

Section: Pedagogical sciences

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DEVELOPMENT OF A REGIONAL STUDY OF INTELLECTUAL PROPERTY CULTURAL LEVEL OF UKRAINIAN YOUNG PEOPLE

Washington has consistently includes Ukraine into the list of countries that violate intellectual property rights. Over the last 5 years Ukraine annually mentioned in the USTR Special 301 Report: Priority Watch List – 2012, 2015, 2016; Priority Foreign Country – 2013; and only in 2014 the U.S. Trade Representative announced that “due to the current political situation in Ukraine, no action would be taken at that time”.

There are three grounds [1]: (1) the unfair, nontransparent administration of the system for collecting societies, which are responsible for collecting and distributing royalties to U.S. and other right holders; (2) widespread (and admitted) use of unlicensed software by Ukrainian government agencies; and (3) failure to implement an effective means to combat the widespread online infringement of copyright and related rights in Ukraine, including the lack of transparent and predictable provisions on intermediary liability and liability for third parties that facilitate piracy, limitations on such liability for ISPs and enforcement of takedown notices for infringing online content.

This is an external problem in the field of copyright.

In the field of patent law, there is an internal problem. Short analysis revealed that in Ukraine during April 2016 are unused at least 45% of innovations from about 11,000 of innovations patented in 2015. In 2014, it

registered 13772 inventions and utility models and only 266 licenses drawn up. In 2015, it registered 11167 inventions and utility models and only 300 licenses drawn up.

In these circumstances, the order of 04/03/2015 No. 235 abolished the action of the Ministry of Education and Science of 10/20/2004 No. 811 “On the implementation in higher educational institutions of discipline "Intellectual Property"”. In other words government now does not believe that the study of intellectual property is a must for students. On the website of the Scientific Research Institute of Legal Support of Innovative Development [2] stated that "Such an approach raises serious concerns as educational activities are a key component in the direction of application of measures of a preventive nature in the fight against counterfeiting and piracy".

An interesting fact of legal illiteracy is as follows. In the Ukrainian legislation is said “does not constitute an infringement of any intellectual property rights the use of patented inventions and utility models for scientific purposes”. Universities and research institutions have received about half of all patents gotten in Ukraine in 2015. This is not only commercial purpose – more than a half of these patents are unused and licensing information given above. This is not only educational purpose – at least 45% of all patents are validity. It is likely that the universities get the most patents only for the purpose of reporting.

The problem of potentially valuable patents that remain unused analyzed in the “Report of the Expert Group on Patent Aggregation” [3] and relates to patented but unused innovations. The authors note the presence of a significant amount such innovations. I think that this question relates in part to the problem of blocking / limiting the creation of unpatented innovation. According to USPTO Annual Reports, NSF Science and Engineering Indicators 2014 [4] for every research and development dollar in the US getting more than double the

number of patents that were used 20 years ago. Thus some issues are beyond the borders of Ukraine.

The political context of the first problem in the field of copyright in Ukraine consists in endemic corruption and mismanagement, of the second problem in the field of patent law – a lack of state support of innovation. The social context of both problems in my view is the lack of intellectual property cultural level of Ukrainian intellectual property right holders and users. The term “intellectual property culture” includes not only the knowledge of and obedience to the laws, but also knowledge of the basics of intellectual property management, as well as propensity to infringement of intellectual property rights and social responsibility.

Most Ukrainian and foreign researchers offers various legislative intellectual property initiatives, this approach could be called “top-down approach”. In the context of an all-embracing corruption in the country, such efforts have not yielded adequate results. Therefore, it is appropriate to the proposed analysis of the possibility of applying the “approach from below”, i.e. from the right holders and users of intellectual property.

In the study of psychological aspects of intellectual property protection [5] Zhanna Mingaleva and Irina Mirskikh explained by special mentality of the population of the former Soviet Union that for most of the respondents’ creative and research process is more important by itself (as such). But useful innovations in Eastern Europe are now developing for the most part by young people who did not live in the Soviet Union and were educated in separate independent countries. In addition young people are also more deals with innovations than older generations, although the older generation certainly also makes extensive use of a variety of intellectual property.

There is a need for a study, the hypothesis which is the fact that intellectual property cultural level of Ukrainian young people has a significant

impact on the internal and external challenges in the field of copyright and patent law.

Thus, such a study would include the following objectives:

- Theoretical analysis of studies and development of evaluation criteria of intellectual property cultural level.
- Design and implementation of the survey to determine intellectual property cultural level of Ukrainian young people.
- Drawing conclusions about the possible influence of intellectual property cultural level of Ukrainian young people to the relevant problems.
- Development of educational recommendations to improve the level of intellectual property cultural level.

The results of the study should complement the known directions and bring some contribution to the development of the Ukrainian society.

Literature:

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