

DOI: 10.26565/2077-5105-2020-24-06

УДК 316.334.4:347.77/78

INTELLECTUAL PROPERTY: THEORIZING AND EMPIRICAL ANALYSIS

Valeriy Nikolayevskyy

PhD in Philosophy, Professor, Department of Sociology, School of Sociology V. N. Karazin Kharkiv National University, 4, Svobody Sq., Kharkiv, 61022, Ukraine, e-mail: vnikolayevskyy@gmail.com,
ORCID ID: <http://orcid.org/0000-0003-1840-2932>

Viktoriiia Omelchenko

PhD in Sociology, Associate Professor, Department of Philosophy, Kharkiv National University of Radio Electronics, Nauky Ave. 14, Kharkiv, 61166, Ukraine, e-mail: viktoriiia.omelchenko@nure.ua,
ORCID ID: <https://orcid.org/0000-0002-1095-5244>

Olena Bakalenko

PhD in Philosophy, Associate Professor, Department of Philosophy, Kharkiv National University of Radio Electronics, Nauky Ave. 14, Kharkiv, 61166, Ukraine,
e-mail: olena.bakalenko@nure.ua,
ORCID <https://orcid.org/0000-0001-6830-2513>

The authors of the article based on the understanding of intellectual property as an immanent component of the innovative economy, an important factor, resource and mechanism of innovation environment and development, note the actualization of this phenomenon in nowadays society of revolutionary technological changes. The article deals with the brief overview of the some features and characteristics of the process of reforming the institute of intellectual property in Ukraine, including regulatory framework, and also is based on the analysis of data gathered in sociological survey «Intellectual property through the eyes of university lecturers and high school teachers», conducted during May-December 2019, method – interview; n = 356. Based on the research results, the authors analyze high school teachers' and university lecturers' attitudes to the intellectual property, the factors and mechanisms of protection of intellectual property rights. What are the attitudes towards violation of intellectual property rights in the field of education? How acute is the problem of intellectual property rights (IPR) violation for the participants in the educational process? Is the impact of intellectual property rights violation noticeable on their (high school teachers and university lecturers) day-to-day activities? Who, what institution (organization) should make efforts to protect IPR? These and some other issues are analyzed in the paper. The authors note, among other, that, in general, the problem of IPR violations perceived as quite acute for many (relative majority) of university lecturers and high school teachers, the impact of this problem on respondents' daily activities is mostly negative. Opinions of respondents on the institution(s), which should make efforts to protect IPR were clarified. Analysis of possible ways (inner and external factors, mechanisms) to enhance the level of protection, public management of the protection process, as well as the development of a culture of IPR is presented also. The authors propose the prospects for further research of the problem.

Keywords: *intellectual property, sociological survey, university lecturers, intellectual property rights, violation of intellectual property rights, reforming the institute of intellectual property.*

Introduction

Intellectual property as a phenomenon is not new, it isn't something that is unique to present time. Instead, this phenomenon is immanent to a market economy, it is

the important component of innovation environment and development. It is this characteristic of intellectual property that makes it the important factor, lever, resource, mechanism of innovative progress,

actualizes its status today and, in our opinion, will keep attention to this phenomenon in the future. Accelerating technological revolution processes, first of all IoT, AI, Big Data, but not only, have brought great changes to the global economy, all its sectors, and society as a whole. That fully applies to intellectual property, enhances its role, because the importance of intellectual resources (knowledge, ideas, technologies etc.) and hence the mechanisms of protection, legal translation plays key role in the value of capital and, thus, increases dramatically.

Among international studies the works of the intellectual property by Adcock M., Aoki R., Barazza S., Beyleveld D., Bhansali N.S., Borysov B., Epstein E., Foster F.H., Grant R., Idris K., James T.S., Jolly A., Lisitsa V., Noam Eli M., Rees M., Rosati E., Ruse-Khan H.G., Sahni M., Schneider M., Schook R.L., Tiltman P., are of significant interest. Also, if we focus on Ukrainianscientists' contribution to the topic, we should mention the works of Asaul A., Boshytsky Yu., Chuhayenko Yu., Dakhno I., Drobyazko V., Kapitsa Yu., Kharitonova O., Khoroshko V., Kolomiyets P., Koval V., Kraynev P., Manzhura O., Matviychuk V., Orlyuk O., Ponomaryova N., Prohorov-Lukin V., Shtefan O., Verba I., Voynarenko M.

Mostly, all those publications reflect the results of research of the intellectual property from point of view of economics, management and law. Moreover, we can say that the research is actual due to the insufficient level of attention (or even lack of it) of sociologists, Ukrainian sociologists are among them, to the phenomenon and concept of intellectual property too. For example, content-analysis of titles of articles in three Ukrainian journals in sociology: «Ukrainian Sociological Journal», «Ukrainian Society» and Visnyk V. N. Karazin Kharkiv National University series «Sociological studies of contemporary society: methodology, theory, methods» – conducted by authors shows that among 425 articles total published during 2016-2020 there was no one devoted to intellectual property¹.

The article aims to theorize and to provide empirical analysis of the phenomenon «intellectual property» in the educational space of Ukraine.

