluation of different intellectual property objects are shown in Table 2.

Table 2. Recommended for judicial practice the Approaches to conducting assessment of different intellectual property objects

Indicators	Main approach	Secondary approach	Ineffective approach
Patents and technologies	Income	Market	Cost
Trade marks and names	Income	Market	Cost
Copyrights	Income	Market	Cost
Trained staff	Cost	Income	Market
Management software	Cost	Market	Income
Production software	Income	Market	Cost
Sales network	Cost	Income	Market
Franchise rights	Income	Market	Cost
Corporate practice and methods	Cost	Income	Market

The main approach usually ensures the most accurate assessment for a specific asset. The secondary approach can work well but has a number of significant disadvantages. It can be useful for comparison and confirmation of an assessment received using the main approach. The ineffective approach is used if there are no certain circumstances or data to use more efficient approach but the least accurate value is received.

5. Discussion

Considering the held study of the formation process of High Intellectual Property Court, one should mention the following:
(1) first of all, as of now, the judicial manpower for the High Intellectual Property Court is unformed yet;
(2) secondly, the requirements of the Final Provisions of the Economic Procedure Code of Ukraine point to the fact that the formation terms of the High Intellectual Property Court are unlimited.

The grade of professionalism of the future judge is one of the main problematic issues at the stage of the formation of the High Intellectual Property Court. Thus, for example, according to the terms of the carrying conditions of the competition for vacant posts, it will be enough if a person provides only a copy of the employment record book to confirm the work experience to get the post of a judge. The requirement of the Law of Ukraine "On the Judiciary and the Status of Judges" considers the availability of experience of at least three years. Instead, none of the documents indicates that this experience should be related to the field of intellectual property and not in the consideration of other disputes. Thus, the sphere of the dispute resolution as a judge is irrelevant. We think that in the given case, the experience of forming the judicial manpower of the Swiss Federal Patent Court, including the judges with both legal training specifically in the resolution of intellectual property disputes, as well as judges with technical training; can be regarded as positive.

Conclusions

Considering the peculiarities of the judicial systems of Germany, France, the United Kingdom, and Switzerland in the area of intellectual property protection, one should mention the following idea. The legal controversies, regarding the breach of intellectual property, are reviewed in the specialized courts, specializing in intellectual property issues, which is a reliable tool in the process of provision of the protection of the proper and fair rights of

individuals in this area. Particular attention is put to the formation of judicial manpower, consisting of highly qualified professional judges. The consolidation of specific types of activity, in its turn, which is incompatible with the position of judge, acts as a means of provision of the independence and impartiality of the law enforcement authorities. As for the bodies of the global scale, the activity of which is focused on the protection of the rights of intellectual property, one can mention the following ones The World Intellectual Property Organization (WIPO) and The Unified Patent Court (UPC).

The issue of a decree № 299/2017 by the President of Ukraine on 29 September 2017 is the factual reference of the creation of the High Court on Intellectual Property in Ukraine. The first selection of judges began on 30 September in 2017, when the High Qualifications Commission of Judges of Ukraine announced a competition for the vacancies of judges to the newly established judicial body. Nevertheless, the selection of the judges to the Supreme Court of the First Instance has not been completed. The same thing applies to the competition for the vacant posts of judges of the Appeals Chamber of the High Court on the intellectual property, which began in October 2018. The delay of the process of the judicial manpower formation was also influenced by the law, adopted in October 2019, "On Amendments to the Law of Ukraine "On the Judiciary and Status of Judges" and Some Laws of Ukraine on the Activity of Judicial Governance Bodies," according to which, the powers of all members of the High Qualification Commission of Judges were discontinued, and the new procedure for forming a commission with the participation of international experts was initiated. The formation of the judicial manpower of the Supreme Court or intellectual property is still in process. The official registration of the newly-established legal body – High Intellectual Property Court – took place on 13 February in 2020.

References

Agreement on a Unified Patent Court (2013). URL: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A42013A0620%2801%29

Androshchuk, H.O. (2019). The Unified Patent Court EU: the risks remain. Yurydychna hazeta online. URL: https://yur-gazeta.com/publications/practice/zahist-intelektualnoyi-vlasnosti-avtorske-pravo/ediniy-patentniy-sud-es-riziki-zalishayutsya.html

Basic Law for the Federal Republic of Germany (1949). URL: https://www.btg-bestellservice.de/pdf/80201000.pdf

Code de la propriété intellectuelle (1992). As amended up to Act of March 09, 2020. URL: https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006069414

Commercial Procedure Code of Ukraine (1991). As amended up to Act of February 13, 2020. URL: https://zakon.rada.gov.ua/laws/show/1798-12

Conditions of competition for the vacancy of judges of the High Court of Intellectual Property (2017). URL: https://vkksu.gov.ua/ua/news/shtchodo-konkursu-na-zajniattia-wakantnich-posad-suddiw-wishtchogo-sudu-z-pitan-intieliektualnoi-wlasnosti/

Constitution of Ukraine (1996). As amended up to Act of January 01, 2020. URL: https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80

Convention for the Protection of Human Rights and Fundamental Freedoms (1950). URL: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005

Courts Constitution Act (1951). As amended up to Act of July 08, 2019. URL: https://www.gesetze-im-internet.de/englisch_gvg/englisch_gvg.html

