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COPYRIGHT IN THE SYSTEM OF HUMAN RIGHTS

In the modern period of formation of Ukraine as a democratic, social and legal state, which is complicated by several factors, such as economic instability, low effectiveness of management structures, social conflicts and more, makes the topic of the article relevant.

Formation of civil society in Ukraine is impossible without an adequate guarantee of individual rights. It is clear that the declaration of rights and their enforcement are two different things. On the basis of the Constitution of Ukraine above all concerning human rights and freedoms, it is necessary to adopt the laws establishing an effective mechanism for the implementation of these rights and freedoms, including copyright.

In our opinion, the copyright should be considered among economic and cultural rights of the individual.

Art. 57 of the Constitution of Ukraine guarantees freedom of literary, artistic, scientific and technical creativity, claims protection of intellectual property, copyright, moral and material interests which arise from different types of intellectual activity.

Convention Establishing the World Intellectual Property Organization (1967) in p. VIII, Art. 2 indicates that intellectual property includes rights re-

lating to: literary, artistic and scientific achievements; sound recordings, radio and television broadcasts, inventions in all fields of human activity, scientific discoveries, industrial designs, trademarks, service marks, trade names and commercial designations; protection against unfair competition; and all other rights relating to intellectual property in the industrial, scientific, literary and artistic fields.

At the national level, Art. 54 of the Constitution of Ukraine declares: freedom of literary, artistic, scientific and technical creativity; protection of intellectual property rights, copyrights, moral and material interests as results of all sorts of creative activity. According to the above, the basis of these rights are freedoms, as creativity and especially productive creative work is impossible without freedom of creators' outlook as well as protection and defence of their rights, filling of moral and material rights with the content.

The place of copyright in the system of rights of individuals according to the traditional classification of human and civil rights should be a determined as one of the basic cultural rights, as guaranteed by the state on the level of constitutional norms.

