5. Judgment of the Court of 15 July 1964. Flaminio Costa v E.N.E.L. Case 6/64 / European Union. URL: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61964CJ0006 (accessed: 23.04.2025).
6. Ruszkowski J. Supranationalism between the nation-state and international cooperation. *Journal of Public Administration and Policy Research.* 2009. Vol. 1(1). P. 004–010. URL: https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=35c8b18c5b7f74b7d123443468d564045ac32756 (accessed: 23.04.2025).

Yakusheva Diana,
4th year student,
Faculty of International Trade and Law
State University of Trade and Economics,
Kyiv, Ukraine
Scientific supervisor: ***Gurzhii Anna****, PhD in Law,*
Associate Professor of the Department of
Administrative, Financial and Information Law, SUTE

INTELLECTUAL PROPERTY AND ARTIFICIAL INTELLIGENCE: WHO OWNS THE CREATIONS GENERATED BY ARTIFICIAL INTELLIGENCE?

The rapid development of the digitalization of humanity and the widespread use of the latest information technologies, including artificial intelligence, significantly affect both public life and the legal relations generated by the use of modern technologies. Today, the continuous improvement of information technologies has presented the legislator with the important task of regulating these legal relations and protecting the subjects of their occurrence.

The term “artificial intelligence” (hereinafter referred to as AI) is quite new to Ukrainian legislation. Today, there is no legal definition of this term in either the Civil Code of Ukraine or special laws regulating the relevant sphere of public relations. On December 2, 2020, the Cabinet of Ministers of Ukraine approved the Concept for the Development of Artificial Intelligence in Ukraine (hereinafter referred to as the Concept), which for the first time provided a definition of AI at the legislative level and became the first step in introducing its legal regulation. According to the Concept, artificial intelligence is an organized set of information technologies with the use of which it is possible to perform complex tasks by using a system

of scientific research methods and algorithms for processing information obtained or independently created during work, as well as create and use their own knowledge bases, decision-making models and algorithms for working with information and determine ways to achieve the set tasks [2]. The Concept was developed taking into account the provisions of the Recommendations of the Organization for Economic Co-operation and Development, Recommendation of the Council on Artificial Intelligence, OECD/LEGAL/0449, to which Ukraine joined in October 2019.

In this aspect, it is important to determine the legal regime of AI and its place in civil legal relations. In Ukraine and other countries, there are discussions about whether AI should be considered a subject of intellectual property rights. In particular, O. Kokhanovska emphasizes in her work that the perception by the legal community and society of the concept of AI as a subject of law can have uncontrolled and unpredictable consequences, which is why there is a need for adequate regulation of relations in this area [2, p. 95]. In turn, B. Shcherbyna and V. Tkachenko defend the position of considering AI as a subject equivalent to a natural person, since in the future, with the development of information technologies, such criteria as “will” and “intelligence” may appear in AI [4, p. 143]. In our opinion, it is impossible to identify AI with a natural person, since the AI system itself is implemented through software and directly depends on the human developer. It is developers who create, customize, and improve the algorithms and models that underlie AI. Although AI is capable of performing a variety of tasks clearly set by an individual, it lacks the capacity for true creativity that is characteristic of human thinking.

Generative AI has become a truly revolutionary product in the field of information technology. According to a well-known legal axiom, when creating any new object, the “author” undoubtedly acquires intellectual property rights. In this regard, a relevant question arises: who owns the copyright to an object created by or with the help of AI? In general, legal doctrine proposes three approaches to determining the authorship of works created through AI: copyright belongs to the developer of the AI, copyright belongs to the individual using the AI, and copyright belongs directly to the AI. Regarding the latter approach, it is worth noting its unfoundedness, given the generally accepted legal principle of determining the subjects of civil legal relations.