What is «intellectual property»? What does it mean? As well known WIPO defines it as the following: «Intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images and designs used in commerce. IP is divided into two categories: industrial property – which includes patents, utility models, trademarks, industrial designs and geographical indications of source – and copyright, which includes literary and artistic works (such as novels, poems, plays, films), musical works, artistic works (such as drawings, paintings, photographs and sculptures) and architectural designs. Rights related to copyright include those of performing artists in their performances, those of producers of sound recordings in their recordings and those of broadcasters in their radio and television programs» [1].

It seems that this definition is basic and adequate, so it is not surprising that we can find its basic theses in other definitions. One of such examples is the definition of the website «Oxford University Innovation». Due to it intellectual property is understood as ideas, information and knowledge. In the university context intellectual property can be viewed as the results and outcomes of research – «intellectual», because it is creative output and «property», because it is viewed as a tradable commodity. Intellectual property rights are specific legal rights which protect the owners of intellectual property. Intellectual property rights can be subdivided into the major categories: patent, copyright, database right, design right, trade mark, confidential information [2]. In «Webster's New World Law Dictionary» intellectual property is proposed to be understood as «property having to do with patents or trademarks» [3, p. 210].

All these definitions are very similar. But from our point of view second one (definition of the «Oxford University Innovation») is more instrumental, more useful, when we have to analyze it on societal level, as well as on middle level (institution), and on micro level (person).

Intellectual property in focus of public governing

Intellectual property, for many, is rather an understandable and clear problem with purely practical meaning. And in this

1 Calculated by the authors.

context we can mention the activity of WIPO (World Intellectual Property Organization) (for instance, WIPO Academy, its courses (distance learning, as well as face-to-face), numeral initiatives, programs aimed to help individuals, businesses and countries all year round. It is very important but it's not enough, moreover, attention to this area of activity only creates the impression of the simplicity of the problem.

Nevertheless it seems that this is a rather deceptive simplicity. It is connected with many phenomena and processes in society. In this sense, the statement of the authors of The Global Innovation Index 2019 draws attention. Firstly, because authors connect intellectual property and innovation and, secondly, because they focus on the human dimension of the problem. They emphasize on (it's clear that these theses are not just about medicine and health care, because they are much more versatile) human-controlled uncertainties and risks and say, that they relate to recommendations and decisions that drive approvals, investments, or allocation of resources that support product development, accessibility, availability, affordability, acceptability, or sustainability of health technologies. Such decisions can significantly create or overcome barriers to medical innovations in all settings. Political will, appropriate and relevant incentives, sufficient or insufficient allocation of financial and human resources, cost- and risk-sharing – or lack thereof – and favorable or unfavorable ethical, regulatory, and policy decisions can either advance or stall innovation. Evidence-driven shifts in the collective understanding of what is truly impeding access in low-resource settings today and more comprehensive analyses of the value proposition that a particular health technology brings to advancing health equity are needed to overcome these human-controlled uncertainties and risks. Human-controlled factors act as barriers to innovation and access to new products [4].

Ukraine also has achievements in this field. Mention some of them. For example, if we take such indicator (term) as «utility model» (a special form of patent right, also known as «petty patent», «short-term patent», «innovation patent») we will see that due to newest WIPO statistics (WIPO

Statistics Database 2019) Ukraine with little positive dynamics ranks 4th of the world total. [1, p.18] Ukraine is ranked among the top 20 offices in the world in terms of industrial design filing activity and ranks 4th among middle-income countries. [1, p.31] Compared to previous year Ukraine demonstrates a little progress (has improved its place on two points) and ranks 45th in the Global Innovation Index 2020 and 2nd in the context (group) of lower middle-income economies neighboring by Vietnam and India [5].

At the same time, if to consider Ukraine's potential, it is apparently that achievements should be more visible and higher. In fact, one can see the feasibility and the inevitability of the intellectual property reforming. Obviously, that's the way it is. If to analyze the state policy in the field, it is noticeable that there have been some changes over the last few years. From our point of view these changes are directly concerned with the signing of the Association Agreement between the European Union and Ukraine, that have contributed to the process of reforming the institute [6]. This process has been long enough in time, since it has lasted more than 10 years and is still ongoing. Interesting and worthy of research, there are at least three stages of it: the drafting of the Association Agreement, the act of signing and especially the Association Agreement itself. And the very last one (stage after the signing of the Agreement) turned out to be a strong incentive, which motivated (and motivates) intellectual property reforming. It seems to us that these influences cause changes (perhaps sometimes systemic) in public policy and that the government's policy has become more consistent. Some decisions of the authorities in Ukraine (first of all, Verkhovna Rada (parliament) and government) are in this direction and so, give some optimism. Obvious, clear and perhaps the most important evidence to support this thesis are the discussions focused on intellectual property, legislative reform in this terrain in public sphere, educational institutions, discussions concerning these issues in parliament. As well known newly (June-July, 2020) Verkhovna Rada (Ukrainian Parliament) has passed two Laws of Ukraine: Law of Ukraine «On Amendments to Certain Laws of Ukraine on the Establishment of a

National Intellectual Property Authority» (No. 703-IX, 16.06.2020) [7] and Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Protection of Rights on Trademarks and Industrial Designs and Combating Patent Abuse» (No. 815-IX, 21.07.2020) [8]. That became the basis and allowed the government to make some important decisions, the determination of the institution with powers of National Intellectual Property Authority (October 2020), more effective counteraction to patent trolling are among them. However, it is also clear that this is not enough, and the intellectual property institution reforming requires much more efforts. This is especially important in nowadays society, because the rapid and spread of access to the Internet, easy coping of electronic data, revolutionary technological transformations (AI, Big Data, cloud computing etc.) challenge the existing network of intellectual property regulations, laws surrounding intellectual property rights are among them. And, if that is so, we guess, that no less important than in the business environment, economics, other spheres and institutions it becomes in the field of education and science, given their key role in the process of knowledge' producing and transmitting.

