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## **THE CURRENT STATE AND PROBLEMS OF INTELLECTUAL PROPERTY RESEARCH**

### *Abstract*

The article examines the current state and the main challenges in the scientific study of intellectual property as a legal, socio-cultural, and economic phenomenon. The study analyzes domestic and foreign scholarly works that address both theoretical and practical aspects of intellectual property, including its legal regulation, protection and enforcement of rights, as well as its role in the development of society and public policy. It is established that in national scholarship the issues of intellectual property have been studied quite extensively; however, most studies are cumulative and fragmented in nature and are characterized by a lack of systematicity, consistency, and conceptual integrity.

The analysis of the available research makes it possible to identify several key directions in the development of scientific studies on intellectual property, including historical-legal, theoretical-legal, socio-cultural, and practice-oriented approaches. In particular, attention is paid to the study of intellectual property as a social value for both society and the individual, as well as to its manifestations in the behavioral culture of legal subjects, in state policy, and in international legal

regulation. The paper considers the significant contributions of researchers who have analyzed the historical formation of the institution of intellectual property, the social and cultural prerequisites for its development, as well as practical mechanisms of legal regulation and judicial practice related to the protection of intellectual property rights.

Special attention is paid to the influence of globalization on the legal protection of intellectual property, the relationship between international standards and national legislation, and the need to unify approaches and standardize mechanisms for the protection of intellectual property rights. The author emphasizes that contemporary studies in this field generally have a narrow subject focus and only occasionally combine theoretical and practical perspectives, which necessitates further conceptualization of research and the development of a systematic approach to the study of intellectual property.

The article outlines prospects for the further development of scientific research in the field of intellectual property and highlights the importance of combining methodological approaches and conducting a comprehensive analysis of its legal, socio-cultural, and economic dimensions.

*Keywords:* intellectual property, legal regulation, protection and enforcement, international regulation, theoretical and legal research.

### *Problem Statement*

In the contemporary conditions of the development of the information society, the digitalization of the economy, and the rapid growth of intellectual production, the issue of intellectual property has become particularly relevant. Intellectual property serves as one of the key resources for the innovative development of the state, ensuring the competitiveness of the national economy, stimulating scientific and technological progress, fostering the development of creative industries, and contributing to the formation of a knowledge-based

economy. In this regard, an effective system for the protection and enforcement of intellectual property rights becomes an essential component of state policy, legal regulation, and scientific research. At the same time, the current stage of societal development is characterized by the emergence of new challenges that significantly complicate both the theoretical understanding and the practical implementation of mechanisms for the protection of intellectual property rights.

The relevance of studying intellectual property issues is primarily determined by transformational processes occurring in the global information space. The development of digital technologies, artificial intelligence, network platforms, e-commerce, and open information resources creates new opportunities for the creation, dissemination, and use of the results of intellectual activity, while simultaneously generating significant risks of infringement of copyright and related rights. Under such conditions, traditional mechanisms of legal regulation of intellectual property often prove insufficiently effective or require substantial modernization in accordance with new technological realities.

Another significant problem is the insufficient level of coordination between international standards for the protection of intellectual property and national legal systems, which complicates the formation of a unified and effective mechanism for protecting the rights of authors, inventors, and right holders. For Ukraine, this issue is of particular importance in the context of European integration processes, the harmonization of national legislation with the law of the European Union, and the need to strengthen the institutional capacity of public authorities in the field of intellectual property protection.

At the same time, the scientific discourse still contains a number of debatable issues concerning the determination of the limits of legal protection of the results of intellectual activity, the balance between the private interests of right holders and public interests, as well as the peculiarities of regulating intellectual property in the conditions of a digital economy. This necessitates a comprehensive

scientific understanding of the current state of research in this field, the identification of key trends in its development, and the outlining of the main challenges faced by the academic community, legislators, and practitioners. Therefore, studying the current state and challenges in the field of intellectual property research constitutes an important direction of scientific inquiry aimed at improving both theoretical approaches and practical mechanisms for ensuring effective protection and enforcement of intellectual property rights.

