Artículo de investigación

Website as an object of legal protection by Ukrainian legislation

Веб-сайт як об'єкт правової охорони за законодавством України

Sitio web como objeto de protección legal por la legislación de Ukrania

Recibido: 5 de junio del 2019 Aceptado: 5 de julio del 2019

Written by:
Kateryna Nekit[71]
https://orcid.org/0000-0002-3540-350X
Halyna Ulianova[72]
https://orcid.org/0000-0002-2908-6464
Denis Kolodin[73]
https://orcid.org/0000-0001-6368-0849

Abstract

The article is devoted to the study of the concept, legal nature and components of a website. Based on the method of systematic and formal analysis, the conclusion is made, that the current definition of the concept of a website gives grounds to consider it a complex object of civil rights. In the structure of the website the objects of intellectual property rights (copyright, related rights, industrial property rights), as well as such a separate object of civil rights as information can be identified. Each of these objects has its own legal regime, but the website as a whole may also act as a separate object of civil relations, be subject to legal protection as a separate object, become subject to assignments, etc. The correlation between the concepts of the website and the domain name is carried out using the comparative method. It is concluded that the website and the domain name are separate independent objects on the civil field. A domain name is not an integral part of a website and should not be passed by default upon alienation of a website. Special attention is paid to protecting the content of the website from plagiarism and piracy, as well as liability for inaccurate information posted on the site.

Keywords: Website, domain name, content, digital content, complex object, invalid information, property, intellectual property.

Аннотация

Статтю присвячено дослідженню поняття, правової природи та складових елементів веб-сайту. За допомогою методу системного та формального аналізу зроблено висновок, що виходячи з чинного визначення поняття веб-сайту, його слід вважати комплексним об'єктом цивільних прав. В структурі веб-сайту можна виділити об'єкти права інтелектуальної власності (авторських, суміжних прав, права промислової власності), а також такий окремий об'єкт цивільних прав як інформація. Кожен з цих об'єктів має свій правовий режим, але веб-сайт у цілому також може виступати окремим об'єктом цивільних відносин, підлягати правовій охороні як окремий об'єкт, ставати предметом правочинів тощо. За допомогою порівняльного методу проведено співвідношення понять веб-сайту та доменного імені. Зроблено висновки, щоб веб-сайт і доменне ім'я є окремими самостійними об'єктами цивільного обігу. Доменне ім'я не є складовою частиною веб-сайту та не повинно за замовченням передаватись при відчуженні веб-сайту. Окрема увага приділена захисту контенту веб-сайту від плагіату та піратства, а також відповідальності за недостовірну інформацію, розміщену на сайті.

[71] PhD, Associate Professor of Civil Law Department of National University "Odessa Law Academy" katerinanekit@gmail.com
[72] Doctor of Law Science, Professor, Professor of Intellectual Property and Corporate Law Department, Vice-rector for Scientific Work of National University «Odesa Law Academy» ulianova@onua.edu.ua
[73] PhD, Professor assistant of Criminal law Department, Head of Civil law and Economic Justice Faculty of National University "Odesa Law Academy" kolodinodessa@gmail.com

Ключові слова: веб-сайт, доменне ім'я, контент, цифровий твір, комплексний об'єкт, недостовірна інформація, право власності, право інтелектуальної власності.

Resumen

El artículo está dedicado al estudio del concepto, la naturaleza jurídica y los componentes de un sitio web. Sobre la base del método de análisis sistemático y formal, se llega a la conclusión de que la definición actual del concepto de sitio web proporciona una base para considerarlo un objeto complejo de derechos civiles. En la estructura del sitio web se pueden identificar los objetos de derechos de propiedad intelectual (derechos de autor, derechos afines, derechos de propiedad industrial), así como un objeto separado de derechos civiles como información. Cada uno de estos objetos tiene su propio régimen legal, pero el sitio web en su conjunto también puede actuar como un objeto separado de relaciones civiles, estar sujeto a la protección legal como un objeto separado, estar sujeto a tareas, etc. La correlación entre los conceptos de El sitio web y el nombre de dominio se llevan a cabo utilizando el método comparativo. Se concluye que el sitio web y el nombre de dominio son objetos independientes separados en el campo civil. Un nombre de dominio no es una parte integral de un sitio web y no se debe pasar de forma predeterminada al enajenar un sitio web. Se presta especial atención a proteger el contenido del sitio web del plagio y la piratería, así como la responsabilidad por la información inexacta publicada en el sitio.