The phenomenon of intellectual property needs additional attention and, of course, it is not just about only reform of it. It's also important to conceptualize this phenomenon, where a sociological approach is rather promising. The methodological potential of sociological science creates the basis for a comprehensive study of intellectual property, its objective and subjective characteristics, assessments of public opinion, various manifestations at the macro-, meso- and micro-levels of social interaction. As mentioned above, the topic is on the periphery of research attention of sociologists, Ukrainian sociologists are among them. There are no studies on this phenomenon (at least the authors did not find any confirmation of the opposite). We can note only researches of some related issues (academic culture, academic cheating, academic dishonesty). For instance, studies by Ukrainian researches of these issues are known [9;10;11;12;13]. Some of these issues (academic culture) are quite close and related to intellectual property, but the advantage of

the latter concept is that it more, compared to pointed ones, focused on the actual ensuring and secure (for the owner) knowledge transmission. From our point of view, this concept, in contrast to academic culture, is not limited to the academic sphere, is more universal. In addition, it, by embracing behavioral patterns, also focuses on the other side of the problem – the protection of property rights and figure of owner of the intellectual property object. The profound, systematic analysis of the phenomenon, its conceptualization is ahead. Below are some results of survey, conducted by authors.

Method

The empirical basis of the study includes the data gathered in sociological survey «Intellectual property through the eyes of university lecturers and high school teachers»² (leader of the team – V. Nikolayevskyy). Survey has been conducted during May-December 2019, 356 people were interviewed, including 180 university lecturers (4 different higher schools – classical university (V. N. Karazin Kharkiv National University, 10 faculties), IT University (National University of Radio Electronics, 3 faculties), engineering and pedagogical higher school (Ukrainian Engineering and Pedagogical Academy, 4 faculties), medical school of postgraduate education (Kharkiv Medical Academy of Postgraduate Education, 1 faculty); social, natural and technical sciences are among them) and 176 high school teachers (8 different high schools – comprehensive school (3 ones in different administrative districts), specialized school, gymnasium, lyceum (3 ones in different administrative districts, one technical and one private lyceum are among them) in Kharkiv. Method – interview. Model of the sample – multistage, unique, random. In the last selection stage a solid survey of respondents was used. The purpose of the research was to study high school teachers' and university lecturers' attitudes to the intellectual property, the factors and mechanisms of protection of intellectual property rights.

2 The sociological research is carried out within Research Work №19-01 DB «Theoretical and methodological foundations of advanced training of intellectual property education workers» (UIPA, 2019). [14] In Ukraine the survey was conducted for the first time and was realized in Kharkiv only.

Table 1

Distribution of respondents' answers to the question «Is the impact of IPR violation noticeable on your day-to-day activities?» (%)*

	university lecturers n=180	high school teachers n=176
«5 points» impact is significant	5	6
4 points	6	9
3 points	18	15
2 points	17	16
«1 point» impact is not significant	38	34
don't know	16	21

* in this table and the following ones percentages are given to those respondents who provided an answer to the question

Results

What are the Kharkiv educational community's (secondary school teachers and lecturers of higher school institutions) attitudes to intellectual property, in particular the factors and mechanisms of protection of intellectual property rights? Above all what are the attitudes towards violation of intellectual property rights in the field of education, public management of the process of protection of IP rights in education sphere? A rather relevant tool for studying a given problem (to identify, evaluate and measure "pain points" and weaknesses (risks, obstacles, incentives etc. in managing the system, including its reform), traits that are important to characterize the problem condition is a poll.

The analysis of data gathered in sociological survey to some extent makes possible to clarify the problem and provides some possible answers to questions mentioned above. The conducted research has revealed the following worthy results.

Sociologists tried to study opinions of the respondents (university lecturers and high school teachers) on level of severity of the problem of intellectual property rights violation by the participants in the educational process. In general, the problem of intellectual property rights (IPR) violations is more acute for university lecturers, compared to high school teachers (37% compared to 29%). This problem is not perceived as acute by every fifth of university lecturers (22%) and about every third (31%) of high school teachers. Female university lecturers and male high school teachers, as well as those, who possess developments that require the acquisition (protection) of rights as intellectual property objects (further – referred to as owners of

development), are more acutely aware of this problem.

Respondents were also asked about effect, impact of intellectual property rights violation on their day-to-day activities. They were proposed to answer the question «Is the impact of IPR violation noticeable on your day-to-day activities?» Below (please, see Table 1) the distribution of respondents' answers to this question is presented.

