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**MECHANISMS FOR RESTORING  
VIOLATED RIGHTS TO INTELLECTUAL  
PRODUCTS: LAW ENFORCEMENT  
DIFFICULTIES IN UKRAINE**

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**VIKTORIA KOBKO-ODARII**

PhD, Head of the Department of State and Legal Disciplines, Institute of Law and Security, Odesa State University of Internal Affairs, Ukraine

<https://orcid.org/0000-0001-9302-472X>

vika.kobko.93@gmail.com

**OKSANA SHEVCHYSHYN**

PhD in Law, Acting Research Officer of the Department of Private Law, Institute of Lawmaking and Scientific-Legal Expertises of National Academy of Sciences of Ukraine, Ukraine

<https://orcid.org/0000-0002-8678-0719>

oksanakushev@gmail.com

**YULIYA PUSTOVIT**

Doctor of Laws (LL.D.), Associate Professor, Department of Administrative, Financial and Information Law, State University of Trade and Economics, Ukraine

<https://orcid.org/0000-0003-1845-7044>

pustovitjuly@gmail.com

**INNA KOVALENKO**

Candidate of Law, Associate Professor, Department of Private and Public Law, Institute of Law and Modern Technologies, Kyiv National University of Technologies and Design, Ukraine

<http://orcid.org/0000-0001-7595-777X>

ilchenkoin@ukr.net

**OLHA SHYIAN**

Candidate of Juridical Sciences, Assistant Professor, Department of Criminal, Civil and International Law, Faculty of Law, National University Zaporizhzhia Polytechnic, Ukraine

<https://orcid.org/0000-0003-2336-2314>

dsshiyan@gmail.com

**ABSTRACT**

*Relevance. Intellectual property (IP) protection in Ukraine formally complies with international standards, yet law enforcement practice exposes institutional, regulatory, procedural, and technological weaknesses. These gaps limit effective protection in the context of globalization and digitalization, creating risks for rights*

*holders, the public sector, and the international sanctions framework. Objective. The study examines challenges in the civil law protection of IP rights in Ukraine and proposes recommendations to strengthen enforcement through coordinated institutional, legal, and technological improvements. Methods. The research employs logical, systemic, and structural analysis to identify and group enforcement deficiencies and develop targeted solutions. Results. Key issues include the absence of specialized courts, contradictions in legislation, weak evidentiary mechanisms, insufficient civil penalties, jurisdictional conflicts, and widespread digital violations. At the same time, technological tools—such as algorithmic monitoring, artificial intelligence, blockchain, and alternative dispute resolution—can enhance efficiency and bring the system closer to international standards. Conclusions. Comprehensive reform requires establishing specialized courts, harmonizing regulations, adopting electronic evidence and monitoring systems, strengthening penalties, and integrating global norms. An interdisciplinary, technology-driven approach promises higher enforcement efficiency, streamlined procedures, and stronger foundations for Ukraine's IP protection system.*

*Keywords: civil law norms, control in the public sector, control and audit work, internal control system, control measures, digital environment.*

## **1- INTRODUCTION**

The current state of civil law protection of intellectual property rights in Ukraine is characterized by formal compliance with international standards enshrined in existing international documents and treaties. At the same time, law enforcement practice demonstrates numerous gaps, including institutional, procedural and technological ones, which significantly limits the effectiveness of rights protection in the digital environment and globalized market.

Theoretical and practical protection of the intellectual property and its civil law versions involve several complicated questions: what objects and the objects of law are, how to provide and prove the violations, how to use civil, administrative and criminal sanctions, how to integrate alternative and technological solutions to the problem, like ADR, digital monitoring, algorithmic control.<sup>1</sup> National practice analysis reveals that the absence of dedicated institutions of judicial authority, the disintegration of legal

<sup>1</sup> Adeniran, A. A., & Onebunne, A. P. (2024). Leveraging artificial intelligence for intellectual property compliance and global regulatory adherence. *International Journal of Engineering Technology Research & Management*, 8(11), 173. [https://www.academia.edu/127021229/LEVERAGING\\_ARTIFICIAL\\_INTELLIGENCE\\_FOR\\_INTELLECTUAL\\_PROPERTY\\_COMPLIANCE\\_AND\\_GLOBAL\\_REGULATORY\\_ADHERENCE](https://www.academia.edu/127021229/LEVERAGING_ARTIFICIAL_INTELLIGENCE_FOR_INTELLECTUAL_PROPERTY_COMPLIANCE_AND_GLOBAL_REGULATORY_ADHERENCE)

Zahorodnii, D., Nadiienko, O., & Artemenko, O. (2025). Civil-law regulation of electronic contracts: Current challenges in marketing and the digital economy. *Legal Horizons*, 25(2), 35–46. <https://doi.org/10.54477/LH.25192353.2025.2.pp.35-46>

Zolotar, A. S. (2022). The current state of intellectual property protection in the context of digitalization. *Current Problems of State and Law*, 94, 41–50. <https://doi.org/10.32782/apdp.v94.2022.5>



frameworks and poor performance of the current sanctions pose a major barrier to active law enforcement and building the national system of intellectual property protection.<sup>2</sup>

The topicality of the study is explained by the necessity to achieve a complete scientific comprehension of the issues of the civil law protection of the intellectual property rights in Ukraine, creation of efficient institutional and regulatory measures, and incorporation of digital and technological regulation mechanisms to guarantee that the national system can be adjusted to the contemporary demands of the digital economy and the globalized market.

