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TENDENCIES AND PROSPECTS OF TRAINING OF INTELLECTUAL PROPERTY SPECIALISTS IN HIGHER EDUCATION INSTITUTIONS OF THE MINISTRY OF INTERNAL AFFAIRS

ТЕНДЕНЦІЇ ТА ПЕРСПЕКТИВИ ПІДГОТОВКИ ФАХІВЦІВ З ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ В ЗАКЛАДАХ ВИЩОЇ ОСВІТИ МВС

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The article deals with the issue of providing training for intellectual property specialists in higher education institutions within the system of the Ministry of Internal Affairs.

The current state of teaching intellectual property disciplines to both future lawyers and law enforcement officers, who will be directly responsible for protecting intellectual property from infringements and illegal encroachments, is described. The negative consequences of the higher education reform, which abolished the obligation to teach the fundamental aspects of intellectual property, are determined.

In order to form better professionally oriented knowledge and skills of intellectual property issues and to train competitive specialists, it is proposed to introduce the study of the obligatory discipline "Intellectual Property Law" in educational programs in the specialties "Law" and "Law Enforcement". It is considered expedient to open master's programs in intellectual property and innovation, introducing the study of disciplines of the latest direction.

It is stated that acquiring knowledge of intellectual property in the higher education system will contribute to the quality of protection of intellectual property rights, innovation and commercialization; will create the conditions for training a new generation of professionals, including units to combat cybercrime.

In order to effectively teach and improve the professional level of research and teaching staff of higher education institutions of the Ministry of Internal Affairs, it is proposed to introduce distance learning courses in intellectual property, technology transfer and innovation, as well as compulsory internships in relevant national and international institutions.

It is concluded that the introduction of teaching intellectual property to both students and cadets in higher education institutions of the Ministry of Internal Affairs will contribute to the qualitative improvement of the legal education system in Ukraine as an indispensable precondition for its successful high-tech and innovative prosperity.

Key words: intellectual property, higher legal education, innovative development, higher education institutions in the system of the Ministry of Internal Affairs.

Статтю присвячено дослідженню питання забезпечення підготовки фахівців з інтелектуальної власності у закладах вищої освіти у системі Міністерства внутрішніх справ.

Охарактеризовано існуючий стан викладання дисциплін з інтелектуальної власності як майбутнім юристам, так і працівникам правоохоронних органів, на яких безпосередньо покладатимуться обов'язки захисту інтелектуальної власності від порушень і протиправних посягань. Визначено негативні наслідки освітньої реформи вищої освіти, якою скасовано обов'язковість викладання основ інтелектуальної власності.

Для формування більш якісних професійно орієнтованих знань і навичок із питань інтелектуальної власності та підготовки конкурентоспроможних спеціалістів запропоновано запровадити в освітні програми за спеціальностями «Право» та «Правоохоронна діяльність» вивчення обов'язкової навчальної дисципліни «Право інтелектуальної власності». Визнано доцільним відкриття магістерських програм з інтелектуальної власності та інновацій, запровадивши вивчення навчальних дисциплін новітнього спрямування.

Констатовано, що отримання знань з інтелектуальної власності у системі вищої освіти сприятиме якісному забезпеченню захисту прав інтелектуальної власності, активізації інновацій та комерціалізації, створить передумови для підготовки фахівців нового покоління, у тому числі для підрозділів із боротьби з кіберзлочинністю.

Задля ефективного викладання та підвищення професійного рівня науково-педагогічних працівників закладів вищої освіти МВС запропоновано запровадити курси дистанційного навчання з професійної підготовки у сфері інтелектуальної власності, трансферу технологій та інноваційної діяльності, а також обов'язкове стажування у профільних національних та міжнародних установах.

Зроблено висновок, що запровадження викладання навчальних дисциплін з інтелектуальної власності як студентам, так і курсантам у закладах вищої освіти МВС сприятиме якісному вдосконаленню системи юридичної освіти в Україні як неодмінної передумови її успішного високотехнологічного та інноваційного процвітання.

Ключові слова: інтелектуальна власність, вища юридична освіта, інноваційний розвиток, заклади вищої освіти у системі МВС.