Čizo, E., Ignatjeva, S., Lavrinenko, O. (2020). Determinants of financial development of the EU countries in the period 1995-2017. Insights into Regional Development, 2(2), 505-522. https://doi.org/10.9770/IRD.2020.2.2(1)

Decision of the High Qualification Commission of Judges of Ukraine № 98/zp-17 (2017). URL: https://vkksu.gov.ua/userfiles/vkksu_rishennya_konkurs_vsiv.pdf

Decree of the President of Ukraine № 285/2001 On measures for the protection of intellectual property in Ukraine (2001). URL: https://zakon.rada.gov.ua/rada/show/285/2001

Decree of the President of Ukraine № 299/2017 On the formation of the High Court on Intellectual Property (2017). URL: https://zakon.rada.gov.ua/laws/show/299/2017

Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (2004). URL: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0048

Drobyazko, S., Blahuta, R., Gurkovskyi, V., Marchenko, Y., Shevchenko, L. (2019). Peculiarities of the legal control of cryptocurrency circulation in Ukraine. Journal of Legal, Ethical and Regulatory Issues. Vol: 22 Issue: 6. URL: https://www.abacademies.org/articles/peculiarities-of-the-legal-control-of-cryptocurrency-circulation-in-ukraine-8813.html

Explanatory Note to the Draft Law of Ukraine On Judiciary and Status of Judges (2016). URL: http://search.ligazakon.ua/l_doc2.nsf/link1/GH3NI00A.html

Federal Act on the Federal Patent Court (2009). As amended up to Act of August 01, 2018. URL: https://www.admin.ch/opc/en/classified-compilation/20071763/201808010000/173.41.pdf

Federal Patent Court of the Swiss Confederation. URL: https://www.bundespatentgericht.ch/

German Judiciary Act (1972). As amended up to Act of June 08, 2017. URL: http://www.gesetze-im-internet.de/englisch_drig/

High Court on Intellectual Property has been registered (2020). The official website of The Judiciary of Ukraine. URL: https://court.gov.ua/press/news/889183/

Intellectual Property Enterprise Court. URL: https://www.gov.uk/courts-tribunals/intellectual-property-enterprise-court

International intellectual property alliance (IIPA) Special 301 report on copyright protection and enforcement (2019). URL: https://iipa.org/files/uploads/2019/02/2019SPEC301UKRAINE.pdf

Law of Ukraine On Amendments to the Law of Ukraine On the Judiciary and Status of Judges and Certain Laws of Ukraine on the Activity of Judicial Governments (2019). URL: https://zakon.rada.gov.ua/laws/main/193-IX

Law of Ukraine On the judiciary and the status of judges (2016). As amended up to Act of February 18, 2020. URL: https://zakon.rada.gov.ua/laws/show/1402-19

Reznik, O., Muzychuk, O., Andriichenko, N., Yakushchenko, Y., & Korzh, S. (2020). Fight Against Doping: Experience of Ukraine and European States. Amazonia Investiga, 9(27), 34-41. https://doi.org/10.34069/AI/2020.27.03.4

Reznik, O., & Shevchenko, H. (2015). Ensuring state economic security in the area of taxation: Agent-based and subject-based legal approaches. Actual Problems of Economics, 6(168), 162-172.

The official website of Bundespatentgericht. URL: https://www.bundespatentgericht.de/DE/Home/home_node.html

The official website of the Supreme Court of Ukraine. URL: https://supreme.court.gov.ua/supreme/pres-centr/news/890181/

The official website of The World Intellectual Property Organization (WIPO). URL: https://www.wipo.int/about-wipo/en/

JOURNAL OF SECURITY AND SUSTAINABILITY ISSUES
ISSN 2029-7017/ISSN 2029-7025 (online)
2020 Volume 9 Number May
http://doi.org/10.9770/jssi.2020.9.M(29)

Tvaronavičienė, M. (2019). Insights into global trends of capital flows' peculiarities: emerging leadership of China. Administratie si Management Public, (32), pp. 6-17, https://doi.org/10.24818/amp/2019.32-01

Ukraine Designated as Priority Foreign Country Under Special 301. Office of the United States Trade Representative. URL: https://ustr.gov/archive/Document_Library/Press_Releases/2001/March/Ukraine_Designated_as_Priority_Foreign_Country_Under_Special_301.html

Irina ARISTOVA, Doctor of Laws, Professor, Head of the Department of Administrative and Information Law, Law Faculty, Sumy National Agrarian University
ORCID ID: orcid.org/0000-0001-9211-3464

Kristina REZVOROVICH, PhD in Law, Head of the Department of Civil Law and Procedure, Dnipropetrovsk State University of Internal Affairs
ORCID ID: orcid.org/0000-0003-1183-613X

Elvira SYDOROVA, Candidate of Juridical Sciences, Acting Dean of the Faculty of Economic and Legal Security of Dnipropetrovsk State University of Internal Affairs
ORCID ID: orcid.org/0000-0002-4312-7826

lily NESTERCHUK, Senior Lecturer at the Department of Judicial, Law Enforcement Authorities and Advocacy, National University "Odessa Law Academy"
ORCID ID: orcid.org/0000-0001-6124-7910

Irina KISLITSYNA, Associate Professor at the Department of Judicial, Law Enforcement Authorities and Advocacy, National University "Odessa Law Academy"