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A DOKTORANDOV
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**Zborník príspevkov
z medzinárodnej študentskej vedeckej konferencie
PRO-LEGAL Deň študentov práva a doktorandov
2026**

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THE ROLE OF COPYRIGHT IN THE PROTECTION OF CREATIVITY

KOROLIANCHUK IRYNA*

Abstract

The article considers the content of copyright as a key tool of modern private law and its role in ensuring legal protection of the results of creative activity. In the course of the work, the main elements of copyright were considered, namely personal non-property and property rights of the author, the peculiarities of their origin and implementation. The impact of digital technologies on the development of copyright law is analyzed and the modern challenges associated with copying works are emphasized. Particular attention is paid to the international aspect of legal regulation and the need to harmonize national legislation with international standards. The economic importance of copyright as a factor in the development of creative industries and stimulation of innovative activity is highlighted. The problem of plagiarism and the importance of observing academic integrity are also considered.

Keywords: Copyright, intellectual property, personal non-property rights, property rights, digital technologies, the Internet, legal protection, plagiarism, international law, licensing.

Relevance of the topic

Copyright is one of the most important mechanisms of modern private law, aimed at ensuring legal protection of the results of human creativity. In the legal system, it performs not only the function of protecting the interests of authors, but also contributes to the general development of culture, science and information space. With the advent of digital technology, the role of copyright has grown significantly, as intelligent products become readily available for copying, distribution, and modification.

Copyright is the set of legal norms that regulate social relations related to the creation, use and protection of works of science, literature and art, as a result of the creative activity of their authors. It arises from the moment of creation of the work in an objective form and does not require special registration to come into force. Copyright provides protection of both personal non-property rights of the author, such as: right of authorship, right to name, right to inviolability of the work and property rights related to the use of the work, for example: reproduction, distribution, public performance, translation, etc. Its main goal is to ensure legal protection of creative results, stimulate intellectual activity and establish a balance between the interests of authors and society in the field of access to cultural and scientific values

In his work, the scientist Bondarenko S.V. defines the features of copyright, such as the fact that its object is recognized as the result of creative activity, regardless of the possibility of

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its industrial and any other application. Also, the emergence of copyright is related to the fact of the creation of the work, and not the recognition of its existence by the decision of the relevant state body.[5] The modern effective legal mechanism of regulation in the field of intellectual property becomes a key prerequisite for ensuring a harmonious balance between the interests of creators and society.[1] The main content of copyright is the recognition of the author of a certain set of personal non-property and property rights to the work created by him. The former include the rights to authorship, name, inviolability of the work and other powers that are inextricably linked to the very personality of the creator.

In turn, property rights allow you to receive remuneration for the use of the work, and also allow you to control its distribution, reproduction, public performance and other methods of application. Such a comprehensive approach provides simultaneous protection of both personal creative and economic interests of the author. The protective function of copyright is manifested in the established legal guarantees for the preservation of the integrity and inviolability of intellectual property.

In case of violation of such rights, the author may seek in court the termination of the illegal use of his work and compensation for damages. Thus, copyright performs both preventive and compensatory functions, promoting general respect for the results of intellectual work and the formation of a culture of law-abiding use of creative developments.

The peculiarity of legal regulation in this area is that copyright arises automatically from the moment of creation of the work and does not require mandatory registration. This greatly simplifies the protection process and guarantees instant protection regardless of compliance with formal procedures. However, the state registration of copyright can be used as additional evidence in the case of legal disputes, which strengthens the author's position.

In today's conditions of rapid development of the information society, special attention is drawn to the problems of digital copying and online dissemination of works.[2] The Internet significantly facilitates the process of instant public access to creative products without the consent of the copyright holders, creating numerous challenges for controlling intellectual property. In this regard, the mechanisms of technical protection, licensing and effective law enforcement in the digital environment are important. To achieve this goal, legislative regulation must evolve in accordance with technical and social changes, contributing to the optimal protection of creativity in the conditions of a globalized information space. At the same time, such harmonization of legal approaches contributes to the development of international cultural exchange and expansion of access to creative results on a global scale. It provides effective mechanisms for protecting the rights of authors in cases of violations arising in the

digital environment, where the distribution of works is not limited by state borders. In addition, international standards stimulate the improvement of national legal systems, raising the level of legal culture and ensuring an appropriate balance between the interests of authors, users and society as a whole. Thus, the international component of copyright law is an important factor in the integration of states into the world legal and cultural space and guarantees effective protection of creativity in the context of globalization.