Palabras clave: Sitio web, nombre de dominio, contenido, contenido digital, objeto complejo, información no válida, propiedad, propiedad intelectual.

Introduction

Modern life is difficult to imagine without daily use of the Internet. We visit dozens of sites where we get acquainted with new information, exchange opinions by leaving comments, sharing the news every day. Thousands of new sites are being developed every day, content and design of existing ones are updated, numerous new copyright objects are created. Websites have long turned into independent objects of civilian circulation. They are custom-designed, alienated, transmitted for temporary use.

This situation requires careful attention to the legal regulation of relations related to the creation, use, and management of websites, to properly protect the rights of owners of sites and individual objects that are part of their structure. Therefore, it is extremely important to determine the legal nature of the website and its individual elements.

METHODOLOGY

General and special scientific methods were used in the process of research. Legal nature of web site was considered on the basis of the laws and scientific literature analysis. As material for study were used social relations arose in the sphere of legal protection of web sites. Methodological basis for study was a dialectical method that allowed to review the issues in their development and interconnection.

Methods of analysis and synthesis were used to determine the nature of web site as an object of civil rights and its structure. A comparative method was used for revealing differences between legal nature of a web site and domain name. Experience of providing rights connected to using web sites was reviewed using legal method.

THE CONCEPT OF A WEBSITE IN THE CIVIL LEGISLATION OF UKRAINE

The legal definition of the concept of a website was not fixed in Ukrainian legislation during a long period of time. The main normative act which defined the concept of a website was the common Order of the State Committee for Information Policy, Television and Radio Broadcasting of Ukraine and the State Committee for Communication and Informatization of Ukraine dated November 25, 2002 "On the Approval of the Procedure for Informational Content and Technical Support of the Single Web-portal of executive bodies and the procedure for the functioning of websites of executive bodies". According to this Order, the website is understood as a set of software and hardware with a unique address on the Internet,

along with information resources available at the disposal of a certain entity and provide access of legal entities and individuals to these information resources and other information services through the Internet.

The concept of a website was defined at the legislative level in Ukraine only in 2017. The Law of Ukraine "On Copyright and Related Rights" was supplemented by the definition of the concept of a website, according to which the website refers to a set of data, electronic (digital) information, other objects of copyright and (or) related rights, etc., interconnected and structured within the address of the website and / or the owner's account of the website accessed through an Internet address that may consist of a domain name, directory entries or calls and / or numeric Internet protocol addresses.

The essential difference between these mentioned definitions is that in defining the concept of a website at the legislative level, the legislator refused to bind to hardware, which means to the material component such as a server. An existing approach has allowed some scholars to consider the website as a property complex (since according to the definition, the website included both intangible and tangible objects). For example, M. Gura (2006) suggested that the web site can be understood as a separate, logically complemented element of the Internet, which is created on the basis of the technology of hyperlinks, located on the server (host), has a unique address (URL), which can be accessed by any user of the Internet, and basically contains web pages that have a graphical look that can be viewed using special computer programs (browsers). From this definition, we can conclude that the website combines both material (server) and intangible (programs, graphic design, etc.) objects.

P. Babarykin (2005) also defines the website as a set of tangible and intangible elements. He proposes to consider the website in a broad (as a property complex) and narrow (as a digital work) meanings. P. Babarykin (2005) offers an understanding of the digital product as the objective presentation and organization of electronic documents and digital works (for example, literary works, photographs, audiovisual works, sound recordings, computer database programs, etc.), which are structured in such a way that these data can be found and processed with the help of Internet technologies. He offers to include all types of property intended for its functioning, including information resource, electronic documents, and digital works, domain name, hosting services or data transmission on the Internet, to the website as a property complex.

Other scholars consider that a website should be understood as an object of intellectual property rights, in particular, a copyright object. For example, K. Basmanova (2010) offers to understand the website as the result of intellectual activity placed on the Internet, consisting of a static basis (the basic element of the site), which is a program code and generated by it visual representations (site design), and a dynamic content, which represents a set of dissimilar objects of exclusive rights and other materials, systematically located within the base element of the site. The author relates the website to complicated copyright objects.