*Analysis of recent research and publications*

In the Ukrainian scientific discourse, the problem of generalizing research results in the field of intellectual property is represented by a relatively limited number of studies. Comprehensive research aimed at systematizing and summarizing scientific achievements in this area remains rather sporadic. This indicates an insufficient level of theoretical reflection on the current state of intellectual property research and highlights the need for further development of this scientific field.

At the same time, certain aspects related to the analysis of research on intellectual property have been partially reflected in the works of Ukrainian scholars. In particular, some issues of this problem are addressed in the scientific works of researchers such as V. Virchenko, H. Demydenko, A. Kodynets, O. Kulinich, O. Orliuk, V. Seniuta, and other scholars. Their studies examine specific theoretical and practical aspects of the functioning of the institution of intellectual property, which contributes to the formation of a scientific foundation for further research in this field.

Nevertheless, despite the existence of individual scholarly contributions, the issue of conducting a comprehensive analysis of the current state of research on intellectual property remains insufficiently developed. This necessitates a more in-depth study of the topic and the implementation of a systematic analysis of

scholarly approaches to the study of intellectual property, taking into account contemporary socio-economic and legal transformations.

*Purpose of the article*

The purpose of this article is to analyze and summarize the current state of intellectual property research and to identify the doctrinal challenges related to its further scientific development.

*Presentation of the main research material*

It should be noted that the long process of philosophical and worldview comprehension of the phenomenon of intellectual property, which dates back to antiquity, led to the formation, at the turn of the eighteenth and nineteenth centuries, of the prerequisites for its scientific study and the subsequent active development of research in this field. It is important to emphasize that the scientific understanding of intellectual property has been carried out by representatives of various fields of knowledge, primarily within the social sciences, including economics, sociology, and law. At the same time, legal sciences occupy a special place in the study of this issue, since they form the normative and legal foundations for the functioning of the institution of intellectual property.

At the present stage, the scientific doctrine is represented by a considerable number of scholarly works addressing various aspects of intellectual property. Within the framework of legal science, a broad range of studies has been formed, including numerous dissertations devoted to the theoretical and methodological foundations of intellectual property, issues of its legal regulation, the protection and enforcement of intellectual property rights, as well as analyses of the effectiveness of their implementation in the context of modern state-building and the development of the legal system. In addition, researchers pay attention to the study of the logical and conceptual foundations of this legal institution. However, despite the significant number of scientific contributions, the peculiarities of the cur-

rent state of the doctrinal development of intellectual property and the prospects for its further scientific understanding remain insufficiently explored.

Particular interest is generated by works devoted to the theoretical and legal aspects of intellectual property. Although such studies are relatively limited within legal scholarship, they provide the methodological foundations for further sectoral and specialized legal research.

At the same time, it should be noted that the majority of works presented in legal science have an individual authorial character and do not always form a coherent system of scientific knowledge, since they are mainly focused on highlighting particular legal aspects of intellectual property. In view of this, it is appropriate to pay attention to scientific studies of recent years, which makes it possible to identify the main trends in the development of research on the theoretical and legal problems of intellectual property.

A significant number of contemporary studies are devoted to analyzing the development of legal support for intellectual property, improving mechanisms for the protection of relevant rights, and identifying effective ways to enhance the efficiency of their functioning. In this regard, the scientific works of O. M. Holovkova and V. V. Virchenko are noteworthy, as they examine the historical prerequisites for the formation of the system of legal protection of intellectual property [1; 2]. Considerable interest is also generated by the works of V. O. Seniuta, which explore a number of philosophical issues related to the emergence of intellectual property law, the peculiarities of its formation, and topical questions of its contemporary development [3; 4]. The research conducted by T. V. Kuzniakova also has a practical orientation, as it substantiates the importance of further conceptualization of scientific research in the field of intellectual property and emphasizes the significance of such studies for the formation of state policy in this area [5].

Similar tendencies can also be observed in the works of foreign scholars. In the international academic discourse, the phenomenon of intellectual property is

often analyzed through the prism of particular aspects of its manifestation, which to some extent determines the fragmented nature of scientific understanding of this issue. In particular, attention is drawn to studies devoted to general issues of the development of intellectual property, the patterns of its formation, as well as contemporary challenges affecting the process of creating the results of intellectual activity, their legal protection, and enforcement [6].

