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## INTELLECTUAL PROPERTY IN THE PARADIGM OF THE SOCIOCULTURAL DEVELOPMENT OF A SOCIETY

**Purpose of Research.** The purpose of the research is to analyse the transformations of intellectual property in the paradigm of the sociocultural development of a society. **Methodology.** The methodology of the research is based on general scientific and special methods (analytical, comparative-legal, systemic, attributive, procedural and cognitive). The author uses all of them to reproduce the intellectual potential of the society, which demands the improved permanent national appropriate regulation in the process of expanding its status from socioeconomic and legal state to sociocultural one. **Scientific novelty.** The scientific novelty of the research consists in the determination and appropriate researching of the intellectual property as the sociocultural phenomenon. **Conclusions.** The evolution of intellectual property in Ukraine led to its qualitative transformation at the end XX – the beginning of XXI centuries. We can explain it by the fact that the intellectual property has been formed as the self-sufficient specific scientific category. In addition, it has become the independent object of the scientific reflection with its branches. Moreover, it has entered the scientific space as well as the conceptual field of modern humanities researches. Therefore, it allows us to expand the understanding of the multidimensional concept of the intellectual property as the sociocultural phenomenon.

**Key words:** intellectual property, sociocultural space, creativity, legislation, innovations.

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### Інтелектуальна власність у парадигмі соціокультурного розвитку суспільства

**Мета** – проаналізувати трансформацію інтелектуальної власності в парадигмі соціокультурного розвитку суспільства. **Методологія** дослідження ґрунтується на загальнонаукових та спеціальних методах (серед яких аналітичний, порівняльно-правовий, системний, атрибутивний, процесуальний, когнітивний) з метою відтворення інтелектуального потенціалу суспільства, який у процесі розширення свого статусу від соціально-економічного і правового до соціокультурного вимагає більш досконалого постійного загальнодержавного врахування та відповідного регулювання. **Наукова новизна** полягає у обґрунтуванні та відповідному дослідженні інтелектуальної власності як соціокультурного феномена. **Висновки.** Еволюція інтелектуальної власності наприкінці XX – на початку XXI ст., зокрема в Україні, зумовила її якісну трансформацію. Це проявилось у тому, що інтелектуальна власність сформувалася як самодостатня специфічна наукова категорія, стала самостійним об'єктом наукового осмислення, що має внутрішні напрями наукових пошуків. При цьому вона впевнено увійшла не просто у науковий простір, а й у концептуальне поле сучасних гуманітарних досліджень. Все це дає підстави розширити спектр розуміння багатомірності поняття інтелектуальної власності як соціокультурного феномена.

**Ключові слова:** інтелектуальна власність, соціокультурний простір, творчість, законодавство, інновації.

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### Интеллектуальная собственность в парадигме социокультурного развития общества

**Цель** – проанализировать трансформирование интеллектуальной собственности в парадигме социокультурного развития общества. **Методология** исследования основана на общенаучных и специальных методах (среди которых аналитический, сравнительно-правовой, системный, атрибутивный, процессуальный, когнитивный) с целью воспроизведения интеллектуального потенциала общества, который в процессе расширения своего статуса от социально-экономического и правового до социокультурного требует более совершенного постоянного общегосударственного учета и соответствующего регулирования. **Научная новизна** заключается в обосновании и соответствующем исследовании интеллектуальной собственности как социокультурного феномена. **Выводы.** Эволюция интеллектуальной собственности в конце XX – начале XXI в., в частности в Украине, обусловила ее качественную трансформацию. Это проявилось в том, что интеллектуальная собственность сформировалась как самодостаточная специфическая научная категория, стала самостоятельным объектом научного осмысления, что имеет внутреннее направление научных изысканий. При этом она уверенно вошла не просто в научное пространство, но и в концептуальное поле современных гуманитарных исследований. Все это дает основания расширить спектр понимания многомерного понятия интеллектуальной собственности как социокультурного феномена.

**Ключевые слова:** интеллектуальная собственность, социокультурное пространство, творчество, законодательство, инновации.