Opinions of high school teachers and university lecturers differ little: approximately every second respondent – university lecturer (55%) and high school teacher (50%) rate such an impact on their daily activities as insignificant, while the opinion of 11-15% is the opposite: they consider that impact as significant. There were slightly more female university lecturers than the average those who judged this impact to be insignificant. University lecturers and high school teachers who are the owners of developments (intellectual property objects) rate this impact as more significant.

According to the relative majority of respondents (48% of university lecturers and 43% high school teachers), this influence is mostly negative. 14-15% of respondents are of the opposite opinion. Female university lecturers, male high school teachers, development holders, and those, who believe that the issue of rights abuses in this terrain needs to be addressed as soon as possible, are more likely to estimate this impact as negative.

Respondents were asked also, if, in their opinion, the problem of intellectual property rights violation needed to be addressed as soon as possible? The overwhelming majority (75% of university lecturers and 70% of high school teachers) guess that this problem

Table 2

Distribution of respondents' answers to the question «Who, what institution (organization) should make efforts to protect intellectual property rights?» (% , R)*

№ in the questionnaire		university lecturers n=180		high school teachers n=176	
		%	R		R
2	Council on Intellectual Property of the Cabinet of Ministers (Government) of Ukraine	47	1	45	1
1	Ministry of Education and Science of Ukraine	40	2	31	2
15	owners of intellectual product	25	3	14	5
6	inspectors of intellectual property	22	4	26	3
4	Ministry of Justice of Ukraine	16	5	13	6
11	higher school/high school institutions	15	6	2	14-15
13	professional community (professional associations)	13	7	6	8
3	Ministry of Economic Development and Trade of Ukraine	9	8	4	11-12
5	police	8	9	21	4
7	regional education management bodies	7	10	5	9-10
10	specialized departments of universities	6	11	1	16
14	specialized organizations (NGO's, business)	6	12	3	13
8	local education management bodies	4	13	10	7
9	media	3	14	4	11-12
12	trade union	3	15	2	14-15
16	such an institution doesn't currently exist, it needs to be created	2	16	5	9-10
17	don't know	9		12	

* the percentage in the column may exceed 100%, because respondents were allowed to choose more than one answer; R (rating place) the order in which data is presented depends on the number of votes (percentages) cast by university lecturers for a particular institution.

needs to be addressed as soon as possible. This opinion is more than average, held by male high school teachers, those high school teachers, who have experience in acquiring (protecting) intellectual property rights for their own developments and high school teachers – owners of developments. At the same time 12-16% of respondents hold the opposite opinion. It seems that this contradict to above-mentioned and partly is explained by the following: a little more determination on this issue by university lecturers is correlated with opinions, that the problem of intellectual property rights violation is more acute for university lecturers, compared to high school teachers. But it is obvious, also, that clarification of this contradiction is a task for further studies.

One of research tasks was to clarify opinions of respondents on the institution(s), organization(s) which should make efforts to protect intellectual property rights. Summarized opinions of the interviewed university lecturers and high school teachers are presented in Table 2.

On the whole, with few exceptions, the top five institutions (organizations) that need to make efforts to protect intellectual property rights are almost identical in the view of

university lecturers and high school teachers. According to the hierarchy of «popularity» of such institutions (entities, subjects), according to the university lecturers they are the following: the Council on Intellectual Property of the Cabinet of Ministers of Ukraine, the Ministry of Education and Science of Ukraine, owners of the intellectual product, inspectors of intellectual property, the Ministry of Justice of Ukraine.

Also, data gathered and analyzed indicate the following:

1) absence of an institution/entity - the leader with an absolute magority of votes in the field of efforts to intellectual property rights protection: # 1 rating – the Intellectual Property Council of the Cabinet of Ministers of Ukraine – received 47-45% of the votes of university lecturers and high school teachers, respectively;

2) respondents – of university lecturers and high school teachers extremely skeptical of the media in this context (3-4% respectively);

3) university lecturers, if to compare their opinion with high school teachers, are much more critical about police' efforts to protect intellectual property rights (8 and 21%);

Table 3

Distribution of respondents' answers to the question «In your opinion, what could, firstly, help to improve the level of protection of intellectual property rights?» (% , R)*

№ in the questionnaire		university lecturers n=180		high school teachers n=176
		R	%	%
1	consistent public policy on the protection of intellectual property rights	1	61	52
7	formation in society of intolerant attitude to the facts, cases of intellectual property rights violation	2	38	22
3	legislation, legal support updating	3	30	36
4	punishment for intellectual property rights violation	4	27	32
2	demanding management of the educational institution	5-6	21	5
8	explanatory and educational activities	5-6	21	22
5	media promotion: coverage, promotion of intellectual property rights on TV, press etc.	7	19	23
6	introduction of intellectual property training courses for higher school programs	8	17	16

* the percentage in the column may exceed 100%, because respondents were allowed to choose more than one answer; R (rating place) the order in which data is presented depends on the number of votes (percentages) cast by university lecturers for a particular answer option; responses «don't know» and responses that scored less than 2% of the respondents' responses were not provided.

