



COLLECTION OF SCIENTIFIC PAPERS



ISSUE
№53

4TH INTERNATIONAL SCIENTIFIC
AND PRACTICAL CONFERENCE

**GLOBAL TRENDS
IN SCIENCE,
TECHNOLOGY
AND ECONOMY**

JANUARY 14-16, 2026
GRAZ, AUSTRIA





INTERNATIONAL SCIENTIFIC UNITY

4th International Scientific and Practical Conference
**«Global Trends in Science, Technology and
Economy»**

Collection of Scientific Papers

January 14-16, 2026
Graz, Austria

UDC 001(08)

Global Trends in Science, Technology and Economy: Collection of Scientific Papers with Proceedings of the 4th International Scientific and Practical Conference. International Scientific Unity. Graz, Austria. January 14-16, 2026.

ISBN 979-8-89704-984-4 (series)
DOI 10.70286/ISU-14.01.2026

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CONTENT

SECTION: AGRICULTURAL SCIENCES

Tretiakova S., Vasiliev O., Tretiakova A., Kompaniets Ye., Chabaniuk Ya. DIGITAL TRANSFORMATION OF THE AGRICULTURAL SECTOR: KEY ELEMENTS AND THEIR IMPACT ON WINTER WHEAT PRODUCTIVITY.....	16
---	----

SECTION: BIOLOGY AND BIOCHEMISTRY

Пида С.В., Конончук О. Б., Дзендзель А.Ю., Сем'янів М.В. ПРОДУКТИВНІСТЬ КВАСОЛІ ЗВИЧАЙНОЇ (PHASEOLUS VULGARIS (L.) MERR.) ЗА ВПЛИВУ РЕКУЛЬТИВАНТУ КОМПОЗИЦІЙНОГО TREVITAN® ПОЛІКОМПЛЕКС.....	21
--	----

Məmmədova G.Ə. BİOLOGİYA DƏRSLƏRİNDƏ MÜŞAHİDƏ VƏ EKSPERİMENT METODLARININ TƏTBİQİ.....	24
---	----

SECTION: BOTANY AND FORESTRY

Lozinska T., Sokolenko K., Karaulna V., Dmytruk R. FIRE RESISTANCE OF TREE SPECIES IN FOREST ECOSYSTEMS UNDER GLOBAL CLIMATE CHANGE.....	30
---	----

SECTION: CHEMISTRY AND PHARMACEUTICALS

Матвієнко П.О., Авдєєва О.Ю. ДОСЛІДЖЕННЯ ПРОЦЕСІВ ФОТОКАТАЛІЗУ СИНТЕТИЧНИХ ХАРЧОВИХ БАРВНИКІВ.....	33
---	----

SECTION: CULTUROLOGY AND PHILOSOPHY

Rzaev M. THE PROBLEM OF GRIEF IN DIFFERENT RELIGIOUS SYSTEMS (COMPARATIVE CONTEXT).....	36
--	----

SECTION: DESIGN

Nəcəfli L.R. DİZAYN MÜHƏNDİSLİYİ VƏ RƏQƏMSAL DİZAYN MÜHİTİNDƏ SÜNİ İNTELLEKT: ANALİTİK, VİZUAL VƏ STRUKTUR İNNOVASIYALARIN TƏHLİLİ.....	41
---	----