In this context, the work of E. Hemmungs Wirtén deserves special attention, as it provides a phenomenological analysis of intellectual property and examines its legal nature in the context of globalization processes. The researcher emphasizes the important role of intellectual property in modern civilizational development, its significance for the individualization of subjects of creative activity, and the need to preserve national traditions of stimulating intellectual activity and ensuring proper legal protection of its results [7]. At the same time, the scholar stresses the expediency of improving the effectiveness of the system of protection and enforcement of intellectual property rights in the context of globalization through their unification and through the development and implementation of appropriate international standards in this field.

Another widespread area of scientific research is the study of intellectual property through the analysis of the processes of forming its legal regulation, as well as the peculiarities of legal protection in different historical periods of the development of states and legal systems [8; 9; 10]. Within such studies, considerable attention is paid to the evolution of legal mechanisms ensuring intellectual property protection, their transformation under the influence of social, economic, and cultural changes, as well as the search for effective models of legal protection for the results of intellectual activity.

A separate group of studies should be distinguished in which intellectual property is examined through the prism of the formation of the earliest worldview concepts about it. Such research analyzes the prerequisites for the emergence of

the idea of intellectual property and the evolution of relevant perceptions throughout the development of human civilization [11]. Scholars emphasize that the establishment of the institution of intellectual property is closely connected with the growth of the cultural development of society, the strengthening of its value orientations, and the formation of general social principles governing the organization of social life [12].

Within a similar scholarly context, intellectual property is also examined by J. Willinsky [13], who draws attention to the idea of intellectual learning as an important prerequisite for understanding the social, economic, and legal significance of intellectual property. The researcher considers the philosophical views of J. Locke to be the theoretical basis for this approach, as they substantiate the importance of the results of human intellectual activity as a significant component of societal development.

The scholarly work of O. Bracha is also noteworthy in relation to this topic. Based on the history of the formation of the institution of intellectual property in the United States, the researcher analyzes the features of its intellectual origins. The scholar considers intellectual property as a phenomenon that arises not only due to human intellectual activity but is also recognized by society as a specific value through intellectual comprehension of its significance [14]. As a result, the researcher concludes that there is a direct relationship between the level of intellectual development of society and the degree to which it recognizes the value of intellectual property. According to the author, such interdependence forms the basis for the emergence of an intellectually developed society in which a stable respect for the results of intellectual activity and intolerance toward any violations of relevant rights should be formed.

Particular attention should also be paid to the work of K. Martin, in which the author raises the problem of understanding the phenomenon of intellectual property, revealing its essence through the prism of public perception and the

processes of legal institutionalization of the relevant relations [15]. The researcher substantiates the important conclusion that the way intellectual property is perceived as a social and legal phenomenon largely determines its place and role within the political, economic, and legal systems of society. At the same time, it is emphasized that the public understanding of intellectual property is not static and changes in accordance with transformations in social development. As a result, approaches to its legal regulation also evolve. Such transformations are directly related to the development of society and the role that intellectual activity and the results of creative work play within its sociocultural space. In this regard, intellectual property appears as a specific sociocultural value, the recognition of which is essential both for a deeper understanding of its nature and for the formation of effective legal mechanisms for its protection.

Attention should also be drawn to the research conducted by M. Tawfik [16], which provides a thorough analysis of the provisions of the Canadian Copyright Act. A distinctive feature of this study is that the author examines the relevant legal act not only from the standpoint of the traditional doctrinal interpretation of its norms, which is typical for most similar studies. Instead, the analysis is carried out taking into account the prerequisites for the development and adoption of legislative provisions, as well as the social factors that influenced the formation of their content. The researcher focuses on the social conditions that determined the consolidation of certain norms in their particular wording and also analyzes alternative proposals that might have been considered during the drafting and discussion of the relevant bill at the stage of its development.