4) 15% of university lecturers guess that when one says on institution (organization) that should make efforts to protect intellectual property rights higher school institution should be; compared only 2% high school teachers hold similar opinion.

It is important to clarify a number of issues related to the protection of intellectual property rights, including factors, mechanisms to enhance the level of protection, public management of the protection process, the development of a culture of intellectual property protection.

Let's consider these questions in more detail.

Below, in Table 3, generalized responses to possible ways to enhance the level of protection of intellectual property rights are presented.

So what, according to the opinions of Kharkiv university lecturers and high school teachers, could firstly help to improve the level of protection of intellectual property rights? The vast majority of respondents guess that a consistent public policy on the protection of intellectual property rights should be in first: 61% of university lecturers and 52% of high school teachers think so. Among university lecturers and high school teachers, who have a positive track record of acquiring (protecting) intellectual property rights for their own development, even more people hold this view.

The second largest group of respondents – university lecturers (38%, among high school teachers – 22%) emphasized the importance of forming an intolerant attitude to the facts, cases of intellectual property rights violation in society. University lecturers–holders of developments emphasize this more often than the average. 27-30% of university lecturers and a third (32-36% of high school teachers) emphasize the importance of attention to legal mechanisms), including updating of legislation, legal support, punishment for intellectual property rights violation. At the same time such levers of influence as «media promotion: coverage, promotion of intellectual property rights on TV, press etc.», «introduction of intellectual property training courses for higher school programs», «explanatory and educational activities», from respondents' point of view are less effective (16-22%).

The views of the university lecturers and high school teachers differ significantly on the role of the factor «demanding management of the educational institution» in promoting the protection of intellectual property rights and increasing the level of such protection: every fifth (21%) university lecturer and four times less (5%) of high school teachers notes the effectiveness of this factor.

It may be that the position of the high school teachers regarding the demanding

Table 4

Distribution of respondents' answers to the question «In your opinion, what is the role of the administration of the institution, where you work, in managing the process of protection of intellectual property rights?» (%)

	at present time		should be	
	university lecturers n=180	high school teachers n=176	university lecturers n=180	high school teachers n=176
noticeable and significant: management makes significant efforts to protect the intellectual property rights of university lecturers / high school teachers	35	18	64	53
inconspicuous, episodic: such issues are sometimes discussed at the educational institution meetings, decisions are made, but real shifts, changes are imperceptible	27	17	13	6
invisible: maybe the management of the educational institution is doing something about protecting intellectual property rights, but I don't feel it	17	27	7	7
don't know	21	38	16	34

management of the educational institution as a factor in promoting the level of protection of intellectual property rights is explained by the way in which they see (evaluate) the role of the administration of their educational institution in managing this process (please, see Table 4). The data presented in the table suggest that among high school teachers there is a relative preference that the role of the administration of their educational institution is now unobserved (27%).

For comparison, 18% of respondents – high school teachers say that the high school's management (lyceum, gymnasium) is making significant efforts to protect intellectual property rights, and thus estimate it as significant and significant. University lecturers' assessments are opposite: the relative majority of university lecturers (one third) guess that management of higher education institution is making significant efforts to protect lecturers' intellectual property rights, and 17% see it as invisible. Also notable is the large number of respondents who have not been able to answer this question. At the same time, the overwhelming majority of respondents – high school teachers and university lecturers – (53-64%) underline that the management of the educational institution must make considerable efforts to protect the intellectual property rights of university lecturers / high school teachers. There are more people than average on the faculty among male university lecturers, holders of developments, and those

who think that the problem of IP rights abuses needs to be addressed as quickly as possible.

It is rather important to focus on formation and developing of a culture of intellectual property protection. Part of this was discussed above (see Table 3), in particular when it came to the potential of introducing education programs in higher education disciplines on intellectual property in the context of enhancing the level of protection of rights in this field. It should be noted that according to two thirds of university lecturers (68%) such discipline is taught in their university.

Are the issues regarding contracting with university lecturers / high school teachers on their intellectual product related to copyright distribution regulated in educational institutions - universities and high school institutions?

In order to clarify the respondents' opinion in the survey, the question was asked: Is there a practice in education institutions to contract with their university lecturers / high school teachers on their intellectual product on copyright distribution?

One third of the interviewed university lecturers and only 7% of the high school teachers confirmed that «yes, such a practice exists». At the same time according to every fifth university lecturer surveyed (21%) and just over half of high school teachers (55%), this practice is absent. Either everything is owned by the university lecturer / high school teacher-author of the intellectual product

(42% of teachers and 11% of university lecturers), or all is owned by the educational institution (10-13%). For significant number of respondents it was rather difficult to answer this question.

Do university lecturers and high school teachers know cases where their counterparts have realized intellectual property rights for commercial gain? The overwhelming number of respondents (81-87%) replied that they didn't know anything about when their counterparts would exercise intellectual property rights for commercial gain, which is likely to indicate that the practice has not yet become widespread.

Conclusion

Such, in general, is brief overview of the some features and characteristics of the process of reforming the institute of intellectual property in Ukraine and the attitudes of university lecturers and high school teachers to intellectual property. Summarizing, it should be noted, that the data presented and analyzed, on the one hand, to a certain extent allow us to better understand the under-researched processes and phenomena associated with the institute of intellectual property reform. Sure, the research we say about, results of survey, analyzed in the article, are just the beginning of the research process. The profound, systematic analysis of the phenomenon, its conceptualization is required. It seems, that directions of further research are numerous, because of potential of the concept, because of its embeddedness in a challenging reality.