**Formulation of Problem.** The modern world in the paradigm of the sociocultural development of societies enters a new era – the era of intellectual property. The global educational society is emerging. The main resource of any modern company is the cultural educated person with developed thinking, who can generate ideas and implement innovations. It concerns various firms from small ventures to transnational companies. In the new trends of the XXIst century, the intellectual property plays the leading role. Knowledge, information and people as their main elements become the important factors of the sociocultural development of the society.

**Actuality and Purpose.** There are many various interpretations of the concept of "intellectual property". However, the intellectual property in the paradigm of sociocultural development of the society is the sociocultural phenomenon, which is determined by the specific features of the sociocultural environment. Natu-

rally, the vector of the transformations, concerned the information and technological innovations and technical removed from economic and legal level to the sociocultural one. These transformations actualize the actuality of our research.

The purpose of the research is to analyse the transformations of intellectual property in the paradigm of the sociocultural development of a society.

State of Scientific Development. The role of the intellectual property in the paradigm of the sociocultural development of the society are analysed by many Ukrainian and foreign scholars – lawyers, economists, sociologists, cultural scientists. This fact proves the actuality of the topic. We can name the following Ukrainian scientists: O.V. Berveno [1], T. I. Byrkovych, I. S. Bondar, R. B. Shishka, I. M. Sopilko, N. V. Filyk [3], O. V. Stovpets [5], E. I. Khodakivsky, V.P. Yakobchuk, I. L. Lytvynchuk [6] G.Cherevko [7]. In addition, we should mention the works of well-known foreign researchers such as P. Sorokin [3], M. Weber [2], and others.

At the same time, in our opinion, the influence of the intellectual property on the sociocultural development of the society is at the crossroads of practical and theoretical interests. The issues of legislative consolidation of the influence of the institution of the intellectual property as a heterogeneous, multi-sectoral, multidimensional social institution on the level of competitiveness, socio-economic formation, cultural potential of the society have been researched yet.

Main Part. The future of mankind and our country depends on the ability to achieve new results in the creative, intellectual field of the human activities and to use them to fight against the various threats.

The concept "culture" in the context of intellectual property means its sociocultural integrity, which phenomena are full of the different basic principles and values. "Civilization" is the certain form of the existence of culture. According to M. Weber, culture and civilization are two closely related phenomena. However, they differ each other. In his opinion, culture is something that emerges when we rise above our vital level, whereas civilization is the phenomenon, which is connected with the rationalization of our being, the mastering of the forces of nature, the effectiveness of the instruments and means of production. M. Weber states that the specific feature of civilization is its universalism. People, who are living on the different continents and representing various values and traditions, apply its benefits. The using the achievements of the civilization is a prerequisite for the development of culture and the transition to a higher level of human being. The common features of the civilization development of the various societies are the basis for the comparative analysis of them as the sociocultural entities [2].

P. Sorokin, a outstanding sociologist of the XX century, a founder of the sociocultural approach states the following position in his collection of works "Man. Civilization. Society" : "Society and culture represent the unity whereas the society is the individuals with their sociocultural relations and processes. Culture is a synthesis of meanings, values and norms and their carriers, who objectify, socialize and highlight these norms and values. So, culture appears a decisive forpersonal determinant of social human behaviour whereas the society is the sociocultural formation" [4, 429]. In P. Sorokin's opinion the sociocultural interaction is the specific matrix: "Any great culture is not merely a conglomeration of various phenomena that coexist. It is the system, which components are united by the fundamental principle. All of them express the key value. The dominant features of its art, science, philosophy and religion, ethics and law, its basic forms of social, economic organization, its traditions and customs, its way of life and thinking reflect its fundamental principle and its main value. The latter is the basis and foundation of any culture. So, naturally, the most important components of such an integrated culture are rather interdependent. The changes in one of them lead to the transformations in the others" [4, 429].