The purpose of this article is to analyze the problems of civil law protection of intellectual property rights in Ukraine and to develop comprehensive recommendations for improving law enforcement, which ensures the integration of institutional, regulatory and technological solutions, increases the effectiveness of rights protection and harmonizes the national system with international standards.

## 2. LITERATURE REVIEW

Recent studies have focused on the systemic difficulties of protecting intellectual property in the context of digitalization and globalization: the authors note that the speed of technological transformation outpaces changes in legal regulation, which gives rise to a number of law enforcement conflicts and practical barriers.<sup>3</sup> Yashchuk and Petrenko<sup>4</sup> emphasize that the current civil law norms mainly do not take into account the specifics of digital tools, new forms of content creation and distribution, as well as mechanisms for its modification. In this context, Zahorodnii et al.<sup>5</sup> point out a number of problems: uncertainty of the subjective composition of rights in the digital environment, difficulties with identifying and localizing violations, and the lack of clear rules on the liability of intermediaries (platforms). To this block should be added the study by Neugodnikov et al.,<sup>6</sup> which proves that Ukrainian legislation in general shows

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<sup>2</sup> Lytvynenko, Y. V., Yanishevskaya, K. D., & Leleka, S. S. (2024). Protection of intellectual property rights under the civil law of Ukraine: Material and procedural aspects. *Bulletin of the Alfred Nobel University*, 1(8), 49–56. <https://doi.org/10.32342/2709-6408-2024-1-8-5>

Mudrytska, K. (2020). Specificity of proof in cases of infringement of intellectual property rights on sites on the internet. *ScienceRise*, 5, 103–110. <https://doi.org/10.21303/2313-8416.2020.001494>

Zerov, K. (2024). Compensation as a form of copyright enforcement in Ukraine: A thorny path to balance of interests. *Theory and Practice of Intellectual Property*, 4, 39–48. <https://doi.org/10.33731/42024.317233>

<sup>3</sup> Zolotar, A. S. (2022). *Id.*

<sup>4</sup> Yashchuk, M. I., & Petrenko, S. A. (2025). Foreign experience in the protection and enforcement of intellectual property rights. *Ukrainian Political and Legal Discourse*, 10. <https://doi.org/10.5281/zenodo.15261818>

<sup>5</sup> Zahorodnii, D., Nadiienko, O., & Artemenko, O. (2025). *Id.*

<sup>6</sup> Neugodnikov, A., Barsukova, T., & Kharytonov, R. (2020). Protection of intellectual property rights in Ukraine in the light of European integration processes. *Journal of Programming Languages*, 13(3), 203. <https://doi.org/10.5539/jpl.v13n3p203>

insufficient integration with European standards, in particular in the field of software and license agreements, which only deepens the regulatory imbalance. Therefore, scholars such as Kirin et al.,<sup>7</sup> Zahorodnii et al.,<sup>8</sup> and Zolotar<sup>9</sup> in their research document an imbalance between technical reality and the wording of norms, which complicates the application of traditional civil law mechanisms (compensation, interim measures, provision of evidence).

The analysis of court decisions provided in Mudrytska<sup>10</sup> shows a low homogeneity of judicial approaches: courts interpret evidence of copyright and related rights infringement differently, assess the amount of damages and the criteria for proving them differently. Shtyrov and Sukhorukova<sup>11</sup> emphasize the problem of procedural security: the length of disputes, the complicated procedure for proving digital facts, the weak practice of temporary interim measures, and the low level of enforcement of decisions regarding digital platforms. Additionally, Lytvynenko et al.<sup>12</sup> argue that the current judicial system is characterized by a lack of specialized competence in the field of intellectual property, and the creation of the High Court of Intellectual Property could significantly improve the quality of case consideration. Zerov,<sup>13</sup> in turn, notes the difficulties with the application of compensation mechanisms: the transition from the penalty model to the model of “estimated compensation” has created inconsistent judicial practice and additional barriers for right holders.