Sure, effects and implications of the analysis provided is a deeper immersion in the issues discussed in the article and the emergence of other issues, focuses are not addressed in the text. For instance, issue needs to be explained in further research: in general, as was noted, the problem of IPR violations perceived as quite acute for many (relative majority) of university lecturers and high school teachers, but at the same time they estimate the impact of this problem on their daily activities as insignificant. If we say about directions and methodology of further analysis of issues, focused in our study, it seems, that a rather relevant tool for studying a given problem (to identify, evaluate and measure «pain points» and weaknesses (risks, obstacles, incentives etc. in managing the system, including its reform), traits that are important to characterize the problem condition is a survey. But, of course, not only. Methodology based on quality and quantity analysis is relevant. And, if concerning obstacles to effective public administration in the field, university lecturers' and high school teachers' behavior, motivation, their training in the digital age etc. may be considered as a perspective of further study too. We guess also, that, when one looks at and says about the main participants, actors in the field of education, it would be appropriate to consider high school students' (pupils), university students', as well as managers as actors in the field of education too, and to study their opinions on issues discussed.

Список літератури

1. WIPO IP Facts and Figures 2019. Geneva. WIPO (2020). URL: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_943_2019.pdf (access 3.XII.2020)
2. What is intellectual property? Oxford University Innovation/ URL: <https://innovation.ox.ac.uk/university-members/commercialising-technology/ip-patents-licenses/intellectual-property/> (access 12.XI.2020)
3. Webster's New World® Law Dictionary / Susan Ellis Wild (Legal Editor). Hoboken (NJ): Wiley, 2006. 320 p.
4. Cornell University, INSEAD, and WIPO (2019); The Global Innovation Index 2019: Creating Healthy Lives—The Future of Medical Innovation, Ithaca, Fontainebleau, and Geneva. URL: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_gii_2019.pdf (access 12.02.2020)
5. Cornell University, INSEAD, and WIPO (2020). The Global Innovation Index 2020: Who Will Finance Innovation? Ithaca, Fontainebleau, and Geneva. URL: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_gii_2020.pdf (access 15.X.2020)
6. Association Agreement between the European Union and Ukraine. Government portal (Official website) (2020). URL: <https://www.kmu.gov.ua/en/yevropejska-integraciya/ugoda-pro-asociaciyu> (access 10.10.2020)
7. Закон України «Про внесення змін до деяких законів України щодо створення національного органу інтелектуальної власності» (No. 703-IX). Верховна Рада України (офіційний сайт), URL: <https://zakon.rada.gov.ua/laws/show/703-20#Text> (access 08.11.2020)
8. Закон України «Про внесення змін до деяких законодавчих актів України щодо посилення охорони і захисту прав на торговельні марки і промислові зразки та боротьби з патентними зловживаннями» (No. 815-IX) Верховна Рада України (офіційний сайт). URL: <https://zakon.rada.gov.ua/laws/show/815-20#Text> (access 8.11.2020)

9. Головаха Є. Суспільство має готуватися до позитивних змін. Проект сприяння академічній доброчесності – SAIUP. URL: <https://saiup.org.ua/novyny/evgen-golovaha-suspilstvo-maye-gotuvaty-sya-pozytyvnyh-zmin/> (access 11.12.2020)
10. Хоружий Г. Ф. Академічна культура: цінності та принципи вищої освіти. Тернопіль: Навчальна книга-Богдан, 2012. 320 с.
11. Пак І. В. Академічна культура: деякі аспекти соціологічної інтерпретації // Вісник Харківського національного університету імені В. Н. Каразіна серія «Соціологічні дослідження сучасного суспільства: методологія, теорія, методи». Випуск 39. 2018. С. 323-326.
12. Пак І. В. The Main Forms of Academic Cheating in Educational Practices of Ukrainian Students // Вісник Харківського національного університету імені В. Н. Каразіна серія «Соціологічні дослідження сучасного суспільства: методологія, теорія, методи». Випуск 41. 2018. С. 62-66. DOI: <https://doi.org/10.26565/2227-6521-2018-41-10>
13. Академічна культура українського студентства: основні чинники формування та розвитку. Проект реалізовано Східноукраїнським фондом соціальних досліджень та Інститутом соціально-гуманітарних досліджень ХНУ імені В. Н. Каразіна за фінансової підтримки Міжнародного фонду «Відродження» / керівник проекту В. С. Бакіров. Харків. Грудень 2014-липень 2015pp. URL: <http://fond.sociology.kharkov.ua/index.php/ua/projects-ua/304-akademichna-kultura-ukrajinskogo-studentstva-osnovni-chinniki-formuvannya-ta-rozvitku> (access 11.12.2020)
14. Теоретико-методичні засади підвищення кваліфікації працівників системи освіти у сфері інтелектуальної власності. Дослідницька тема № 19-01 ДБ / керівник теми проф. В. Е. Лунячек. Українська інженерно-педагогічна академія. Харків, 2019.

