# Legal Regulation of Issues of Intellectual Power Created by Artificial Intelligence: Analysis of the Legislation of Ukraine and UK

*Submitted:* 10 December 2024
*Reviewed:* 1 February 2025
*Revised:* 22 April 2025
*Accepted:* 26 April 2025

Olena Tymoshenko[*]
https://orcid.org/0000-0002-9399-3368
Kateryna Yanishevska[**]
https://orcid.org/0000-0002-3648-5543
Yevheniia Lytvynenko[***]
https://orcid.org/0000-0002-4735-3722
Ivan Kravchenko[****]
https://orcid.org/0000-0003-0235-0760

*Article submitted to peer blind review*

DOI: https://doi.org/10.26512/lstr.v17i2.56439

**Abstract**

**[Purpose]** The article is devoted to a review and comparative analysis of the legislation of Ukraine and UK in the search for common and different approaches to the legal regulation of intellectual property created by artificial intelligence (AI). The study also analyzes the legal status of intellectual property created with the help of AI, evaluates the relevance of legislative acts and the need for changes through the prism of Ukraine's reception of Great Britain's approaches. In addition, the article aims to implement and develop proposals for improving legal regulation, discuss the ethical and legal implications of intelligent AI products, and, finally, form recommendations for further research in the context of regulating the intellectual power of AI based on the analysis of the legislation of both countries.

**[Methodology/approach/design]** The study employs a wide methodological toolkit—analysis and synthesis, comparative legal method, and structural-functional method—to examine similarities and differences in the regulation of intellectual property rights (IPR) and intellectual power in Ukraine and the UK. Comparing these systems is valuable for

[*]Ph.D. Student, Lecture Academic and Research Institute of Law, Sumy State University, 40000, Petropavlivska str., 57, Sumy, Ukraine.E-mail: olena.tymoshenko96@gmail.com.
[**]Candidate of Law, Associate Professor Academic and Research Institute of Law, Sumy State University, 40000, Petropavlivska str., 57, Sumy, Ukraine. E-mail: k.yanishevska@yur.sumdu.edu.ua.
[***]Ph.D. Lecture Academic and Research Institute of Law, Sumy State University,40000, Petropavlivska str., 57, Sumy, Ukraine. E-mail: e.lytvynenko@yur.sumdu.edu.ua.
[****]Doctor of Juridical Sciences, Professor Sumy National Agrarian University (Ukraine), 40000, 160 Herasyma Kondratieva Str., Sumy, Ukraine. E-mail: ikk3ki@gmail.com.

analyzing economic potential, competitiveness, legal improvement, and knowledge economy development. In the global economy, countries prioritize building intellectual power. The UK's knowledge economy significantly contributes to its GDP, while Ukraine, though possessing potential, needs stronger mechanisms for IPR protection and commercialization. The UK's developed legal system provides successful examples Ukraine could adapt to boost competitiveness. A robust IPR framework directly impacts investment attractiveness; the UK attracts investors due to reliable innovation protection, a model Ukraine should emulate to enhance its investment climate. Intellectual property also drives innovation, and the UK's public and private initiatives to commercialize research offer lessons for Ukraine. Moreover, the comparison helps assess Ukraine's legislative progress toward European integration, learning from the UK's experiences within and outside the EU. Overall, this analysis identifies strategic directions for strengthening Ukraine's IPR system, enhancing innovation protection, and improving economic competitiveness.

**[Findings]** The differences between the Anglo-American and Romano-German legal families, to which Great Britain and Ukraine belong, respectively, dictate the difference in the interpretation of the concepts of "intellectual property rights" and "intellectual power". It is expedient for Ukraine to pay attention to the approaches of legislative regulation of developments created with the help of intellectual activity - first of all, with the aim of protecting the rights of product developers (authors).

**Keywords:** Intellectual property law. Intellectual property. Intellectual law. Intellectual power. Artificial intelligence.