Грищук А.Б., Мороз Н.С. ЕЛЕКТРОННИЙ ДОКУМЕНТООБІГ: ПОНЯТТЯ, ПЕРЕВАГИ ТА ПОДАЛЬШИЙ РОЗВИТОК.....	147
Антонов А. СУБ'ЄКТИВНІ ОЗНАКИ АДМІНІСТРАТИВНИХ ДЕЛІКТІВ, ЩО ПОСЯГАЮТЬ НА ПРАВО ВЛАСНОСТІ.....	150
Kasmin D., Poltavets M. PROTECTION OF COPYRIGHT AND RELATED RIGHTS IN UKRAINE: EFFECTIVENESS OF LEGAL INSTRUMENTS.....	156
Бакутін А.О. ПРАВОВИЙ СТАТУС ХОРЕОГРАФІЧНИХ ОБ'ЄКТІВ, СТВОРЕНИХ ЗА ДОПОМОГОЮ ШТУЧНОГО ІНТЕЛЕКТУ: ВИКЛИКИ ДЛЯ ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ.....	160
SECTION: MANAGEMENT AND PUBLIC ADMINISTRATION	
Цюсьмак К. РЕСУРСНА КОНЦЕПЦІЯ ВНУТРІШНЬОГО СЕРЕДОВИЩА ПІДПРИЄМСТВА ЯК ОСНОВА ЙОГО СТРАТЕГІЧНОЇ СТІЙКОСТІ	165
Коцюбинський О.В. КІБЕРБЕЗПЕКА КРИТИЧНОЇ ЕНЕРГЕТИЧНОЇ ІНФРАСТРУКТУРИ: ВИКЛИКИ ПУБЛІЧНОГО УПРАВЛІННЯ В ЦИФРОВУ ЕПОХУ.....	167
Федунишин І.Я. СТРАТЕГІЧНЕ УПРАВЛІННЯ ЕНЕРГОЕФЕКТИВНІСТЮ ГРОМАД: ПЕРЕХІД ВІД ТОЧКОВИХ ПРОЄКТІВ ДО ПОРТФЕЛЬНОГО ПЛАНУВАННЯ.....	171
Bobko V. AI AND MANAGEMENT: SYSTEMIC AI INTEGRATION AND THE MITIGATION OF "SHADOW AI" IN THE 2026 ENTERPRISE.....	174
Литвишко Л.О., Купрієнко О.О. ЦИФРОВІЗАЦІЯ ПОДАТКОВОГО АДМІНІСТРУВАННЯ ЯК ФАКТОР ПІДВИЩЕННЯ ТОЧНОСТІ ОБЛІКОВОЇ ІНФОРМАЦІЇ....	176
Abbasova Sh.Q. MODERN APPROACHES TO MANAGEMENT AND PUBLIC ADMINISTRATION IN THE CONTEXT OF GLOBAL TRANSFORMATION.....	178

9. Про захист прав споживачів: Закон України від 12.05.1991 р. № 1023-ХІІ. Відомості Верховної Ради УРСР (ВВР), 1991. № 30. Ст. 379
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11. Про захист економічної конкуренції: Закон України від 11.01.2001 р. № 2210-ІІІ. Відомості Верховної Ради України (ВВР), 2001. № 12. Ст. 64
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13. Про особливості регулювання діяльності юридичних осіб окремих організаційно-правових форм у перехідний період та об'єднань юридичних осіб: Закон України від 09.01.2025 р. № 4196-ІХ. Відомості Верховної Ради (ВВР), 2025. №№ 28-29. Ст. 94
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PROTECTION OF COPYRIGHT AND RELATED RIGHTS IN UKRAINE: EFFECTIVENESS OF LEGAL INSTRUMENTS

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In the current context of the development of the information society, legal protection of creative works is becoming crucial for ensuring intellectual property rights. Copyright and related rights form the basis of the legal protection system for creative works in the fields of science, literature, and art, which contributes to the development of creative industries and the creative economy. This issue is particularly relevant in Ukraine, where national copyright legislation is not only being updated in line with international standards, but also faces the challenges of digital transformation, in particular the distribution of content on the Internet and issues of protection of digital works.

Historically, the copyright system in Ukraine was based on the Law of Ukraine “On Copyright and Related Rights” dated December 23, 1993 (Law of Ukraine, 1993), which established the basic concepts, objects, and subjects of copyright and related

rights, as well as mechanisms for their protection. However, with the development of digital technologies, the growth of the number of Internet platforms and new media, there was a need to modernize this legislation. To this end, in 2022, a new version of the Law of Ukraine No. 2811-IX “On Copyright and Related Rights” was adopted, which came into force on January 1, 2023 (Law of Ukraine, 2022), and contains new approaches to the legal protection of works in the digital environment, mechanisms for the transfer of rights, and norms that take into account modern challenges (including issues of AI and digital content).

An important aspect of the national legal system is also the harmonization of Ukrainian legislation with international standards, such as the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention, 1979), ratified by Ukraine in 1995. This provides not only domestic protection, but also legal cooperation with other states, which is crucial for the protection of Ukrainian authors' creative works abroad.

The effectiveness of legal instruments in the field of copyright depends on a comprehensive approach: from a clear legislative framework to mechanisms for applying norms in judicial practice and international agreements. Despite the existence of fundamental laws, a number of problems remain in practice: the lack of regulation of certain aspects of digital use of works, difficulties with collective rights management, and the issue of legal liability in cases of mass infringement of rights (e.g., piracy of digital content).