A discussion of the role of technological protection tools, in particular Digital Rights Management (further – DRM), is presented in Sanusi et al.<sup>14</sup> The authors mention that DRM and other types of technical protection measures are not a solution fit all: they may also make it hard or entirely impossible to use a work in a legitimate manner, and are not 100 percent effective in combating new circumvention techniques. An ethical and legal factor is also present - the trade off between technical security and user rights (license limitations, accessibility). Given this, such technical solutions as in Ukraine should be accompanied by clear access guarantees and procedural and legal practices to appeal and restore violated rights. Considering this, it is also interesting to

<sup>7</sup> Kirin, R. S., Guty, B. V., & Dniprov, O. S. (2025). Optimization of legal mechanisms for protecting intellectual property in the field of artificial intelligence and digital technologies. *Ukrainian Political and Legal Discourse*, 9. <https://doi.org/10.5281/zenodo.15081410>

<sup>8</sup> Zahorodnii, D., Nadiienko, O., & Artemenko, O. (2025). *Id.*

<sup>9</sup> Zolotar, A. S. (2022). *Id.*

<sup>10</sup> Mudrytska, K. (2020). *Id.*

<sup>11</sup> Shtyrov, O., & Sukhorukova, A. (2022). Legal aspects of liability in the field of infringement of intellectual property rights: Global experience and Ukraine. *Public Administration and Regional Development*, 17, 867–904. <https://doi.org/10.34132/pard2022.17.10>

<sup>12</sup> Lytvynenko, Y. V., Yanishevskaya, K. D., & Leleka, S. S. (2024). *Id.*

<sup>13</sup> Zerov, K. (2024). *Id.*

<sup>14</sup> Sanusi, R. Z., Sasea, E. M., & Bonsapia, M. (2024). Copyright protection in the digital age: Addressing challenges and finding solutions in Indonesian civil law. *Sinergi International Journal of Law*, 2(3), 208–218. <https://doi.org/10.61194/law.v2i3.170>



consider the research by Haber et al.,<sup>15</sup> in which the authors suggest a trade off, that is, a DRM system enabling access to content but not revealing personal data, thereby finding a compromise between content protection and consumer privacy. In that regard, Adeniran and Onebunne<sup>16</sup> suggest a way of integrating artificial intelligence (further – AI) and blockchain solutions (enhance a technical protection, but on the other hand, it introduces new challenges when it comes to harmonizing innovations with legal regimes); which is a promising direction of integration, but simultaneously creates a range of fresh difficulties.

Meanwhile, another significant issue that Sanusi et al.<sup>17</sup> indicate is the challenge of prosecution because of anonymity of users and distributed infrastructure of the Internet. The transnational character of violations generates jurisdictional problems, such as the competence of the court, exequatur of foreign judgment, and procedural obstacles to cooperation on international level. This issue is especially important in the case of Ukraine where the efficiency of national actions usually hinges on the collaboration with international suppliers and law enforcement services. In their place, the works by Deng,<sup>18</sup> Pyrohovska et al.,<sup>19</sup> Rustambekov et al.,<sup>20</sup> Sugeng et al.<sup>21</sup> note the necessity of legal tools that would unite international collaboration with national approaches to quick response (e.g. temporary access blocking rules, universal content removal requests). In this regard, as Helfer<sup>22</sup> points out, the difficulty in integrating norms and principles in the discipline of international intellectual property law is the challenge of interstate coordination and the already existing lack of sanctioning

<sup>15</sup> Haber, T., Ahmed, A., & Mostafa, A. (2020, April 17). PrivDRM: A privacy-preserving secure digital rights management system. In *EASE '20: Proceedings of the 24th International Conference on Evaluation and Assessment in Software Engineering* (pp. 481–486). ACM. <https://doi.org/10.1145/3383219.3383289>

<sup>16</sup> Adeniran, A. A., & Onebunne, A. P. (2024). *Id.*

<sup>17</sup> Sanusi, R. Z., Sasea, E. M., & Bonsapia, M. (2024). *Id.*

<sup>18</sup> Deng, X. (2024). The difficulties and countermeasures of international intellectual property protection in the network environment. In *2024 8th International Conference on Education Technology, Management and Humanities Science (ETMHS 2024)* (pp. 425–429). Francis Academic Press. <https://doi.org/10.25236/etmhs.2024.075>

<sup>19</sup> Pyrohovska, V., Rezvorovych, K., Pavlichenko, I., Sushytska, Y., & Ostashova, V. (2024). Human rights protection in the context of information technology development: Problems and future prospects. *Futurity Economics & Law*, 4(1), 38–51. <https://doi.org/10.57125/FEL.2024.03.25.03>

<sup>20</sup> Rustambekov, I., Gulyamov, S., & Ubaydullaeva, A. (2024). *Intellectual property in the digital age*. Roma TrE-Press. <https://romatrepress.uniroma3.it/wp-content/uploads/2024/09/EBOOK-Intellectual-Property-in-the-Digital-Age.pdf>

<sup>21</sup> Sugeng, S., Aidy, W. R., & Cardenas, A., Jr. (2024). Intellectual property rights in agriculture: Plant variety protection and food security. *Audito Comparative Law Journal*, 5(2), 66–91. <https://doi.org/10.22219/aclj.v5i2.33097>

<sup>22</sup> Helfer, L. R. (2004). Regime shifting: The TRIPS agreement and new dynamics of international intellectual property lawmaking. *Yale Journal of International Law*, 29, 1. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/vjil29&div=6&id=&page=>

mechanisms; which means the issues of harmonization of legal systems extend well beyond the national environment.