The aspiration of Ukraine for European integration has aroused the entire world community and clearly showed the trend of the development chosen by our state. One of the ways to join the European space is to create an effective

system of safeguarding and protection of intellectual property rights. Intellectual property is the key to economic prosperity, dynamic innovative development and investment in Ukraine.

However, it should be noted that Ukraine remains one of the largest pirate countries in the world. Thus, according to the Special 301 Report of the USA Trade Representative (USTR), published on April 29, 2020, Ukraine is placed on the Priority Watch List. This is the so-called list of global countries that infringe intellectual property. The precondition for placing on it is the presence of the following factors: a high level of Internet piracy and passive fight against this phenomenon; use of unlicensed software in government agencies; non-transparent management of the system of collective management organizations that are responsible for the collection and distribution of remuneration to right holders [1]. This status gives warning of an insufficient level of intellectual property protection and provides for the exclusion of our country from the “Generalized System of Preferences” – a program of the USA government to support the economic growth of developing countries.

The current condition of intellectual property infringements not only leads to financial losses of right holders, but also threatens the economic security of the State. Promoting the protection of intellectual property is one of the tasks of the police agencies. Today, the interregional territorial body of the National Police of Ukraine, which provides protection of intellectual property rights, is the Cyberpolice Department, which was established by the Resolution of the Cabinet of Ministers of Ukraine No. 831 of October 13, 2015. In accordance with the instructions, the Cyberpolice Department ensures state policy in combating cybercrime and infringement of intellectual property rights on the Internet. Therefore, law enforcement officers must have a thorough knowledge in the field of intellectual property law.

The problems of ensuring an effective and efficient mechanism for safeguarding and protection of the rights to the results of intellectual and creative activity in Ukraine are largely due to the lack of highly qualified specialists who require a significant amount of special theoretical knowledge and practical skills in this area.

As O. Orliuk emphasizes in her paper, the development of an innovative society based on the support of the intellectual capital of the nation concerns a high level of training of specialists involved in the innovative process at any stage, and the national education system should contribute to this process [2, p. 149].

Taking into consideration that intellectual property is constantly evolving and is a priority for all spheres of public life, higher education institutions, including within the Ministry of Internal Affairs, should become generators of new innovative ideas, develop students' and cadets' ability to think creatively and innovatively, to guarantee a profound study of various aspects of implementation of rights to the results of intellectual activity.

Providing comprehensive and equitable quality education, encouraging lifelong learning opportunities for all citizens, and promoting inclusive and sustainable industrialization and innovation are recognized as guidelines for Ukraine's sustainable development up to 2030 [3]. In order to achieve these goals, it is necessary to provide training of specialists with knowledge of intellectual property, introduce teaching the principles of protection and enforcement of the rights to the results of intellectual and creative activities in higher education institutions.

At the state level, compulsory teaching of the subject “Intellectual Property” in higher educational institutions of III-IV levels of accreditation for students enrolled in educational and professional programs of specialist's and master's degree was introduced by the Order of the Ministry of Education and Science of Ukraine No. 811 of October 20, 2004. The study of the discipline was aimed at raising the level of awareness of applicants by mastering the basic principles of legal and economic aspects of intellectual property.

The Resolution of the Cabinet of Ministers of Ukraine “On approval of the list of specialties for training specialists in higher educational institutions at the educational and quali-

fication levels of specialist and master” No. 787 of August 27, 2010 provided for training of specialists at educational and qualification levels of specialist and master in a particular specialty “Intellectual Property”.

According to the results of the Parliamentary Hearings “National Innovation System: Status and Legislative Support of Development”, held on March 21, 2018, there is the need to form a market of intellectual property and innovative culture of society and provide Ukraine with personnel capable of professional providing innovative development [4].

Thus, the recognition of the priority role of intellectual property in the development of the economy sets the task of training qualified professionals who should take an active part in these processes. This knowledge acquires special significance in the training of lawyers and law enforcement officers. Legal education, including in the system of the Ministry of Internal Affairs, should promote innovative economic development and provide training for professionals who are able to apply effectively in practice the knowledge and skills necessary for the implementation and protection of subjective rights to intellectual property.