References

1. WIPO IP Facts and Figures 2019, Geneva, WIPO (2020) [online]. Available at: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_943_2019.pdf (access 3.XII.2020)
2. What is intellectual property? Oxford University Innovation [online]. Available at: <https://innovation.ox.ac.uk/university-members/commercialising-technology/ip-patents-licenses/intellectual-property/> (access 12.XI.2020)
3. Susan Ellis Wild (ed.) (2006) Webster's New World® Law Dictionary. Hoboken (NJ): Wiley
4. Cornell University, INSEAD, and WIPO, The Global Innovation Index 2019: Creating Healthy Lives – The Future of Medical Innovation, Ithaca, Fontainebleau, and Geneva (2019) [online]. Available at: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_gii_2019.pdf (access 12.02.2020)
5. Cornell University, INSEAD, and WIPO (2020). The Global Innovation Index 2020: Who Will Finance Innovation? Ithaca, Fontainebleau, and Geneva [online]. Available at: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_gii_2020.pdf (access – 15.X.2020)
6. Association Agreement between the European Union and Ukraine, Government portal (Official website) (2020) [online]. Available at: <https://www.kmu.gov.ua/en/yevropejska-integraciya/ugoda-pro-asociaciyu> (access 10.10.2020)
7. Law of Ukraine “On Amendments to Certain Laws of Ukraine on the Establishment of a National Intellectual Property Authority” (No. 703-IX), Verkhovna Rada of Ukraine (Official web portal) (2020) [online]. Available at: <https://zakon.rada.gov.ua/laws/show/703-20#Text> (access 08.11.2020) [in Ukrainian]
8. Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Protection of Rights on Trademarks and Industrial Designs and Combating Patent Abuse” (No. 815-IX), Verkhovna Rada of Ukraine (Official web portal) (2020) [online]. Available at: <https://zakon.rada.gov.ua/laws/show/815-20#Text> (access 8.11.2020) [in Ukrainian]
9. Golovakha, E. (2017) Society have to prepare for positive changes. Integrity Project in Ukraine SAIUP [online]. Available at: <https://saiup.org.ua/novyny/evgen-golovaha-suspilstvo-maye-gotuvaty-sya-pozytyvnyh-zmin/> (access 11.12.2020)
10. Khoruzhiy, G. (2012) Academic culture: values and principles of higher education Ternopol: Navchalna knyha-Bohdan [in Ukrainian]
11. Pak, I. (2017) “Academic culture: some aspects of sociological interpretation” *Visnyk V. N. Karazin Kharkiv National University Series* «Sociological studies of contemporary society: methodology, theory, methods». Vol. 39. Pp. 323-327 [in Ukrainian]
12. Pak, I. (2018) “The main forms of academic cheating in educational practices of Ukrainian students”. *Visnyk V. N. Karazin Kharkiv National University Series* «Sociological studies of contemporary society: methodology, theory, methods» Vol. 41. Pp. 62-66 DOI: <https://doi.org/10.26565/2227-6521-2018-41-10>
13. Academic culture of Ukrainian students: main factors of formation and development. Project by East Ukrainian Foundation for Social Research and RI of social and humanitarian studies at V. N. Karazin Kharkiv National University, 2014-2015 [online]. Available at: <http://fond.sociology.kharkov.ua/index.php/ua/projects-ua/304-akademichna-kultura-ukrajinskogo-studentstva-osnovni-chinniki-formuvannya-ta-rozvitku> (access 11.12.2020) [in Ukrainian]
14. Lunyachek, V. E. (2019) Research work № 19-01 ДБ Theoretical and methodological foundations of advanced training of intellectual property education workers. Current archive of UIPA. Kharkiv [in Ukrainian]

**ИНТЕЛЛЕКТУАЛЬНАЯ СОБСТВЕННОСТЬ:
ТЕОРЕТИЧЕСКИЙ И ЭМПИРИЧЕСКИЙ АНАЛИЗ****Валерий Николаевский**

кандидат философских наук, доцент, профессор кафедры социологии социологического факультета Харьковского национального университета имени В. Н. Каразина, пл. Свободы, 4, Харьков, 61022, Украина,
e-mail: vnikolayevskyy@gmail.com, ORCID ID: <http://orcid.org/0000-0003-1840-2932>

Виктория Омельченко

кандидат социологических наук, доцент, доцент кафедры философии, Харьковского национального университета радиоэлектроники, пр. Науки 14, Харьков, 61166, Украина,
e-mail: viktoriia.omelchenko@nure.ua, ORCID ID: <https://orcid.org/0000-0002-1095-5244>

Елена Бакаленко

кандидат философских наук, доцент, доцент кафедры философии, Харьковского национального университета радиоэлектроники, пр. Науки 14, Харьков, 61166, Украина,
e-mail: olena.bakalenko@nure.ua,
ORCID <https://orcid.org/0000-0001-6830-2513>