Despite the critical assessments, the literature also notes the potential of digital tools to increase the effectiveness of protection: algorithms for automatic plagiarism/copy detection, machine tracking of content distribution, and improved infringement prevention systems.<sup>23</sup> An important area is the development of out-of-court dispute resolution mechanisms (Alternative Dispute Resolution (ADR), mediation) that can quickly and economically resolve massive digital disputes. The role of awareness-raising campaigns in raising the legal literacy of users and businesses is also emphasized. Han et al.<sup>24</sup> argue that regulatory incentives in the field of IP protection can have a multiplier effect on the development of AI and innovative technologies. Adeniran and Onebunne<sup>25</sup> also demonstrate the potential for synergy between AI, blockchain, and smart contracts to transform licensing mechanisms, transparency of transactions, and compliance with international standards in the field of intellectual property protection.

The synthesis of the literature allows us to formulate the following conclusions: (1) the critical need to harmonize national legislation with the realities of the digital economy; (2) the need to standardize judicial practices and improve procedural tools of proof in the digital environment; (3) the importance of combining technical and legal solutions, taking into account the balance of interests of right holders and users; (4) the need for international cooperation to combat transnational infringements. At the same time, the scientific literature lacks practice-oriented recommendations for the Ukrainian judicial system, empirical studies of the scale of digital infringements in Ukraine, and evaluations of the effectiveness of specific legal innovations.

### 3. METHOD

<sup>23</sup> Man, G. M., Zamfir, D., Diaconescu, D., Radu, A. V., Aldea, F., & Ionescu, G. (2025). The role of digital technologies and intellectual property management in driving sustainable innovation. *Sustainability*, 17(7), 3135. <https://doi.org/10.3390/su17073135>

Modic, D., Hafner, A., Damij, N., & Cehovin Zajc, L. (2019). Innovations in intellectual property rights management: Their potential benefits and limitations. *European Journal of Management and Business Economics*, 28(2), 189–203. <https://doi.org/10.1108/EJMBE-12-2018-0139>

Sanusi, R. Z., Sasea, E. M., & Bonsapia, M. (2024). *Id.*

Singh, G. (2016). Intellectual property rights in the digital age: Challenges and solutions for copyright and patent protection. *International Journal of Advanced Research in Commerce, Management & Social Science*, 5, 143–150. <https://garph.co.uk/IJARMSS/July2016/15.pdf>

Unnikrishnan, A. (2024). Analyzing the impact of emerging technologies on intellectual property rights (IPR): A comprehensive study on the challenges and opportunities in the digital age. *Law & World*, 29, 66. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/lwwrld29&div=9&id=&page=>

<sup>24</sup> Han, Q., Li, C., & Jin, Y. (2025). The impact of intellectual property protection on the development of artificial intelligence in enterprises. *International Review of Financial Analysis*, 105, 104179. <https://doi.org/10.1016/j.irfa.2025.104179>

<sup>25</sup> Adeniran, A. A., & Onebunne, A. P. (2024). *Id.*



The study uses a set of theoretical and methodological approaches aimed at a comprehensive understanding of the system of civil law protection of intellectual property rights in Ukraine. The methods of logical analysis and abstraction were used to identify key problems of law enforcement and to form categories of institutional, legislative, procedural, substantive, international, digital and innovative challenges. Using the methods of systemic and structural analysis, the author developed recommendations for improvement of civil law protection of intellectual property rights, which involves the integration of institutional, regulatory and technological solutions, introduction of digital proof and monitoring procedures, development of ADR and educational mechanisms, as well as harmonization of national legislation with international standards.

#### **4. RESULTS**

The system of legal protection of intellectual property in Ukraine generally complies with international standards enshrined in the TRIPS Agreement,<sup>26</sup> the Paris Convention for the Protection of Industrial Property of 1883, the Berne Convention for the Protection of Literary and Artistic Works of 1886, the Universal Copyright Convention of 1952, as well as a number of other international treaties to which Ukraine is a party. At the same time, the system of intellectual property rights protection demonstrates significant gaps and does not meet the current challenges of the digital economy and globalized market.

Pursuant to Articles 15, 41, 54 of the Constitution of Ukraine, everyone is guaranteed the right to property, including intellectual property, and protection against its violation. The general principles of protection and enforcement of these rights are enshrined in Book Four of the Civil Code of Ukraine (further – CCU) “Intellectual Property Rights” (No. 435-IV of 04.09.2025), which defines the objects, subjects, content of rights and mechanisms for their judicial and extrajudicial protection. At the same time, a systematic analysis of national legislation shows significant fragmentation and the absence of a single, coherent concept.