The negative impact on the training of intellectual property professionals was caused by the new Law of Ukraine “On Higher Education” of July 1, 2014, due to the entry into force of which the above mentioned Order of the Ministry of Education and Science of Ukraine lost validity; and the specialty “Intellectual Property” is excluded from the list of specialties for training higher education students.

Experts in the field of intellectual property consider these changes not only unreasoned, but also harmful to the interests of society, the formation of the investment environment and economic development of Ukraine [5].

According to the educational reform, educational institutions have the right to independently elaborate and implement educational programs within the licensed specialty (paragraph 1, part 2 of Article 32 of the Law of Ukraine “On Higher Education”). Therefore, the decision on the expediency of teaching the discipline “Intellectual Property” and its introduction into the curriculum is given to the complete control of universities.

As a result, higher education institutions, acting within the right of autonomy, apply different approaches to teaching fundamental aspects of intellectual property to students. There is a practice of teaching the discipline “Intellectual Property Law” for bachelors or masters, but in some educational institutions, intellectual property relations are studied only within the discipline “Civil Law of Ukraine”. Only a few faculties have full courses in intellectual property. Thus, in the leading law schools there are departments of intellectual property, which provide teaching of special disciplines in this area.

The question of the obligatory teaching of such discipline to future law-enforcement officers, who will be directly responsible for protecting intellectual property from infringements and unlawful encroachments, also remains open. There is no doubt that the lack of thorough knowledge in the field of intellectual property in law enforcement has a very negative impact on the fight against counterfeit and pirated products.

In order to implement the Cybercrime Training Project, a Memorandum of Cooperation between the State Intellectual Property Service (currently under the authority of the Intellectual Property Development Department of the Ministry of Economy, Trade and Agriculture of Ukraine) and the National Academy of Internal Affairs was signed on March 17, 2017. Within the framework of this Memorandum, training courses for law enforcement officers on specialization aimed at protection of intellectual property rights have been introduced on the basis of the National Academy of Internal Affairs, and they shall become a platform for developing a new educational program to train lawyers of new generation to protect Ukraine's innovation potential [6].

Despite the positive trends, it should be noted that this special course is taught to students and cadets studying

at the academy. In addition, it is designed to train only specialists in the fight against cybercrime and piracy, i.e. specialists in the protection of copyright and related rights. Such institutions of intellectual property law as patent law, means of individualization of participants in civil circulation, goods and services are left out of consideration.

In our opinion, the importance of including the discipline “Intellectual Property Law” in the curriculum of higher education institutions, in particular in the system of the Ministry of Internal Affairs, is undeniable. Its study should become a necessary component of modern legal education. After all, the term “intellectual property” has long acquired the features of economic and legal category and the results of intellectual activity are a product (commodity) of a market economy, which brings in significant returns to the right holders of subjective rights.

The need to master the basic principles of intellectual property is confirmed by the formation of the High Court of Intellectual Property in Ukraine.

In view of this, it seems expedient to introduce the study of the obligatory discipline “Intellectual Property Law” in the educational programs in the specialties “Law” and “Law Enforcement”, and moreover, not at the master's degree, as provided by the Order of Ministry of Education and Science No. 811, but at the 3rd–4th year of studying. At the same time, we share with the position of scholars who propose to determine the place of the discipline “Intellectual Property Law” after studying the disciplines that form the basis of studying intellectual property law: “Civil Law”, “Civil Procedure”, “Administrative Law”, “Criminal Law” [7, p. 101; 8, p. 79]. It is obvious that writing qualification paper for obtaining the degree of higher education, a student should know how to use properly existing scientific and technical information.

Acquiring knowledge of intellectual property in the higher education system will contribute to the quality of protection of intellectual property rights, innovation and commercialization; will create the conditions for training a new generation of professionals, including units to combat cybercrime. Having mastered this knowledge, students and cadets will be ready to successfully solve problems in the field of intellectual property, as well as be able to explain to society the importance of protecting the rights to intellectual property.