Burylo Y. (2015) also considers the website as an object of intellectual property rights. He criticizes the attempt to include hardware in the concept of a website because even if the website is placed on a web server, structurally appropriate hardware is not part of the website. This position is based on the fact that several websites can be hosted on one web server at a time. Therefore, it is obvious that the same server cannot be simultaneously a part of several websites.

The definition of the website as an object of copyright is also fixed in the official position of the Ukrainian government body, which ensures the implementation of state policy in the field of intellectual property (State Department of Intellectual Property). In the Letter of the State Department of Intellectual Property dated January 22, 2007 "As to the website as an object of copyright," the website is understood as a collection of information resources referring to composite works.

According to the paragraph (15) part 1 of Art. 8 of the Ukrainian Law "On Copyright and Related Rights" and clause (5) of Art. 2 of the Bern Convention on the Protection of Literary and Artistic Works, composed products as objects of copyright are works in the field of science, literature and art, in particular: collections of works, collections of folk art, encyclopedias and anthologies, collections of ordinary data, other compositions for the conditions that they are the result of creative work in the selection, coordination or streamlining of content without infringing the copyrights of the works included in them as an integral part.

The State Department of Intellectual Property notes that components of the website may include musical, literary, photographic, design and other products. In this case, the website can be defined as a separate compilation. In any case, works that are part of a website are separate objects of copyright.

STRUCTURE AND ELEMENTS OF A WEBSITE

From a legal point of view, the website can contain elements that are different objects of legal protection. This fact causes the difference in regulation and protection of such elements.
First of all, there is a computer program that allows you to place information, use the website, in general, and ensures its functioning. Also, we can distinguish the design of the site, which means the author's composition of graphics, fonts, the structure of data placement, etc. As a website is a selection of certain textual, graphical information and audio-video information, some scholars offer to consider it as a database. In this way, the website as a whole, or its individual components, are defined as intellectual property rights and are subject to legal protection. Sometimes in scholars works it is proposed to protect its separate components as different objects of intellectual property rights, particularly, the computer program and the original selection of material – as objects of copyright, design, registration of pages – as an industrial design, etc.
There are different approaches to determining the elements of a website in Ukraine. According to the position of N. Maidanik (2008), the website structurally consists of the following elements:

1) design;
2) structural solution;
3) software;
4) content;
5) the domain name.

Each of these components is proposed to be considered as a separate object in terms of intellectual property.

Zerov K. (2013) suggests distinguishing in the content of a website such elements as:

1. a composed object of copyright, which is appropriate to understand as all objects of the copyright that can be used directly while viewing a website (fonts, audiovisual works, photographs, literary works, databases, etc.);
2. an information resource which includes any information that is on a website, including non-copyrighted objects (like hyperlinks) and objects that cannot directly be used on the website, but are available for download and further use in a different environment;
3. parts of the official information in an HTML document contained in the same field.

That is why only a part of the content of the website is the subject of copyright. Also, such an object of civil rights as information is an important part of the content of a website. It is important to highlight this object because not all information can be considered as an object of copyright. According to Art. 434 of the Civil Code of Ukraine (hereinafter – the CC of Ukraine), works that are not subject to copyright include, particularly, the announcement of the daily news or other facts having the nature of the usual press information. According to Art. 200 of the CC of Ukraine, information is any data that can be stored on physical media or displayed electronically. According to the Letter of the State Department of Intellectual Property dated November 25, 2004 "On the Protection of Intellectual Property Rights to a Website", the definition of information includes data in any form, on any medium (in photographs, holograms, movies, video films, microfilm, sound recordings, computer system databases, or full or partial reproduction of their elements), explanation (for example), correspondence, books, labels, illustrations (maps, diagrams, drawings, diagrams, etc.) and any other publicly announced or fixed data.

However, it should be mentioned that there are no specific criteria in the legislative framework that would allow the distinction between ordinary information and the result of the journalist's creative work. In practice, this creates opportunities for abuse and misuse of information which, in spite of it is ordinary, is further elaborated by the journalist, supplemented by facts, comments, own forecasts, etc., which gives it a creative character.