In the world practice and in the national legal order, the protection of intellectual property rights is traditionally divided into jurisdictional and non-jurisdictional (Article 16 of the Civil Code of Ukraine):

I. Jurisdictional protection is implemented in court by courts of general jurisdiction and commercial courts (Article 20 of the Commercial Code of Ukraine, Article 19 of the Civil Code of Ukraine). It covers civil law (damages, compensation, recovery of income - Article 432 of the Civil Code of Ukraine), administrative law (imposition of penalties by the Antimonopoly Committee of Ukraine, the National Police, the State Customs Service), as well as criminal law remedies (Articles 176, 177, 229 of the Criminal Code of Ukraine). A special feature is the possibility of using alternative dispute resolution mechanisms - arbitration courts and international

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<sup>26</sup> Verkhovna Rada of Ukraine. (1994a). *Agreement on trade-related aspects of intellectual property rights* No. 981\_018 of 06.12.2005.

arbitration (Article 6 of the Law of Ukraine “On International Commercial Arbitration” № 4002-XII of 15.12.2021).<sup>27</sup>

II. Non-jurisdictional protection consists in the self-implementation by the holder of the right of measures provided for by law (refusal to perform the contract, prohibition of unlawful use of the work, etc.), which is directly provided for in Article 19 of the Civil Code of Ukraine.

The legislation of Ukraine contains a number of special acts, each of which establishes its own model of protection of the relevant intellectual property objects, in particular the Law of Ukraine (Law) “On Copyright and Related Rights” (No. 2811-IX of 15.11.2024); Law of Ukraine “On Protection of Rights to Inventions and Utility Models” (No. 3687-XII of 05.06.2025); Law of Ukraine “On Protection of Rights to Trademarks and Service Marks” (No. 3689-XII of 29.12.2024) and others, as listed in Table 1.

**Table 1.** Regulatory and legal framework for civil enforcement of intellectual property rights in Ukraine

Regulatory acts	Effective date	Subject of regulation	Essence
Constitution of Ukraine	No. 254к/96-BP dated 01.01.2020	General principles of legal protection of intellectual property rights; principles of the rule of law and protection of property rights	Establishment of fundamental constitutional guarantees for the implementation of civil protection of intellectual property rights; ensuring the rule of law, equality of all subjects before the law, as well as the introduction of universal mechanisms for the protection of rights and state control over their observance.
The Civil Code of Ukraine (Book IV “Intellectual Property Rights”)	No. 435-IV of 04.09.2025	General provisions on intellectual property rights, civil remedies	Implementation of universal remedies (in particular, damages, compensation, cessation of violations, restoration of rights).
The Commercial	No. 436-IV	Procedure for	Regulation of liability of

<sup>27</sup> Verkhovna Rada of Ukraine. (1994b). *Law of Ukraine on international commercial arbitration* No. 4002-XII. <https://zakon.rada.gov.ua/laws/show/4002-12#Text>



Code of Ukraine (Chapter 16. "Use of Intellectual Property Rights in Economic Activity")	of 28.08.2025	conducting business activities and liability in the field of business	business entities for infringement of intellectual property rights, application of compensation mechanisms.
Law of Ukraine "On Protection of Rights to Inventions and Utility Models"	No. 3687-XII of 05.06.2025	Regulation of legal protection of inventions and utility models, procedure for protection of rights	Implementation of methods of patent rights protection: termination of infringement, restoration of rights, recovery of damages.
Law of Ukraine "On Protection of Rights to Industrial Designs"	No. 3688-XII of 31.12.2023	Establishes the procedure for acquiring rights to industrial designs and protection against infringement	Introduction of civil sanctions for misuse of industrial designs, compensation for damages.
Law of Ukraine "On Protection of Rights to Trademarks and Service Marks"	No. 3689-XII of 29.12.2024	Protection of trademark rights, registration procedure and sanctions for violations	Implementation of mechanisms for civil protection of brands and trademarks, and suppression of illegal use.
Law of Ukraine "On Copyright and Related Rights"	No. 2811-IX of 15.11.2024	Protection of copyright and related rights, civil sanctions	Implementation of civil sanctions, including: compensation, reimbursement of expenses, non-pecuniary damage, seizure of counterfeit goods.
Law of Ukraine "On Legal Protection of Geographical Indications"	No. 752-XIV of 15.11.2024	Regulates the rights to geographical indications and their protection	Provides civil remedies for unfair competition through false indications of origin.
Law of Ukraine "On Protection of Rights to Semiconductor Product Layouts"	No. 621/97-BP of 31.12.2023	Defines the conditions of protection and methods of enforcement of	Establishes civil penalties for the illegal use of semiconductor products, recovery of damages.