In addition, under modern conditions, we consider it appropriate to not only separate the material on intellectual property into independent disciplines, but also deepen and specialize this area of knowledge in future.

Therefore, it is necessary to provide training for applicants of master's degree in the specialization “Intellectual Property”, because within obtaining the bachelor's degree applicants only get acquainted with the system of intellectual property rights and subjective rights, while for practical work it is necessary to obtain practical skills, in particular, acquaintance with the procedure for obtaining a patent, trademark registration document, copyright certificate, etc.

Specialization of legal education by separating the direction of intellectual property will allow to establish the relationship between legal and economic disciplines, to provide training for specialists who will not only have theoretical training, but will be able to perform tasks to effectively protect and combat intellectual property infringements, which, in turn, will meet the requirements of the Bologna Process.

Such graduates will face the task of further development and improvement of the system of legal protection of intellectual property.

As part of the preparation of the master's program, it is necessary to provide for the possibility of studying disciplines of the modern trends: technology transfer; intellectual property rights on the Internet; intellectual property management; protection of rights to non-traditional intellectual property; intellectual property rights to inventions and utility models, intellectual property in innovative activity; patenting in Ukraine and abroad; acquisition and disposal of intellectual property

rights; protection of the rights to the results of intellectual activity. At the same time, I. Koval states that it is expedient to introduce the discipline “Commercialization of intellectual property rights” for applicants of master's degree, which aims to form the competencies necessary for students to understand the theoretical knowledge of legal regulation, methods and legal forms of commercialization of intellectual property rights [9, p. 68].

Advanced courses on intellectual property should be introduced for those who obtain scientific degrees, as they are the scientific potential of the nation and should know how to protect their rights to the results of intellectual and creative activity.

Although there is no doubt about the need to teach intellectual property in higher education institutions, such activities face certain difficulties that have both objective and subjective determinants. One such reason is the lack of an adequate number of specialists who are able to provide teaching disciplines in the field of intellectual property, especially special courses. Now specialists in civil and economic fields, who may not have the necessary thorough scientific and theoretical knowledge and practical experience, provide this process. The work on heightening professional qualification of research and educational personnel who are involved in the teaching of intellectual property disciplines, both within its basic principles and specialized master's programs, is practically not conducted.

In order to solve this problem, it is necessary to study the international experience of training relevant specialists. Thus, the World Intellectual Property Organization (WIPO), which for the first time introduced a system of distance learning courses in the field of protection and enforcement of intellectual property, plays an important role in the development of education in the field of intellectual property and training specialists.

Therefore, in order to effectively teach and master the knowledge of disciplines in the field of intellectual property, it is advisable to work out distance-learning courses developed by WIPO.

One of the distance learning courses offered by WIPO is the course DL-101 “Fundamental Aspects of Intellectual Property” translated by the Intellectual Property Institute.

It should be noted that the experts of the State Enterprise “Ukrainian Institute of Intellectual Property” study at WIPO courses DL-320, DL-318, DL-301, DL-202, and DL-204. In addition, they are always involved in online training organized by the European Patent Office and WIPO. Considerable attention is also paid to workshops and seminars organized by WIPO to exchange experiences of representatives of recipient agencies in the PCT system.

We believe that in order to increase the intellectual and professional potential of research and teaching staff of higher education institutions of the Ministry of Internal Affairs it is necessary to introduce similar distance learning courses in intellectual property, technology transfer and innovation, as well as compulsory internships in relevant national and international institutions.

Summarizing the above, we can conclude that for creative support of the educational process, development of research and cultural-educational activities in higher education institutions of the Ministry of Internal Affairs it is necessary to reassess and form better professionally oriented knowledge and skills of intellectual property, as well as to introduce process of the latest educational and methodical complexes, special courses for training of competitive specialists of the new generation. In addition, it should be created preconditions for the opening of master's programs in intellectual property and innovation, taking into account the best practices of WIPO.

The introduction of teaching intellectual property disciplines to both students and cadets in higher education institutions of the Ministry of Internal Affairs will contribute to the qualitative improvement of the legal education system in Ukraine as indispensable precondition for its successful high-tech and innovative prosperity.

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