THE PROBLEM WITH THE PLAGIARISM OF WEBSITE CONTENT

The concept of plagiarism is related to the content elements of the site, which are the objects of copyright. The plagiarism in the Ukrainian doctrine is understood as intentional unlawful actions which are aimed to assign authorship of

other objects of intellectual and creative right, which lead to violations of personal non-property rights and intellectual property rights of creators, rights, and interests of users of intellectual property rights and interests of the state (Ulianova, 2015). The plagiarism of website content is the use of someone else's text, photos, videos, etc. (content) published without the consent of their author or owner, or without a full active hyperlink to the source installed on each webpage using other people's content.

Plagiarism of the content of a website can be considered any verbatim reproduction of another author's text in the volume of more than 15 words or 100 symbols that are not executed or executed improperly (not specified by the author, specified by another author, another site) with the help of an active hyperlink; any reproduction of video of another author for more than 15 seconds, not executed or executed improperly (not specified by the author, specified by another author, another site) with the help of an active hyperlink. Paraphrase (from Greek - Paraphrasis) is small plagiarism of website content which is promulgated as a presentation of someone's text site with the replacement of words and expressions, but without changing the meaning of the content of the borrowed text.

Administrative and even criminal, not only civil, liability, is established for website content plagiarism in Ukraine.

According to an Art. 512 of the Code on Administrative Offenses of Ukraine, the illegal use of an object of copyright, the appropriation of authorship (plagiarism) on such an object or other intentional violation of rights to an object of intellectual property protected by law entails imposition of a fine from ten to two hundred tax-free minimum incomes of citizens with the confiscation of illegally manufactured products and equipment and materials that are intended for its manufacture.
There is a unit of the Intellectual Property Inspectors as part of the State Department of Intellectual Property. In case of revealing signs of an administrative offense under this article, the state inspector on intellectual property issues, has the right to draw up a protocol on administrative offense and submit it for trial to the court, according to the paragraph 3 of clause 9 of the Regulations on the State Intellectual Property Inspectorate, approved by the Cabinet of Ministers of Ukraine on May 17, 2002.
Criminal liability for violation of copyright and related rights is provided for in Art. 176 of the Criminal Code of Ukraine: illegal reproduction, distribution of scholar works, literature and art ... or other deliberate violation of copyright and related rights, if it caused material damage in a significant amount, is punishable by a fine from two hundred to one thousand tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for the same term, with confiscation and destruction of all samples of scholar works, physical media with computer software, databases, performances, phonograms, broadcasts and equipment and material designated for their production.

The same actions, if committed repeatedly or by a group of persons by a prior conspiracy, or caused material damage to a large extent, shall be punishable by a fine of from one thousand to two thousand non-taxable minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term from two to five years, with the confiscation and destruction of all copies of works, physical medias of computer programs, databases, performances, phonograms, videograms, broadcast programs and tools and materials that were specifically used for their production.

Technical measures of protection are recommended to be used in addition to legal ones in order to ensure the legal protection of the contents of websites that are the subject of copyright. Among the most commonly used tools that are recommended to be used by right holders to prevent violations of their rights, one can distinguish the following:

1) registration of works in the electronic depository before placing on the network. In fact, in case of disputes, this will help to prove the priority of placing the work to the right holder before other sites owners that also placed the same work;

2) printing an article on a paper medium before placing it on the Internet (Sergo A., 2001);

3) software and technical protection, which provides access to the text, viewing of photographic works, but makes it impossible to copy and save them on other media;

4) placing on the site only fragments of works for free in consideration of the possibility of obtaining the full version after payment;

5) the use of technologies for the placement of information hidden from third parties, which in general does not change the appearance of the content and design of the page (Barylnik S.S., Gerasimov N.E., Minin I.V., 2008).

It is important to create conditions for preventing violations of intellectual property rights, even with a thorough protection system. Among the measures which are aimed at preventing violations of intellectual property rights in the Recommendations for ISPs, content providers and users of file-sharing networks and other web-services on the lawful use of copyright and related rights in the Internet, developed by the State Department of Intellectual Property of the Ministry of Education and Science of Ukraine, it is indicated, in particular:

1) creation by right holders of publicly accessible databases for users that would contain information about the objects of copyright and related rights and the conditions for their legal use;

2) creation by right holders of convenient online licensing schemes for content providers, the implementation of which is also facilitated by Internet service providers;

3) expediency of inclusion to the contracts which are contracted by Internet providers the section "The Use of objects of copyright and related rights on the Internet", in which conditions for the use of copyright and related rights objects should be determined;

4) the definition in the contract on the provision of services of access to the Internet, the users' responsibility for the misuse of the objects of copyright and related rights according to the current legislation of Ukraine.

