

HISTORICAL AND NORMATIVE ANALYSIS OF THE GENESIS OF BODIES IN THE FIELD OF ADMINISTRATIVE AND LEGAL REGULATION OF THE PATENTING PROCEDURE IN UKRAINE

The presence of an internationally recognized system of administrative and legal regulation of patent activity is a key element for achieving high economic and social development of Ukraine. Moreover, this system contributes to the approximation of the national mechanism for the protection of intellectual property rights to EU standards. Thus, conducting a meaningful historical and normative analysis of the system of bodies of administrative and legal regulation of patent activity is aimed at the chronological arrangement and systematization of current international and domestic NPAs that regulate social legal relations in this area, as well as determining the influence, role and functionality of subjects that carry out patent activities.

According to researchers R.V. Zakusylo and T.V. Yaroshevskaya, modern Ukrainian legislation in the field of patent regulation is subject to gradual unification and harmonization with EU intellectual law. It should be noted that this provision was precisely what was provided for in the Partnership and Cooperation Agreement between Ukraine and the European Communities and their member states. We would like to emphasise that Ukraine has joined numerous multilateral conventions in the field of intellectual property protection (Bern Convention for the Protection of Literary and Artistic Works, Protocol to the Madrid Agreement on the International Registration of Trademarks, the German Agreement on the International Classification of Goods and Services for the Purposes of Trademark Registration, the Budapest Treaty on the international recognition of the deposit of microorganisms for the purposes of patent procedures, the International Convention for the Protection of New Varieties of Plants, etc.).

The adoption of the new Code of Ukraine in 2004 was chronologically the first key achievement of legal regulation of relations in the field of intellectual

property protection and patent activity in the national legal dimension. In general, our country has formed an extensive system of regulatory regulation of this type of legal relationship at the level of laws ("On the protection of rights to plant varieties" (1993), "On copyright and related rights" (1994), "On the protection of rights to signs for goods and services" (1994), "On the Protection of Rights to Industrial Designs" (1994), "On the Protection of Rights to Inventions and Utility Models" (1994), "On the Protection of Rights to the Composition of Semiconductor Products" (1998), as well as at the level of sub-legal NPAs (order of the Ministry of Education and Science of Ukraine "On approval of the Rules for drawing up and submitting an application for an invention and application for a utility model" dated 22.01.2001 No. 22, order of the Ministry of Education and Science of Ukraine "On approval of the Rules for drawing up and submitting an application for an industrial design" dated 18.02. 2002 No. 110).

In our opinion, the adoption in 2020 of the Law "On Amendments to Certain Legislative Acts of Ukraine Regarding the Reform of Patent Legislation" No. 816-IX, which improved the protection of intellectual property rights, was a progressive step on the way to reforming administrative and legal relations in the field of patent activity on inventions and utility models. This law, provided for the innovative possibility of submitting applications for patent registration in electronic form, as well as defined an administrative procedure for invalidating the right to an invention or a utility model, which made it possible to block the activity of unscrupulous patent owners ("patent trolls").

It is possible to chronologically order the specified subjects and their legal successors within the framework of the historical-normative analysis of the "transformation" of the bodies that carried out the administrative-legal regulation of patent activity in Ukraine.

Based on the above, the Convention plays an important role, designed to ensure compliance with the rights and fundamental freedoms of the signatory countries. In addition, it defines a certain judicial procedure, which is designed to practically ensure the protection and restoration of the citizens rights and fundamental freedoms of the High Contracting Parties. Thus, the Convention is an extremely

important prerequisite for the establishment of a fair and transparent society in which everyone is equal before the law.

Thus, since the declaration of independence by Ukraine, the first central body of executive power in the field of legal protection of industrial activity was the State Patent Office of the State Committee of Ukraine on Science and Technology (State Patent), which acted on the basis of the provision approved by the Resolution of the Cabinet of Ministers of Ukraine dated 21.07.1992 No. 411. In 2000, the State Patent was reorganized into the State Department of Intellectual Property (hereinafter – DDIV), which functioned as part of the Ministry of Education and Science and acted on the basis of the relevant provision, approved by Resolution No. 997 of the Cabinet of Ministers of Ukraine dated 20.06.2000. DDIV was liquidated on based on the resolution of the Cabinet of Ministers of Ukraine dated 03/28/2011 No. 346 with simultaneous acceptance of its functions by the Ministry of Economy. Subsequently, at the organizational and legislative level, the Ukrainian Institute of Intellectual Property (hereinafter – Ukrpatent) was created – a state enterprise that was part of the Ministry of Economic Development, Trade and Agriculture in Ukraine (modern name – Ministry of Economy). This Ministry was responsible separately, and not exclusively for carrying out formal and qualification examination of applications for objects of industrial property (inventions, utility models, industrial samples, signs for goods and services, topography of integrated microcircuits and indication of the origin of goods) for compliance with the conditions for granting legal protection, made decisions on the issuance of protective documents, ensured implementation of state registration of objects of industrial property and official publication of information about them.

It is important to note that 2020 was marked by the implementation of qualitative changes in the structure of the state system of legal protection of intellectual property. For instance, by the Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding the Creation of a National Intellectual Property Body" dated June 16, 2020 No. 703-IX, the National Intellectual Property Authority (hereinafter – IPOR) was established, and on October 13, 2020, the Cabinet of Ministers of Ukraine adopted the order "On the National Intellectual Property

Authority", which determined that the functions of the IPOR are performed by Ukrpatent. From 10/15/2020, in accordance with the Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding the Creation of a National Intellectual Property Authority" dated 06/16/2020 No. 703-IX, the powers of the IPPC were finally defined, in particular in the field of administrative and legal regulation of patent activity.

Summing up the views of above, we conclude about the importance of the correct definition of the actual entity authorized to perform functions in the field of administrative and organizational-legal regulation of patent activity in Ukraine, especially taking into account the previous processes of reorganization of bodies in the field of intellectual property protection, which took place from 1992.

REFERENCES

1. On amendments to some laws of Ukraine regarding the creation of a national intellectual property body. URL <https://zakon.rada.gov.ua/laws/show/703-20#Text>.
2. On making changes to some legislative acts of Ukraine regarding patent legislation reform. URL : <https://zakon.rada.gov.ua/laws/show/816-20#Text>.
3. On the approval of the Regulation on the State Patent Office of Ukraine URL : <https://zakon.rada.gov.ua/laws/show/411-92-%D0%BF#Text>.
4. Problems of protection of industrial property rights in Ukraine. URL : <https://er.dduvs.in.ua/bitstream/123456789/6057/1/%D0%9C%D0%BE%D0%BD%D0%BE%D0%B3%D1%80%D0%B0%D1%84%D1%96%D1.pdf>.
5. Technical and legal aspects of intellectual property in Ukraine in the context of European integration processes. URL : http://www.investplan.com.ua/pdf/2_2018/21.pdf.

V. Havshchuk, Yu. Honcharova

MALADAPTIVE DAYDREAMING AND ITS IMPACT ON LIFE

This article provides a brief sketch of such a significant topic in modern psychology as maladaptive daydreaming. Long-vexed discussions and multiple scientific research shed light on the complexity of this psychological phenomenon. Some scientists do not see pathology in this process and believe that dreaming is a natural process for a person. It is obvious that this process is useful because it develops our creativity, motivates us to do something, and even helps us understand