		rights to semiconductor product layouts	
The Law of Ukraine “On Protection of Rights to Plant Varieties”	No. 3116-XII of 19.04.2025	Legal regime of intellectual property for plant varieties	Protection of breeders' rights through compensation for damages, termination of unlawful use of varieties
Law of Ukraine “On Protection against Unfair Competition”	No. 236/96-BP of 16.10.2020	Contains provisions on protection against unlawful use of designations and trade secrets	Implementation of universal remedies through the prohibition of illegal actions in the market, compensation for damage.
Law of Ukraine “On Distribution of Copies of Audiovisual Works, Phonograms, Videograms, Computer Programs, Databases”	No. 1587-III of 05.01.2022	The procedure for distribution of copyright and related rights	Implementation of civil sanctions in the field of combating piracy, seizure of illegal copies, compensation to owners.
The Law of Ukraine “On the Accession of Ukraine to the Berne Convention for the Protection of Literary and Artistic Works (Paris Act of July 24, 1971, as amended on October 2, 1979)”	No. 189/95-BP of August 16, 2001	Fulfillment of international obligations in the field of copyright	Unification of civil law mechanisms for copyright protection in line with international standards.
Resolution of the Cabinet of Ministers of Ukraine “On the List of Information Not Constituting a Commercial Secret”	No. 611-93-p of 09.08.1993	Provisions on protection of trade secrets as an object of intellectual property	Introduction of civil sanctions against disclosure or unlawful use of confidential information.
Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)	No. 981_018 of 06.12.2005	Harmonization of Ukrainian legislation with international standards	Integration of universal mechanisms of intellectual property rights protection into national legislation, introduction of



				compensatory measures.
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Source: compiled by the author on the basis of VRU<sup>28</sup>

It is important to emphasize that the system of copyright and related rights protection is more developed and detailed than the mechanism of industrial property rights protection. For example, the provision for compensation payments, the possibility of recovering income, and imposing a fine in favor of the state (Article 52 of the Law “On Copyright and Related Rights” No. 2811-IX of 15.11.2024) is a significant step forward compared to patent law. At the same time, the current practice demonstrates the absence of specialized courts on intellectual property issues (the establishment of the High Court of Intellectual Property is provided for by the Law of Ukraine “On the

<sup>28</sup> Verkhovna Rada of Ukraine. (1992). *Law of Ukraine on the protection against unfair competition* No. 752-14. <https://zakon.rada.gov.ua/laws/show/752-14>

Verkhovna Rada of Ukraine. (1993a). *Law of Ukraine on the protection of rights to marks for goods and services* No. 611-93-P. <https://zakon.rada.gov.ua/laws/show/611-93-%D0%BF#Text>

Verkhovna Rada of Ukraine. (1993b). *Law of Ukraine on the protection of rights to plant varieties* No. 3116-12. <https://zakon.rada.gov.ua/laws/show/3116-12>

Verkhovna Rada of Ukraine. (1996a). *Constitution of Ukraine* No. 254/96-VR dated 01.01.2020. <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

Verkhovna Rada of Ukraine. (1996b). *Law of Ukraine on the protection of rights to geographical indications of goods* No. 236/96-VR. <https://zakon.rada.gov.ua/laws/show/236/96-%D0%B2%D1%80#Text>

Verkhovna Rada of Ukraine. (1997). *Law of Ukraine on the protection of rights to topographies of semiconductor products (integrated circuits)* No. 621/97-VR. <https://zakon.rada.gov.ua/laws/show/621/97-%D0%B2%D1%80#Text>

Verkhovna Rada of Ukraine. (1998). *Law of Ukraine on joining Ukraine to the Berne Convention for the Protection of Literary and Artistic Works (Paris Act of 1971, amended 1979)* No. 981\_018. [https://zakon.rada.gov.ua/laws/show/981\\_018#Text](https://zakon.rada.gov.ua/laws/show/981_018#Text)

Verkhovna Rada of Ukraine. (2001a). *Law of Ukraine on copyright and related rights* No. 2811-20. <https://zakon.rada.gov.ua/laws/show/2811-20>

Verkhovna Rada of Ukraine. (2001b). *Law of Ukraine on the protection of rights to industrial designs* No. 3688-12. <https://zakon.rada.gov.ua/laws/show/3688-12>

Verkhovna Rada of Ukraine. (2001c). *Law of Ukraine on the protection of rights to inventions and utility models* No. 3687-12. <https://zakon.rada.gov.ua/laws/show/3687-12>

Verkhovna Rada of Ukraine. (2001d). *Law of Ukraine on the protection of rights to trademarks for goods and services* No. 3689-12. <https://zakon.rada.gov.ua/laws/show/3689-12#Text>

Verkhovna Rada of Ukraine. (2003a). *Civil Code of Ukraine* No. 435-IV dated 10.08.2003. <https://zakon.rada.gov.ua/laws/show/435-15#Text>

Verkhovna Rada of Ukraine. (2003b). *Commercial Code of Ukraine* No. 436-IV dated 16.01.2003. <https://zakon.rada.gov.ua/laws/show/436-15#Text>

Verkhovna Rada of Ukraine. (2014). *Law of Ukraine on commercial secrets* No. 1587-14. <https://zakon.rada.gov.ua/laws/show/1587-14>

Judiciary and the Status of Judges” (No. 1402-VIII of 04.06.2025),<sup>29</sup> but has not yet been implemented in practice); fragmentation of legislative provisions and lack of their systemic coherence; insufficient effectiveness of criminal and administrative mechanisms, which often remain declarative; and the scale of violations that lead to international economic sanctions against Ukraine. In view of this, the general characterization of the system of intellectual property rights protection in Ukraine allows us to conclude that it is dual: formal compliance with international standards is combined with low practical efficiency. At the current stage, it requires comprehensive reform - from the harmonization of special legislation and the creation of specialized judicial institutions to the introduction of effective procedures for proving and enforcing claims in the digital environment. In view of this, Table 2 analyzes the key problems of enforcement of civil law protection of intellectual property rights and identifies promising ways to eliminate them in Ukraine.