CORRELATION BETWEEN THE CONCEPTS OF A WEBSITE AND A DOMAIN NAME

Speaking about the rights to a website and its individual components, we can not bypass the question of the correlation between the concepts of a website and a domain name. As it was mentioned before, some scholars suggest that a domain name is part of a website. However, we consider that a website and a domain name are separate objects of civil rights. First of all, in support of this conclusion, we can point out the following: the same website can be placed on several domain names, or may not use the domain names at all, when access is directly through the IP address or viewed in a virtual environment or as a saved copy.

There is a clear position regarding the need for qualification of domain names as separate objects in the world practice today. Domain names are quite actively circulating in the civil field, are increasingly becoming objects of transactions, their cost sometimes reaches hundreds of thousands of dollars. World jurisprudence is going through the position of recognition of a domain name as a type of property and, accordingly, an object of property rights. Such an approach is reflected in the position of the European Court of Human Rights (hereinafter - the ECHR). In the case of *Paeffgen GmbH v. Germany* (ECHR Sep. 18, 2007) ECHR has come to the following conclusions.

According to an Art. 1 Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, each person has the right to use and dispose of his property freely; no one can be deprived of his property, except in the interests of society and under the conditions provided for by law and the general principles of international law. As the ECHR notes, the theory of "property" reflected in Art. 1 of Protocol No. 1, "has an independent meaning, which is not limited to possession only of material things and which does not depend on the formal classification in national law. Other specific rights and interests that create a property can also be considered as "property rights" and as "property objects" for the purposes of this article". In order to determine whether an object is an object of property rights, it is necessary to establish whether financial interests are affected by its use and whether the economic value of such an object exists. Taking this into account, the ECHR attributed intellectual property objects and licenses to the objects of the property (same as material).

The suitability of such conclusions is confirmed also by the Ukrainian concept of intellectual property rights. In determining the interrelation of property rights and intellectual property rights, Art. 419 of the CC of Ukraine actually considers them as categories of one kind. Thus, according to the Ukrainian concept, the right of intellectual property is considered as a certain "surrogate" of ownership of a specific object – the results of intellectual, creative activity, acting as a property right. According to the Art. 419 of the CC of

Ukraine, the right of intellectual property and ownership of a thing exist as independent legal categories due to the existence of such differences as:

1) the result of intellectual activity can be recognized as an object of intellectual property rights only according to the requirements of the law;

2) the existence of an intellectual property right, although it is absolute, is limited to a certain period.

Since the right of intellectual property and ownership of a thing are independent, the transfer of each of these rights is an independent legal fact that generates, changes, terminates the independent legal relationship. As a result, the transfer of ownership of a thing does not mean the transfer of intellectual property rights, and vice versa. According to the modern Ukrainian concept in this area, the right of intellectual property is considered as a special kind of property right, and the real rights to a specific object – the results of intellectual, creative activity.

Taking into account the approach of the ECHR, in order to determine whether a domain name is an object of property rights, it is necessary to establish whether financial interests are affected by its use and whether the economic value of such an object exists. The domain name holder has the right to independently determine how to use it (to place an advertisement, a site about services and/or goods, make access to paid or free, may transfer the domain name to a rental, sell it, etc.). Therefore, the exclusive right to use a domain name has an economic value and is a property right in the meaning of Art. 1 Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (Kolosov V.).

The prohibition on the use and disposal of domain names, which does not entail the transfer of the rights of the applicant under his agreements with the registrar, is control over the use of property in the sense of § 2. 1 Protocol No. 1. Such measures as confiscation (including as a result of a crime) and the destruction of property, although it entails the deprivation of this property are aimed at preventing further disposal of objects whose use was found to be illegal and ensuring the implementation of the prohibition in the opinion of the ECHR. The prohibition on the use and disposal of domain names by a particular person contributes to the protection of the general legitimate interest in maintaining a functioning system of protection of trademarks and/or other designations, since it is aimed at preventing the unlawful use by third parties of the distinctive ability and reputation of protected characters and names that cause damage to their owners. This conclusion of the ECHR is probably based on the historically established opinion that the property right as a manifestation of human freedom cannot be completely unlimited and the rule of law that regulates social coexistence can establish certain boundaries of absolute freedom of the owner, imposing on “property” some "restrictions and public interest" or "the interests of private individuals" (Smotrov O., 2009).

