

#### SUMMARY

**Kirichenko Yu.V., Kopot I. S. The right of intellectual property in Ukraine and European countries: comparative and legal aspects of constitutional regulation.** The article deals with the constitutional practice of normative regulation of intellectual property rights in Ukraine and the states of continental Europe. The legal content of the intellectual property right, which is enshrined in Part 1, 2, is analyzed. 54 of the Constitution of Ukraine, and in similar norms of the constitutions of European states. The necessity of making changes to this article based on European experience regarding the constitutional and legal regulation of the intellectual property right is substantiated.

The right to intellectual property is the subject of legal regulation not only of the Constitution of Ukraine but also of the Universal Declaration of Human Rights of 1948 (Article 27), the International Covenant on Economic, Social and Cultural Rights of 1966 (Article 15), the Universal Declaration of Human Rights intellectual property of 2000 and other international legal acts on human rights. In these documents, intellectual property rules are built with compliance with a certain logic scheme: first, the freedom of intellectual and creative activity is proclaimed, and then the question is about the right to its results, protection of the interests of the authors and the tasks of the state in this direction. It is according to this scheme that the majority of the norms of the constitutions of European states, in which the intellectual property right is enshrined, are laid down.

From the contents of ch. 1, 2 st. 54 of the Constitution of Ukraine it follows that only the citizens of Ukraine are the subject of intellectual property rights. At the same time, in the constitutions of Azerbaijan, Belarus, Armenia, Poland and Turkey, only the impersonal term "everyone" is used, and in the Constitution of Albania, "all".

In our opinion, it is inappropriate to affirm the subject of intellectual property rights only to citizens of a certain state, as the domestic legislature did, since, firstly, this contradicts Part 2 of Art. 27 of the Universal Declaration of Human Rights 1948 and paragraph 1 of Art. 15 International Covenant on Economic, Social and Cultural Rights 1966, in which the subject of this right stands "every person"; and secondly, it does not correspond to the provision of Part 1 of Art. 26 of the Constitution of Ukraine, which states that "foreigners and stateless persons who are legally in Ukraine enjoy the same rights and freedoms ... as citizens of Ukraine". Therefore, we offer the terms "citizens" (Part 1, Article 54) and "every citizen" (Part 2, Article 54) to replace the terms "for everyone" and "everyone".

Consequently, taking into account the constant development of technology and science and in order to promote the strengthening of the legal protection of intellectual property, we propose in Part 1 and Part 2 of Art. 54 of the Constitution of Ukraine to make changes taking into account the European experience regarding the constitutional and legal regulation of intellectual property rights.

**Keywords:** *constitution, human rights, constitutional regulation of human rights, intellectual property, intellectual property right.*