Авторы статьи, исходя из понимания интеллектуальной собственности как имманентной составной части инновационной экономики, важный ресурс и механизм инновационной среды и развития, отмечают актуализацию данного феномена в современном обществе под влиянием происходящих в нем революционных технологических изменений. В статье представлен короткий обзор характеристик и противоречий процесса реформирования института интеллектуальной собственности в Украине, в частности нормативно-правовой базы, а также анализ информации, собранной во время реализации социологического исследования «Интеллектуальная собственность глазами преподавателей вузов и учителей школ» (период реализации: май-декабрь 2019 г.; метод сбора первичной информации – анкетирование; n = 356). Цель исследования – изучить отношения преподавателей вузов и учителей школ к институту интеллектуальной собственности, факторы и механизмы защиты прав интеллектуальной собственности. Каково отношение к проблеме нарушения прав интеллектуальной собственности в сфере образования? Насколько острой является данная проблема для работников образования? Ощущается ли влияние проблемы нарушения прав интеллектуальной собственности на повседневной деятельности преподавателей вузов и учителей школ – участников образовательного процесса? Кто, какой институт (организация) должен прилагать усилия для защиты прав интеллектуальной собственности? Авторы статьи фокусируют свое исследовательское внимание на этих и некоторых других вопросах. В частности, в статье отмечается, что проблема нарушения прав интеллектуальной собственности в образовательном процессе воспринимается как достаточно острая большинством опрошенных преподавателей и учителей, а также подобное нарушение прав негативно отражается на их повседневной деятельности. Уделено внимание выявлению наиболее эффективных, с точки зрения респондентов, институций и организаций, призванных прилагать усилия по защите прав интеллектуальной собственности. Проанализированы факторы повышения защиты (охраны) прав интеллектуальной собственности, в том числе управление процессом защиты и становление культуры защиты (охраны) прав интеллектуальной собственности, предложены возможные направления дальнейших исследований проблемы.

Ключевые слова: интеллектуальная собственность, социологическое исследование, преподаватели высших учебных заведений, право интеллектуальной собственности, нарушение прав интеллектуальной собственности, реформирование института интеллектуальной собственности.

ІНТЕЛЕКТУАЛЬНА ВЛАСНІСТЬ: ТЕОРЕТИЧНИЙ ТА ЕМПІРИЧНИЙ АНАЛІЗ**Валерій Ніколаєвський**

кандидат філософських наук, доцент, професор кафедри соціології соціологічного факультету Харківського національного університету імені В. Н. Каразіна, майдан Свободи, 4, Харків, 61022, Україна, e-mail: vnikolayevskyy@gmail.com, ORCID ID: <http://orcid.org/0000-0003-1840-2932>

Вікторія Омельченко

кандидат соціологічних наук, доцент, доцент кафедри філософії, Харківського національного університету радіоелектроніки, пр. Науки, 14, Харків, 61166, Україна, e-mail: viktoriia.omelchenko@nure.ua, ORCID ID: <https://orcid.org/0000-0002-1095-5244>

Олена Бакаленко

кандидат філософських наук, доцент, доцент кафедри філософії, Харківського національного університету радіоелектроніки, пр. Науки, 14, Харків, 61166, Україна, e-mail: olena.bakalenko@nure.ua, ORCID <https://orcid.org/0000-0001-6830-2513>

Автори статті, розуміючи інтелектуальну власність як імманентну складову інноваційної економіки, важливий чинник, ресурс та механізм інноваційного середовища та розвитку, відзначають актуалізацію даного феномену у сучасному суспільстві під впливом революційних технологічних змін. У статті представлений короткий огляд характеристик та протиріч процесу реформування інституту інтелектуальної власності в Україні, зокрема нормативно-правової бази, а також аналіз інформації, зібраної під час реалізації соціологічного дослідження «Інтелектуальна власність очима викладачів вишів та вчителів шкіл» (термін реалізації: травень-грудень 2019 р.; метод збору первинної інформації – анкетування; n = 356). Мета дослідження – дослідити ставлення викладачів вишів та вчителів шкіл до інтелектуальної власності, чинники та механізми захисту прав інтелектуальної власності. Яким є ставлення до проблеми порушення прав інтелектуальної власності в освітній галузі? Наскільки гострою є дана проблема для освітян? Чи позначається вплив проблеми порушення прав на інтелектуальну власність на повсякденній діяльності викладачів вишів та вчителів шкіл – учасників освітнього процесу? Хто, яка інституція (організація) має докладати зусиль щодо захисту прав інтелектуальної власності? Автори статті фокусують свою дослідницьку увагу на цих та деяких інших питаннях. Зокрема, у статті відзначається, що проблема порушення прав інтелектуальної власності в освітньому процесі сприймається як така, що є достатньо гострою більшістю викладачів вишів та вчителів шкіл та негативно позначається на їхній повсякденній діяльності. Прیدілено увагу виявленню найбільш авторитетних, на думку респондентів, інституцій, котрі мають докладати зусиль щодо захисту прав інтелектуальної власності. Проаналізовано чинники підвищення рівня захисту прав інтелектуальної власності, зокрема управління процесом захисту та становлення культури захисту прав інтелектуальної власності, запропоновані можливі напрями подальших дослідів означеної проблеми.

Ключові слова: *інтелектуальна власність, соціологічне дослідження, викладачі вишів, право інтелектуальної власності, порушення прав інтелектуальної власності, реформування інституту інтелектуальної власності.*