Therefore, a website and a domain name should be considered as separate objects of civil rights. Regarding the website in Ukrainian legislation and doctrine, there is a position of the necessity of its qualification as an object of intellectual property rights. Some scholars tend to think that domain names should be considered as objects of intellectual property rights too. They refer to the fact that selecting a designation for registering a domain name can be considered a result of intellectual activity since the choice of a well-remembered domain name is easy to repeat and causes the right associations to be a rather nontrivial task. Therefore, a person, according to his intellectual development, skills and abilities, invents the designation and registers it as a domain name.

THE FEATURES OF RESPONSIBILITY FOR THE CONTENT OF WEBSITES

The ambiguous understanding and blending of the concepts of a website and a domain name results in ambiguous litigation regarding damages caused by inaccurate information posted on a website.

As the concept of a domain name and a website is not sufficiently regulated by legislation, courts try to distinguish these concepts independently, which results in rather ambiguous judicial practice in this area. At the first stage, judges assumed that a website owner is a person who registered a domain name. A domain name registered in the corresponding domain is used to designate the corresponding website. In order for a website to be designated by a specific domain name, you must first register the domain name in the corresponding domain.

Lately appeared some different court decisions. For example, a person appealed to the Melitopol city district court of Zaporizhzhya region to sue

for the protection of honor, dignity and business reputation, and indicated as a proper defendants the owner of the domain name and the open joint-stock company where she worked. The defendant explained to the court that he did own the domain name, but neither he nor the joint-stock company, where he worked as a director, were not the owners of the website on which the article was located. The national registrar of domain names was requested to provide evidence at the petition of the plaintiff. The reply indicated that the domain name registrar did not place the mentioned website on its technical resources and did not own the IP address. For this reason, the requested information about the web resource and IP was unknown to him. Therefore, the court formed the position that the defendant was the owner of the domain name (the name of the website), but not the resource itself.

The decision of the Truskavets city court of Lviv region, dated March 22, 2016, in case No. 457/328/15-ts was similar to the previous one. During the hearings, the court found that truskavets-mi.com.ua is an open public site accessible to a wide range of people. The materials of the case contain a registrar's response, according to which he can not have information about the owner of the site truskavets-mi.com.ua, but only has information about the owner of the domain name truskavets-mi.com.ua. Based on that, court concluded that non-disclosure of claims to a direct distributor of information makes it impossible to assess the actions of defendants in relation to the materials of the statement of claim.

Thus, the courts come to the conclusion that the owners of the domain name and the website can be two different people. Such a situation is possible is possible when the owner of the domain name transfers it to another person for use on the basis of a relevant agreement, of which the administrator and the registrar are not notified (Kysil O., 2016).

CONCLUSIONS

The current legal definition of the concept of a website provides grounds for considering it as a complex object, which includes various objects of intellectual property rights, as well as such a separate object of civil rights as information. According to this, each of these objects has its own legal regime. However, the website as a whole may also be a separate object of civil relations, be subject to legal protection as a separate object, become the subject of transactions, etc. A domain name is an independent object and in case of alienation of a website can be transferred as part of a website only by agreement of the parties, and cannot be considered as a component of a website by default. Mixing the concepts of a website and a domain name leads to misunderstandings, in particular, when identifying the persons responsible for placing inaccurate information on a website.

In the subject of the contract on the alienation of the website to exclude misunderstandings, it is highly desirable to exhaustively list which components that are part of the website are transmitted under the contract. We should pay attention to the objects of intellectual property rights when entering into agreements on the alienation of websites, to verify who they belong to and whether the rights to the buyer can be transferred. Finally, you should check who owns the domain name, or transfer the rights to the domain name together with the website, and also provide in the contract the order of re-registration of the domain name.

REFERENCES

Babarykin P. (2005). Civil law regulation of the creation and use of sites on the Internet. Abstract of PhD Thesis. St. Petersburg University of the Ministry of Internal Affairs of Russia, St. Petersburg. Retrieved from http://law.edu.ru/book/book.asp?bookID=1362832

Barylnik S.S., Gerasimov N.E., Minin I.V. (2008). New approaches to software and hardware protection of network publications. Reports of Tomsk State University of Control Systems and Radioelectronics, 2(18), 43-46.