**Table 2.** Problems of enforcement of civil law protection of intellectual property rights and promising ways to eliminate them in Ukraine

Category	Problem	Impact on enforcement / control measures	Proposals for improvement
Institutional	Lack of specialized courts and expert chambers on intellectual property issues	Inability to effectively control the public sector, weak control and audit work, complicated standardization of dispute resolution processes	Establishment of specialized courts and expert chambers; integration of state control and internal control mechanisms; introduction of expert evaluation of digital evidence
Legislative / regulatory	Fragmented, inconsistent and outdated laws	Complexity of the internal control system, lack of predictability in the application of control measures, imbalance between civil and administrative sanctions	Harmonization of laws with unification of civil sanctions; systematic audit of regulations; implementation of modern provisions on digital rights and transnational aspects
Procedural	Imperfect procedures for proving and	Limited effectiveness of digital monitoring of violations, problems in	Introduction of digital proof and monitoring procedures;

<sup>29</sup> Verkhovna Rada of Ukraine. (2016). *Law of Ukraine on the judiciary and the status of judges* No. 1402-VIII. <https://zakon.rada.gov.ua/laws/show/1402-19>



	securing claims	control and audit activities of state bodies, slow speed of court procedures	standardization of filing processes in the digital environment; integration of ADR (mediation, arbitration) into mass disputes
Substantive	Low effectiveness of civil sanctions	Violators do not perceive risk; limited ability of state authorities to impose sanctions; possibility of generating income in excess of fines	Reviewing the amount and types of sanctions; introducing preventive control mechanisms; combining liability with mandatory measures to stop violations
International	Transnational violations, jurisdictional conflicts	Complications in the application of international norms; risk of economic sanctions; dependence of efficiency on cooperation with foreign providers and law enforcement agencies	Harmonization of national legislation with TRIPS and the Berne Convention; creation of mechanisms for international cooperation; implementation of standard procedures for blocking and removing content
Digital / technological	Large-scale copyright and patent infringement in the digital environment; limited effectiveness of DRM	Ineffective public sector control; difficulty in proving cases; threat of international sanctions; balance between rights protection and user access	Implementation of technological solutions for monitoring online content, automatic detection of violations using AI; integration of digital tools with legal and institutional reforms; awareness-raising campaigns
Innovative	Insufficient use of ADR and educational mechanisms	Massive digital disputes are resolved slowly and inefficiently; lack of a culture of out-of-court dispute resolution	Development of ADR (mediation, arbitration), use of artificial intelligence for monitoring and preventive warnings; comprehensive integration with state

			control and regulatory framework
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Source: compiled by the author

Thus, within the author's approach to solving the problems of enforcement of civil law protection of intellectual property rights, a comprehensive system of improvements is proposed, including the creation of specialized judicial and expert institutions, harmonization and modernization of the regulatory framework, introduction of digital proof and monitoring procedures, revision of the sanctions system with preventive mechanisms, integration of international standards, use of algorithmic monitoring and AI, as well as development of ADR and public awareness.<sup>30</sup> Such an interdisciplinary and technologically integrated approach allows to increase the effectiveness of intellectual property protection, optimize procedural mechanisms and ensure the consistency of the national system with current global trends, creating a basis for further scientific and practical development in the field of intellectual property protection.

## DISCUSSION

5.

The results of our study indicate systemic institutional, legislative, procedural, substantive, international, digital and innovative problems in the enforcement of civil IP protection in Ukraine. In particular, the absence of specialized courts and expert chambers, fragmented legislation, imperfect evidence procedures, low effectiveness of civil sanctions, transnational jurisdictional conflicts, and large-scale copyright and patent infringements in the digital environment significantly limit the ability of government agencies to ensure public sector control, standardization, and efficiency of dispute resolution. The same obstacles are observed by scholars, like Zolotar,<sup>31</sup> Yashchuk and Petrenko,<sup>32</sup> and Zahorodnii et al.,<sup>33</sup> as the lack of equilibrium between the technical world of digital platforms and the development of legal norms, the inability to recognize infringements, the ambiguity of the subject constitution of rights, and the inability to harmonize the national system with international intellectual property standards.