## INTRODUCTION

In today's world of rapid technological progress, artificial intelligence (AI) is increasingly affecting various areas of human activity, including the creation of intelligent products. Artificial intelligence is capable of generating original works, music, visual images and even inventions, raising important legal issues related to copyright, intellectual property and legal liability. In the conditions of continuous development of AI, there is a need for a clear legal regulation of relations related to the creation and protection of such products (Abbott, 2022).

However, the current legislation of many countries does not always keep up with these technological changes. There are many uncertainties about who owns the rights to products created with AI: the software developer, the user of the AI, or the AI itself. Issues of legal regulation of intellectual property created by AI require detailed study and adaptation of the legal framework to new realities.

In this context, it is particularly important to analyze the national legislation of different countries to compare approaches and determine possible

ways to improve legal regulation. In particular, the legislation of Ukraine and Great Britain represent interesting examples for analysis, since both countries have developed legal systems that respond to the challenges of modern technologies. The study of these approaches allows not only to assess the current state of regulation, but also to outline directions for improving the legal norms necessary for the effective protection of rights to intellectual products created by AI.

The purpose of this study is to analyze the legal regulation of issues of intellectual power created by artificial intelligence, based on the legislation of Ukraine and Great Britain, as well as to develop recommendations for improving the relevant legal norms.

Furthermore, the integration of artificial intelligence into various domains of human activity has shifted the paradigm of intellectual power, challenging traditional notions of authorship, ownership, and accountability. AI's ability to autonomously generate intellectual products, such as inventions, artistic works, and algorithms, raises critical legal questions about the adequacy of current intellectual property (IP) regulations. While numerous jurisdictions grapple with these issues, the regulatory approaches of Ukraine and the United Kingdom provide distinct frameworks for analysis, reflecting divergent legal traditions and policy priorities.

Also,, the purpose of this study is to analyze and compare the legal regulation of intellectual power created by artificial intelligence (AI) in Ukraine and the United Kingdom, highlighting critical differences and their implications. Both jurisdictions exhibit contrasting approaches due to their distinct legal traditions: Ukraine's civil law framework emphasizes codified regulations, while the UK's common law system relies on case precedents and adaptability. This comparison is significant as it reveals how differing systems address emerging challenges, such as authorship, ownership, and liability in the context of AI-generated intellectual property (IP).

In Ukraine, the lack of specific AI-related provisions reflects a gap in adapting IP laws to technological advancements, leaving many AI-related products unaddressed. Conversely, the UK has implemented provisions such as recognizing "computer-generated works" under the Copyright, Designs and Patents Act 1988, offering a foundation for addressing AI-generated outputs but still struggling with questions of autonomy and originality.

This comparative analysis not only highlights how varying legal traditions impact regulatory approaches but also underscores the necessity of harmonized international standards. By identifying the strengths and weaknesses of each system, the study aims to inform legislative reforms and provide actionable

recommendations for bridging these gaps, ensuring the legal framework evolves alongside technological innovation.

This article aims to explore the legislative responses of these two countries to the challenges posed by AI-created intellectual power. Specifically, it addresses whether existing IP laws effectively recognize and protect AI-generated outputs, what gaps remain, and how regulatory measures can align with international legal standards while promoting innovation. By analyzing these issues, the study contributes to the broader discourse on the intersection of technology, law, and ethics.

In the study of the process of legal regulation of intellectual power created by artificial intelligence, a comprehensive approach was applied to the selection of sources and analysis of the regulatory framework. The primary sources were legislative acts, international agreements, official documents of the governments of Ukraine and the United Kingdom, as well as analytical reports of specialized state and international organizations. Also, attention was paid to acts regulating copyright, patent law, the legal status of artificial intelligence and responsibility for the results of its activities.

Secondary sources included scientific publications, monographs, peer-reviewed articles in leading legal and technological journals that highlight modern trends in the legal regulation of intellectual property in the context of digital transformation. Particular attention was paid to studies that analyze legal approaches to issues of authorship and ownership in cases of creation of intellectual property objects with the participation of AI.

Regarding the choice of countries for comparison, Ukraine and the United Kingdom were chosen due to their belonging to different legal families. Ukraine is a representative of the Romano-Germanic legal tradition, where the main source of law is regulatory legal acts, which apply rigidly codified rules. The United Kingdom, in turn, belongs to the Anglo-American legal system, which is based on case law, which allows adapting legal regulation through court decisions and installing new legal doctrines.