Basmanova K. (2010). Internet site as an object of property rights. Abstract of PhD Thesis. Institute of Law and Comparative Law at the Government of the Russian Federation, Moscow. Retrieved from https://www.dissercat.com/content/internet-sait-kak-obekt-imushchestvennykh-prav

Burylo Yu. (2015). Web site as an informational resource and as an object of intellectual property rights. Scientific herald of Uzhgorod National University. Series Law, 34 (2), 67-70.

Gura M. (2006). Civil law protection of a web site in Ukraine. Abstract of PhD Thesis. National Academy of Sciences of Ukraine. Institute of State and Law named after V.M. Koretsky, Kyiv. Retrieved from http://irbis-nbuv.gov.ua/cgi-bin/irbis64r_81/cgiirbis_64.exe?Z21ID=&I21DBN=ARD&P21DBN=ARD&S21STN=1&S21REF=10&S21FMT=fullwebr&C21COM=S&S21CNR=20&S21P01=0&S21P02=0&S21P03=A=

&S21COLORTERMS=1&S21STR=%D0%93%D1%83%D1%80%D0%B0%20%D0%9C.%D0%92.$

Kysil O. (2016) Owners and users of the domain, domain name, website in Internet relations and in court practice. Retrieved June 3, 2019 from http://protokol.com.ua/ru/vlasniki_i_koristuvachi_domenu_domennogo_imeni_veb_saytu_v_internet_vidnosinah_ta_u_sudoviy_praktitsi

Kolosov V. The nature of rights to domain name. Retrieved June 3, 2019 from http://kolosov.info/kommentarii/priroda-prav-na-domennoe-imya

Maidanik N. (2008). Web site on the Internet as a special copyright object. Yurydychna Ukrayina: pravovyy chasopys, 12, 73-80.

Nagornyy R.S. (2008). Domain name as an object of civil rights. Journal of Russian law, 2, 122-132.

Nekit K. (2017). Domain name as an object of civil rights. Chasopys tsyvilistyky, 23, 40-44.

Paeffgen GmbH v. Germany (2007), No 25379/04, 21688/05, 21722/05 and 21770/05 (ECHR Sep. 18, 2007).

Sergo A. (2001) Some copyright issues on the Internet. Retrieved June 3, 2019 from http://www.internet– law.ru/articles/ap– is.htm.

Smotrov O.I. (2009). Exclusive right to domain name: position of the European Court of Human Rights. Retrieved from https://www.arbitis.com/Smotrov-O-I-Viklyuchne-pravo-na-domenne-im-ya-poziciya-YEvropeys-kogo-sudu-z-prav-lyudini/.

Ulianova H. (2015). Methodological problems of civil law protection of intellectual property rights from plagiarism. PhD Thesis. National University "Odessa Law Academy", Odessa. Retrieved from http://dspace.onua.edu.ua/handle/11300/2749

Zerov K. (2013). Web site as a nameless copyright object. Scientific Bulletin of the International Humanitarian University. Series of jurisprudence, 6-3 (2), 28-30.

Berne convention for the protection of literary and artistic works, of September 9, 1886, completed at Paris on May 4, 1896, revised at Berlin on November 13, 1908, completed at Berne on March 20, 1914, revised at Rome on June 2, 1928, revised at Brussels on June 26, 1948, and revised at Stockholm on July 14, 1967. Berne convention for the protection of literary and artistic works. Revision, 1967.

Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5. Retrieved June 3, 2019 from: https://www.refworld.org/docid/3ae6b3b04.html

Decision of the Melitopol city district court of Zaporizhzhya region from 13.02.2015 in case № 320/10302/14-ц. [online] In Ukrainian. Retrieved June 4, 2019 from http://www.reyestr.court.gov.ua/Review/42771204

Decision of the Truskavets city court of Lviv region from 22.03.2016, in case № 457/328/15-ц. [online] In Ukrainian. Retrieved June 4, 2019 from http://www.reyestr.court.gov.ua/Review/56602752

Letter from the State Department of Intellectual Property on January 22, 2007 № 16-14/231 concerning web site as a copyright object. Retrieved from http://search.ligazakon.ua/l_doc2.nsf/link1/MUS5421.html