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RESEARCH OF CONFLICTING INTERESTS IN THE FIELD OF INTELLECTUAL PROPERTY

Kosenko Andry Vasilovich,
Ph.D., Associate Professor
National Technical University «KhPI»;
Petrova Mariia Yevgenivna,
Master's student in economics
National Technical University «KhPI»,
Ukraine, Kharkiv

Abstract. *The report is devoted to the analysis of conflicting interests that arise in the field of intellectual property (IP). The relevance of the topic is due to the rapid development of technologies and innovations, which, in turn, leads to an increase in the number of cases where IP rights may contradict each other. The report examines the main types of conflicts of interest that may arise between different participants in legal relations, such as authors, investors and companies, as well as their impact on the protection of intellectual property rights. The practical significance of conflicts of interest and their consequences for business are analyzed, in particular in the context of legal disputes and ethical aspects.*

Keywords: *intellectual property, legal support, conflict situations, legal protection.*

Анотація. *Доповідь присвячена аналізу конфліктних інтересів, що виникають у сфері інтелектуальної власності. Актуальність теми зумовлена стрімким розвитком технологій та інновацій, що, в свою чергу, веде до підвищення числа випадків, коли права на ІВ можуть суперечити одне одному. У доповіді розглядаються основні види конфліктів інтересів, які можуть виникати між різними учасниками правовідносин, такими як автори, інвестори та компанії, а також їх вплив на захист прав інтелектуальної власності. Аналізується практична значущість конфліктів інтересів та їх наслідки для бізнесу, зокрема у контексті юридичних спорів та етичних аспектів.*

Ключові слова: *інтелектуальна власність, правове забезпечення, конфліктні ситуації, правовий захист.*

In the context of the rapid development of technology and innovation, conflicts of interest in the field of intellectual property (IP) have become extremely relevant. Intellectual property is an important economic asset for enterprises, stimulating competitiveness and providing rewards for innovation [1–10]. Therefore, the study of conflicts of interest in this area is of key importance.

Conflicting interests in the field of intellectual property are becoming an increasingly relevant topic in the context of globalization and the development of the information society. On the one hand, intellectual property is an important resource for economic development and innovation, on the other hand, it can be a source of significant conflicts between legal entities. This article will consider the main aspects of conflict of interest in the field of intellectual property, their causes and possible solutions.

A conflict of interest arises when different parties have opposing interests in relation to the same piece of intellectual property. This may be due to the rights to use the object, licensing conditions, distribution of income, and other aspects. The main reason for such conflicts is the high value of intellectual property and its strategic importance for business. As the pace of innovation increases, there is a rapid increase in cases where IP rights can overlap or contradict each other. This requires a detailed analysis to avoid legal problems. Unresolved conflicts can jeopardize and violate intellectual property rights, often leading to litigation. Researching these issues will help in the development of effective protection mechanisms. Conflicts of interest can also have ethical and social implications. Important take into account how the interests of individuals affect corporate culture and the general recognition of IP rights.

One of the most common types of conflicts arises between an inventor and his employer regarding the rights to an intellectual product created in the course of performing official duties. Usually, such conflicts arise due to a vague definition of rights in employment contracts. Interaction between different subjects of law – authors, developers, investors and companies – can lead to conflicts of interest, which complicates the issue of ownership of the results of intellectual activity.

License agreements are often a source of conflict due to the ambiguity of terms regarding the use of intellectual property, the scope of rights, the amount of royalties and other aspects.

In the case when the object of intellectual property is created by several persons, there may be a conflict regarding the distribution of rights, the contribution of each of the authors and their share in financial rewards.

Conflicts arise due to the use of similar or identical intellectual property, such as trademarks, patents or copyrights, which can lead to litigation and significant financial losses.

The main causes of conflicts in the field of intellectual property, in our opinion, are as follows.

1. **Ambiguity of legal regulation.** Intellectual property legislation often contains gaps or vague language that may be interpreted differently by the parties.

2. **Vagueness of contracts.** The lack of clear conditions in licensing or employment agreements regarding the distribution of rights and obligations can lead to discrepancies and, as a result, to conflicts.

3. **High value of intellectual property.** Intellectual property often has a high commercial value, which increases the likelihood of disputes arising from its use.

4. **Methods of resolving conflicting interests.** To resolve conflicting interests in the field of intellectual property, the following methods are used:

- negotiation: one of the most effective methods of conflict resolution, which involves reaching a compromise between the parties without going to court;

- mediation and arbitration: if it is impossible to resolve the conflict through negotiations, the parties may apply to a mediator or arbitration court to resolve the dispute;

- Judicial resolution: If other methods have failed, the conflict can be resolved in court. However, litigation is lengthy and costly, so it is advisable to avoid them if possible.

In order to minimize the risk of conflicts in the field of intellectual property, it is recommended to take the following preventive measures:

- Clear definition of rights and obligations in contracts: All terms and conditions relating to intellectual property rights should be clearly spelled out in the relevant contracts;

- Regular Intellectual Property Audits: This allows you to identify potential issues at an early stage and take steps to address them;

- Raising the level of legal awareness: Educational programs and trainings for employees and managers will help raise awareness of intellectual property rights and avoid conflicts.

Addressing conflicts of interest in IP may require legislative reforms that provide a more transparent and fair enforcement mechanism.

Conclusion. Conflicting interests in the field of intellectual property are a complex and multifaceted phenomenon that requires an integrated approach to its solution. Avoidance of conflicts is possible under the condition of clear regulation of legal relations, raising the legal awareness of legal entities and active use of preventive measures. The report outlines the need for legal reforms that can provide a more effective mechanism for the protection of IP rights,

reduce the risks of conflict and contribute to the sustainable development of the innovation ecosystem. The report's findings highlight the importance of identifying and resolving conflicts of interest to ensure fairness, transparency, and stability in the field of intellectual property.

The study of conflicting interests in the field of intellectual property is a necessary step to support the innovation ecosystem, develop entrepreneurship and strengthen the legal system. This will allow you to identify potential problems in advance and prevent them from occurring, which, in turn, will promote healthy competitive behavior in business.

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