Unfortunately, recently the intellectual and civilization potential of Ukraine, accumulated over the centuries, has been damaged in the course of the transformation crisis in recent years. In addition, the "critical mass" of intelligence in science, business, politics and culture is the necessary factor for the implementation of the modern development strategy, which would allow Ukraine to enter the civilized community of countries [1]. Ukraine has the extremely powerful intellectual potential. It as the "young" independent state must integrate into a qualitatively new world. At the beginning of the XX century, our state was one of the thirty countries of the world intellectual elite. For example, in the rocket and space industry Ukraine possesses 17 basic technologies among 22 well-known ones in the world and one of the eight countries, which export air-space technologies. The country maintains the sufficient scientific and technical potential in the following fields: the defense industry (radio tracking, radar, precision weapons, armored vehicles and air defense systems); atomic engineering; the aviation and power turbine-building; ultra high frequency technology; the production of crystalline materials for microelectronics, solar energy, etc. Ukraine is not worse than the well-developed European countries in the number of top-level scholars of higher education per capita. The number of the certified IT professionals ranks it the 4th place in the world.

Naturally, it is necessary to find the principles of the effectiveness of public investment for the further development of our country and the survival of mankind in general, which would allow harmoniously combine the industrial, sociocultural and natural spheres of the modern society. The most productive way is the development and facilitation of the intellectual and creative activity. The intellectual property, created on its basis, becomes the condition of the preservation of the intellectual fund and the creative activity.

Therefore, the state's attention only to the protection of the need for the permanent creation of new objects of intellectual property laws, means and methods of their legal security would be banal, because the transformation of intellectual property in the paradigm of the sociocultural development affects usually the cultural and socioeconomic spheres of human life. The latter requires the legislative consolidation, which determines the competitiveness of organizations and enterprises of various forms of ownership. So, it is a key factor in the development of all subjects of sociocultural and economic activity.

In the paradigm of sociocultural development of the society, the category of "property" is rather contradictory. Property occupies the central place in the economic system, because it defines the social structure of the society, determines the specific features of management of economic processes and the nature of using and consumption of the created products. We can analyse the term of "property" from the different points of view, whereas the legal one is the most important among them. It includes the right of property, which means the legal norms of the economic subjects' relations, concerned the possession and using the property.

According to G. Cherevko, the "intellectual property" develops as a specific system of knowledge. So, psychologists study it as a result of mental activity, whereas the experts in heuristics find out the main rules for the creation of innovations. Sociologists analyse the relationship between the development of creative activity and social and scientific progress. Economists investigate intellectual property in the context of the increasing the efficiency of production, whereas the lawyer studies it as an object of law etc. [8, 24-25].

Finally, the analysis of the modern legal and socioeconomic literature shows that the modern trends in social development often can be explained by two theoretical paradigms – the conception of the post-industrial society and the conception of the information society. In addition, some authors identify these terms, whereas the others write that the information society "grows" based on the post-industrial one. So, it is the higher stage in the development of mankind. In our opinion, the human society of XXI century should become educational and innovative. The knowledge and human intelligence have already become the main resources of its development.

At the end of the XX – the beginning of XXI centuries, the problems of legislative consolidation, dealt with the creation, transformation, using and protection of intellectual property rights, particularly, were actualized. They have become the crucial issue, concerned the development of the new digital technologies with the possibilities of the rapid replication, reproduction of the intellectual property. It is connected with the changes in its media and means of distribution (cable distribution, satellite broadcasting, etc.), with the focus on the copyright and related rights, with the development of the software tools to ensure the author's rights [3, 6]. International and national laws regulate the objects of the intellectual property. They are fixed by national legal systems. In addition, it has the subsidiary nature and often used as an instrument of the implementation of national legal regulation, taking into account national traditions and the particularities of the national school of law.

Conclusions. The evolution of intellectual property in Ukraine led to its qualitative transformation at the end XX – the beginning of XXI centuries. We can explain it by the fact that the intellectual property has been formed as the self-sufficient specific scientific category. In addition, it has become the independent object of the scientific reflection with its branches. Moreover, it has entered the scientific space as well as the conceptual field of modern humanities researches. Therefore, it allows us to expand the understanding of the multidimensional concept of the intellectual property as the sociocultural phenomenon.

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