The new Law of Ukraine "On Copyright and Related Rights" for the first time regulated the issue of legal regulation of AI in the field of creating copyright objects. According to the general rule established in the first article of the said law, the author is a natural person who created a work through his creative activity. Therefore, the main criterion for recognizing a

work as the result of intellectual creative activity is its originality, that is, the "creative contribution" of an individual. The primary subject of copyright, according to Article 6 of this law, is the author of the work [1]. The subjects of property copyrights may also be other individuals or legal entities to whom property rights to the work have been transferred on the basis of a transaction or law. However, as already noted, based on the established legal approach to defining subjects of civil legal relations, the status of an AI cannot be equated with the status of an individual. That is why the Ukrainian legislator decided to introduce and eventually enshrine in law a special kind of right (sui generis) for non-original objects generated by a computer program. Thus, according to Article 33 of the Law of Ukraine "On Copyright and Related Rights, a non-original object generated by a computer program is an object that differs from existing similar objects and is created as a result of the functioning of a computer program without the direct participation of an individual in the creation of this object [1]. At the same time, works created by individuals using computer technology are not considered non-original objects generated by a computer program.

Thus, summing up all of the above, works created by an individual using artificial intelligence can be recognized as original objects only if the person independently selects and provides the source material from which a new work will be created, determines the main key parameters for AI, and after creating the object, makes his own changes, after which the final work is created. Only in this case does a person have copyright over the created intellectual property object. Subjects of a special kind of right (sui generis) under Ukrainian legislation may be persons who own property rights or who have licensing authority for an AI computer program – these are either authors (developers), their heirs or other persons to whom property rights have been transferred, or legitimate users of such a program, which must be confirmed by a contract. As a result of generating a non-original AI object, a person will not have personal non-property rights, since the law of a special kind (sui generis) consists of specific norms that differ from the general legal provisions of intellectual property law.

References

1. Про авторське право і суміжні права: Закон України від 1 грудня 2022 р. № 2811-IX. URL: https://zakon.rada.gov.ua/laws/show/2811-20/ed 20241115#Text (дата звернення: 24.04.2025).
2. Кохановська О. В. Цивільно-правова відповідальність суб'єктів інформаційних відносин за умов подальшого розвитку автономних роботів і штучного інтелекту // Модернізація цивільно-правової

відповідальності. Матвєєвські цивілістичні читання: матеріали міжнар. наук.-практ. конф. (Київ, 18 жовт. 2019 р.) / відп. ред. Р. А. Майданик. – Київ, 2019. – С. 94–98.
3. Про схвалення Концепції розвитку штучного інтелекту в Україні: Розпорядження Кабінету Міністрів України від 2 грудня 2020 р. № 1556-р. URL: https://zakon.rada.gov.ua/laws/show/1556-2020-% D1% 80#Text (дата звернення: 24.04.2025).
4. Щербина Б. С., Ткаченко В. В. Штучний інтелект як суб'єкт цивільного права. *Юридичний вісник*. 2021. № 1(58). С. 142–148.

Yanovska Ada,
1st year student,
Faculty of International Trade and Law
State University of Trade and Economics,
Kyiv, Ukraine
Scientific supervisor: ***Sushko Inna***,
Lecturer of the Department of Modern European Languages, SUTE

LEGAL ASPECTS OF ARTIFICIAL INTELLIGENCE: ARE INTERNATIONAL REGULATIONS NEEDED

Artificial Intelligence (AI) has evolved rapidly over the past few decades, revolutionizing industries and affecting various aspects of our lives. As AI technologies continue to advance, governments around the world have grappled with the need to establish a comprehensive legal framework to govern AI applications [1, p. 12].

Thanks to advancements and achievements, AI algorithms can analyze complex data, process large volumes of information, and automate routine legal tasks. AI technologies have significant potential for optimizing processes in the judiciary. For example, AI can analyze a large number of precedents and legal norms to predict decisions in similar cases. However, the rapid development of these technologies requires appropriate legal regulation to prevent human rights violations, ensure decision-making transparency, and maintain human control.

Although Ukraine's legal system is at the initial stage of implementing AI, several possibilities for automating the legal field have already been introduced:

- For example, in judicial proceedings, AI can help with the automatic distribution of cases among judges, ensuring equal rights when distributing cases.