In this context, the subject of the study is to analyze the effectiveness of legal instruments used in Ukraine to protect copyright and related rights, as well as to identify key problems and ways to solve them.

The purpose of the study is to determine the effectiveness of legal instruments for the protection of copyright and related rights in Ukraine in the context of contemporary legal challenges.

An analysis of current legislation and court practices reveals a number of problems that limit the effectiveness of legal instruments for the protection of copyright and related rights in Ukraine.

First, one of the key challenges is widespread violations of rights in the digital environment. Despite the existence of legal norms for the protection of works on the Internet, practice shows that the mechanisms for their effective application are still underdeveloped. Online piracy and the distribution of counterfeit content on file-sharing platforms and social networks cause significant damage to authors and rights holders, and the current sanctions do not always have a deterrent effect.

Secondly, the issue of collective management of property rights also needs improvement. As Kovalenko (2020) points out, current procedures for collecting information on the use of works and distributing remuneration are sometimes opaque and do not encourage rights holders to make full use of their property rights. In addition, the lack of modern digital tools for recording the use of works creates risks of unjustified losses of income for authors.

Thirdly, procedural difficulties in judicial protection of rights also limit the effectiveness of legal instruments. Despite the existence of civil procedural law

provisions on copyright protection, court cases involving infringements often require considerable time and resources to build a case, especially when it comes to digital evidence.

At the same time, there are positive developments. The new version of Law No. 2811-IX takes into account modern technological challenges, including rules on the use of works in the digital environment, which contributes to a more effective application of legal instruments in practice. Furthermore, the development of international cooperation in the field of intellectual property protection, in particular the implementation of the provisions of the Berne Convention, creates grounds for strengthening the protection of Ukrainian authors' rights abroad.

For clarity, the key problems and possible solutions are presented in the table 1 below.

Table 1 Problems and prospects for solutions

Problem	Characteristics	Prospects for a solution
Mass violations of digital rights	Online piracy, distribution of counterfeit goods	Development of digital DMCA-like mechanisms, cooperation between platforms and rights holders
Collective rights management	Lack of transparency in the collection and distribution of remuneration	Introduction of digital accounting systems, stricter control and reporting
Court proceedings	Complex evidence base	Improvement of procedural rules, specialized expert services

In general, the effectiveness of legal instruments for the protection of copyright and related rights in Ukraine is determined by a number of factors, including not only the existence of relevant laws, but also their actual application, the transparency of collective management mechanisms, and the ability of the legal system to respond adequately to the challenges of the digital age.

Scientific research indicates the importance of effective law enforcement in the field of copyright. In particular, an analysis of the problems of intellectual property enforcement and protection in Ukraine from the perspective of law enforcement shows that successful protection of rights depends not only on the existence of laws, but also on their practical application in court practice and compliance with procedures for proving violations (Nosik & Kharchenko, 2025). In the article, the authors emphasize the application of the provisions of the Civil Code of Ukraine (2003) to ensure the effective protection of intellectual property in the context of modern challenges.

Another important aspect is compensation for copyright infringement. An analysis of the legal instruments governing lump-sum payments and compensation mechanisms indicates that current Ukrainian legislation provides not only for punishment but also for fair compensation for affected rights holders (Kharchenko, Nosik & Zerov, 2025). This is important for motivating authors to protect their rights and use the available legal remedies.

Special attention in scientific literature is paid to the comparative analysis of Ukrainian legislation with European standards. For example, Dilihyl (2024) analyzes the possibility of implementing best practices in legal regulation from EU countries to improve the effectiveness of copyright protection in Ukraine, focusing on issues of copyright remuneration, reproduction, and distribution of works.

Another source is the English-language work by Yurynets, Belkin, and Belkin (2019), which examines the protection of copyright and related rights in Ukraine in the context of international law, emphasizing the importance of harmonizing national norms with European and international agreements for optimal protection of rights in a transnational context.

Thus, the effectiveness of legal instruments for the protection of copyright and related rights in Ukraine is determined not only by regulatory provisions, but also by the ability of the legal system to respond adequately to practical challenges: digital infringements, collective rights management, judicial evidence practice, and harmonization with international standards. It is quite obvious that further improvement of legal protection requires both legislative initiatives and the development of practices for applying the rules in modern conditions.

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