The international component of copyright law plays an important role in ensuring the mutual recognition and protection of copyrights beyond national borders. The participation of states in international agreements forms common standards for the protection of intellectual property, contributing to the protection of the rights of authors in a cross-border context. The harmonization of national legislation with international norms strengthens legal certainty and predictability in the creative sphere. Copyright also performs a stimulating function: the guarantee of receiving a reward for the use of the work encourages the creation of new creative ideas. In this context, the economic aspect plays a key role, because the protection of the intellectual product supports the development of creative industries, which make up a significant part of the modern economy.[3] Proper protection of copyrights becomes a driving force for attracting investments in cultural and educational initiatives, which in turn contributes to the disclosure of the innovative potential of society.

However, copyright is not absolute and provides for certain restrictions and exceptions. The legislation allows the free use of works in certain cases, for example, for educational, scientific or informational purposes. Such provisions are important to maintain a balance between the interests of the author and society, avoiding excessive monopolization of intellectual resources. Separately, the problem of plagiarism should be highlighted as a violation of copyright. Appropriation of the results of other people's work without proper indication of sources undermines the foundations of academic integrity and legal ethics. Effective fight against plagiarism includes not only legal mechanisms, but also the formation of a high level of legal awareness among educators and scientists. It is thanks to copyright law that it is possible to establish a clear basis of responsibility for such violations.

The development of digital technologies and social platforms raises additional challenges regarding the management of content that may violate copyright. It becomes important to improve the procedures for detecting and blocking illegal material, as well as a quick response through the mechanisms of reporting and removing violations.[4] However, it is extremely important to maintain a balance between ensuring the rights of authors and protecting the legitimate interests of users, avoiding abuse during the implementation of these procedures.

Regarding copyright infringement, Grabovska V.M. determines that copyright infringement is:

- A) plagiarism - the publication of a work under someone else's name;
- B) piracy - publication, reproduction, as well as distribution of copies of the work;
- C) import into the territory of Ukraine and export of copies of the work without the permission of the persons who own the copyright;
- D) actions that create a threat of copyright infringement; e) actions to consciously circumvent the technical means of copyright protection.

One of the most common cases of infringement of property rights is piracy, especially in the field of software, and plagiarism, which indicates the imperfection of the copyright protection system. The fight against piracy is important from both a political and an economic point of view. As for the political nature, it consists in accusations of a low level of copyright protection on the part of the international community. The quality of pirated products is on par with legal. The appearance of printing, reproduction equipment, magnetic tape and other electronic media made it possible to produce printed counterfeit products by: photographing a legal edition and making a series of copies that are facsimile copies of the original work; reproduction of a legal edition in computer memory and its subsequent production; production by photocopying of the matrix of the legal edition with subsequent reproduction

With the help of fast printing; direct photocopying of the legal edition with the subsequent sale of its copies.[6] In the field of judicial protection of copyright, difficulties arise when proving the fact of violation and assessing the amount of losses. In particular, the identification of damage in the digital environment is often complicated. In order to simplify the compensation process, the legislation provides for the possibility of collecting fixed compensation, which significantly increases the effectiveness of the protection of authors' rights.

Copyright plays a key role in shaping a positive image of the country at the international level. States that provide an adequate level of intellectual property protection become more attractive to investors and international partners. This creates favorable conditions for integration into the world economic system and strengthening positions in international trade in cultural products. At the same time, it is important to consider the issue of interaction between copyright and freedom of expression. On the one hand, it is necessary to reliably protect the rights of authors, and on the other hand, to avoid unjustified restrictions on freedom of speech. Achieving harmony between these aspects becomes a difficult but extremely important task for legislators and law enforcement agencies, who must constantly improve the relevant legal mechanisms.

Thus, copyright is the main tool for legal support of the interests of creators, performing protective, stimulating and regulatory functions at the same time. It contributes to achieving a

balance between the interests of authors and society, supports the development of culture, science and economy, and adapts to the challenges of the digital age.

It is also the fundamental institution of the legal system that provides comprehensive protection of the results of intellectual and creative activity and balances the interests of the author and society. It not only guarantees legal recognition of authorship and grants exclusive property and personal non-property rights, but also creates effective mechanisms for controlling the use of works, preventing their unauthorized reproduction and distribution. In the scientific dimension, copyright is considered an important tool for stimulating innovative activity, as it provides economic motivation for the creation of new cultural and scientific products. At the same time, its functioning contributes to the formation of a civilized information space, where the principles of knowledge accessibility and proper protection of the rights of creators are combined. Consequently, copyright is a necessary condition for the sustainable development of the creative sphere, the intellectual potential of society and integration into the global system of circulation of intellectual values.

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