Considering digital technologies, the research findings indicate the low efficacy of traditional technical protection, such as DRM, that makes it difficult to legitimately use

<sup>30</sup> Petrukha, S. (2021). Rural economy: Directions of new theorization and implementation of best European financial regulation practices. *Financial and Credit Activity: Problems of Theory and Practice*, 5(40), 454–464. <https://doi.org/10.18371/fcaptop.v5i40.245198>

<sup>31</sup> Zolotar, A. S. (2022). *Id.*

<sup>32</sup> Yashchuk, M. I., & Petrenko, S. A. (2025). *Id.*

<sup>33</sup> Zahorodnii, D., Nadiienko, O., & Artemenko, O. (2025). *Id.*



the works and cannot effectively address the contemporary practices of avoiding infringements. Scholars, in particular Sanusi et al.,<sup>34</sup> note similar problems, emphasizing the need to combine technical protection with guarantees of user access and procedural enforcement of their rights. Haber et al.<sup>35</sup> propose alternative DRM models that provide access to content without disclosing personal data, demonstrating the possibility of combining content protection and user privacy. At the same time, Adeniran and Onebunne<sup>36</sup> argue that the integration of AI and blockchain solutions allows for automated monitoring of violations, dynamic compliance updates, and the use of smart contracts, which contributes to the transparency of license agreements and compliance with international intellectual property standards.

The transnational aspect of protecting rights in the digital environment, as indicated by the results of our study, reveals problems of jurisdiction and user anonymity, which complicates prosecution and threatens the effectiveness of national measures without cooperation with foreign providers and law enforcement agencies. Scholars such as Deng,<sup>37</sup> Pyrohovska et al.,<sup>38</sup> and Rustambekov et al.<sup>39</sup> confirm the need to synchronize national mechanisms with international rapid response procedures, such as temporary access blocking or standardized takedown requests, while Helfer<sup>40</sup> emphasizes the difficulty of integrating international norms and the limitations of sanction mechanisms.

Despite the challenges, the results of our study demonstrate the significant potential of digital and alternative protection mechanisms. Automated plagiarism and copy detection algorithms, machine tracking of content distribution, preventive monitoring systems, and the development of ADR (mediation and arbitration) can significantly increase the efficiency of resolving mass digital disputes, as confirmed by Man et al.,<sup>41</sup> Modic et al.,<sup>42</sup> Sanusi et al.,<sup>43</sup> Singh,<sup>44</sup> and Unnikrishnan.<sup>45</sup> Han et al.<sup>46</sup> note the multiplier effect of regulatory incentives for the development of AI technologies and innovative technologies in the field of intellectual property. The

<sup>34</sup> Sanusi, R. Z., Sasea, E. M., & Bonsapia, M. (2024). *Id.*

<sup>35</sup> Haber, T., Ahmed, A., & Mostafa, A. (2020). *Id.*

<sup>36</sup> Adeniran, A. A., & Onebunne, A. P. (2024). *Id.*

<sup>37</sup> Deng, X. (2024). *Id.*

<sup>38</sup> Pyrohovska, V., Rezvorovych, K., Pavlichenko, I., Sushytska, Y., & Ostashova, V. (2024). *Id.*

<sup>39</sup> Rustambekov, I., Gulyamov, S., & Ubaydullaeva, A. (2024). *Id.*

<sup>40</sup> Helfer, L. R. (2004). *Id.*

<sup>41</sup> Man, G. M., Zamfir, D., Diaconescu, D., Radu, A. V., Aldea, F., & Ionescu, G. (2025). *Id.*

<sup>42</sup> Modic, D., Hafner, A., Damij, N., & Cehovin Zajc, L. (2019). *Id.*

<sup>43</sup> Sanusi, R. Z., Sasea, E. M., & Bonsapia, M. (2024). *Id.*

<sup>44</sup> Singh, G. (2016). *Id.*

<sup>45</sup> Unnikrishnan, A. (2024). *Id.*

<sup>46</sup> Han, Q., Li, C., & Jin, Y. (2025). *Id.*

author's approach to the prospective improvement of the protection system involves a comprehensive integration of institutional reforms, harmonization of legislation, introduction of digital proof and monitoring procedures, optimization of substantive sanctions, development of ADR and application of AI-based and blockchain solutions, which allows adapting the national protection system to the modern challenges of the digital economy, transnational interaction and increasing the effectiveness of law enforcement and legal awareness of subjects.

## CONCLUSION

6.

The results of the study point to key problems, including the lack of specialized courts and expert chambers, outdated and fragmented legislative norms, imperfect evidence procedures, low efficiency of civil sanctions, transnational infringements and jurisdictional conflicts, as well as large-scale digital copyright and patent infringements. Although the copyright and related rights protection system is more detailed than the industrial property protection mechanisms, it requires comprehensive reform at the institutional, technological and regulatory levels.

The author's approach proposes the integration of specialized judicial and expert institutions, modernization of the regulatory framework with the unification of civil sanctions, introduction of digital proof procedures and algorithmic monitoring of infringements using AI, revision of the sanctions system to include preventive mechanisms, as well as harmonization of national legislation with international standards and development of alternative dispute resolution and educational activities to raise legal awareness.

The implementation of the proposed integrated approach ensures interdisciplinary and technologically integrated protection of intellectual property, increases the effectiveness of law enforcement, optimizes procedural mechanisms and forms a coherent system capable of meeting the current global challenges of the digital economy and creates a scientifically sound basis for further development of the national system of intellectual property protection and its integration into the international legal space.

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