Furthermore, M. Tawfik emphasizes that Canadian copyright legislation largely reflects the social values established within Canadian society. In particular, this concerns intolerance toward abuses of copyright, as well as the possibility of applying special mechanisms for the use of the results of intellectual activity that have significant public importance. Thus, the author essentially emphasizes that

the content of legal regulation in the field of intellectual property is largely determined by the level of legal and cultural awareness within society, as well as by the approaches formed in that society toward the perception and evaluation of intellectual property.

In the academic discourse, considerable interest is also generated by studies in which intellectual property is analyzed through the prism of specific cognitive aspects that are primarily of an applied nature. Such works focus on the practical manifestations of the functioning of intellectual property in various spheres of social life. In particular, researchers examine its manifestations in the culture of behavior of participants in relevant legal relations, within the context of public policy, in terms of its influence on individual development, as well as in a broader social dimension – as an important element of the functioning of society as a whole. Thus, these studies address practice-oriented aspects of intellectual property that reflect current issues in the functioning of both the sphere of intellectual activity and the institution of intellectual property itself.

An example of such scientific studies can be found in the works of several foreign scholars. In particular, K. McLeod focuses on issues related to the formation of a culture of ownership, use, and disposal of intellectual property objects, analyzing the relevant social and legal mechanisms for their implementation [17]. In the works of H. Hansen [18], emphasis is placed on the relationship between intellectual property law and public policy, particularly on the role of the legal regulation of intellectual property as a component of the overall legal policy of the state.

An interesting approach is proposed by T. Wong [19], who examines intellectual property in the context of human development. The scholar emphasizes that at a certain stage of the social and intellectual development of society there arises a need for the legal recognition of the results of creative activity, which contributes to the formation of the institution of intellectual property. In turn, G. Din-

woodie [20] focuses on the study of methods of legal regulation of relations in the field of intellectual property and analyzes the prospects for improving the relevant mechanisms of legal support.

A separate group of studies is devoted to the practice of applying legal norms in the field of intellectual property. For example, J. Bellido [21] analyzes typical court cases related to the protection of intellectual property rights, which makes it possible to identify the main trends in judicial practice in this area. Issues concerning the resolution of international disputes related to violations of intellectual property rights are examined in the works of C. Heath and A. Sanders [22]. At the same time, P. S. Morris [23] studies the historical aspects of the formation of the institution of intellectual property within the system of the law of nations, focusing on the period of its development in the late nineteenth and early twentieth centuries.

In addition, the academic literature presents a considerable number of studies devoted to the comparative legal aspects of intellectual property. Such works analyze issues related to the legal support of intellectual property, mechanisms of its legal protection and enforcement, as well as the correlation between international and national levels of legal regulation [24; 25]. At the same time, a number of studies examine the place of intellectual property within the system of social sciences and its relationship with other scientific disciplines [26]. Significant attention is also paid to the analysis of the specific features of legal regulation of intellectual property in foreign countries, which makes it possible to identify both common trends and specific national approaches to ensuring intellectual property rights [27; 28].

### *Conclusions*

Scientific research on intellectual property is widely represented in academic scholarship and reflected in numerous works by both domestic and foreign researchers. This indicates a thorough analysis of various legal aspects of intellectual

property and demonstrates the strong interest of the scientific community in studying this issue.

At the same time, when evaluating the available works as a whole, it should be noted that they often have a cumulative character: most studies develop according to the principle of accumulating knowledge, yet they frequently lack systemic coherence and consistency. In contemporary scholarship, works of a theoretical and legal nature that possess a high level of conceptualization and organically combine theoretical and practical aspects of the problem remain relatively limited. The majority of scientific studies cover a narrow range of issues, focusing mainly on particular legal aspects of intellectual property.

A similar situation can also be observed in the development of research in this field: studies are often isolated from one another due to the absence of unified conceptual foundations for promising directions of development. This indicates the need for a comprehensive approach to the study of intellectual property, which, on the one hand, requires strengthening theoretical and legal research on intellectual property as an independent legal phenomenon, and, on the other hand, emphasizes the importance of conceptualizing scientific studies in this field. Such an approach should be based on an appropriate methodological framework or a combination of methodologies, which would ensure the systematic, coherent, and consistent development of scientific knowledge in the field of intellectual property.

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