Such a comparison is valuable, it does not allow determining the strengths and weaknesses of each approach to regulating intellectual power created by artificial intelligence. Analyzing the British experience, one can assess the effectiveness of a flexible approach that takes into account the latest technological changes, while Ukrainian legislation demonstrates a more structured approach to legal certainty. This allows one to form a comprehensive view of the prospects for adapting Ukrainian legislation to modern challenges associated with the development of artificial intelligence.

## APPROACHES TO THE DEFINITION OF THE CONCEPTS OF INTELLECTUAL POWER AND ARTIFICIAL INTELLIGENCE

The terms "intellectual power" and "artificial intelligence" can be considered separately, but essentially the latter complement each other in accordance with intellectual property law.

It should be noted that these terms are not commonly used, so we suggest considering them through the prism of different approaches - depending on the paradigm under consideration.

So, for example, we will analyze the term "intellectual power" in technical, legal and economic doctrinal projections (Virchenko et al.,, 2024).

In the field of technical understanding, "intellectual power" can refer to the ability of a technological system or artificial intelligence to process large amounts of information, generate complex intellectual products (creative or innovative solutions), and use these resources to solve tasks. This term can reflect the scale of the intellectual capabilities of the artificial intelligence system, characterized by the speed and efficiency of data processing (Virchenko et al., 2024).

In the context of law, intellectual power can be understood as the result of intellectual activity, created on the basis of the application of algorithms and artificial intelligence technologies. This may include works of art, scientific discoveries, engineering solutions or other intellectual products that are subject to legal protection (Virchenko et al., 2024).

In business and economics, "intellectual power" can be interpreted as the ability of artificial intelligence (AI) to create economic value through generating innovation, optimizing business processes, or increasing the productivity of companies using AI. This approach can also highlight the economic potential of intelligent products created by artificial intelligence (AI) technologies (Virchenko et al.,, 2024).

The term "artificial intelligence", in turn, is subject to scientific-discursive identification within the framework of technical, ethical-philosophical, legal and socio-economic approaches (Baranovska, 2024).

According to the technical approach, artificial intelligence is a branch of computer science that deals with the creation of computer systems and programs capable of performing tasks that normally require human intelligence. Such tasks include learning, logical reasoning, pattern recognition, decision making, natural language processing, etc. AI is developed on the basis of machine learning algorithms, deep learning and neural networks (Baranovska, 2024).

In the ethical and philosophical research dimension, artificial intelligence (AI) is considered as a technology that imitates human cognitive abilities. This raises questions about the ethics of using artificial intelligence (AI), its impact on

society, and responsibility for the actions of artificial intelligence systems. Philosophical questions include discussions of the autonomy of artificial intelligence (AI), its potential consciousness, and the possibility of achieving a level of intelligence equivalent to that of a human (the so-called "strong AI") (Baranovska, 2024).

Artificial intelligence is defined in law as a technology that is capable of autonomously making decisions and creating intellectual property products. This raises questions about the legal status of AI, responsibility for its actions, as well as the definition of authorship and ownership of AI results. The legal approach also covers the issue of regulating the use of AI and protecting personal data in systems that use artificial intelligence algorithms (Baranovska, 2024).

Finally, in the context of society, artificial intelligence (AI) is considered as a factor in the transformation of the economy and the labor market. Artificial intelligence affects the automation of production processes, replaces human labor in many areas, creates new professions and causes changes in social structures. The socio-economic approach to artificial intelligence (AI) emphasizes the impact of this technology on economic development and social equality (Baranovska, 2024).

Based on this, we can conclude that the term "intellectual power" mainly reflects the ability of technology to create intelligent products and solve complex tasks, as well as its economic and legal value. Artificial intelligence is understood as a technology that can imitate human cognitive functions, autonomously make decisions and create new intelligent products. Both concepts are closely related to modern technological achievements and call for the development of legal and ethical norms to regulate their use (Rothman, 2018).

The own scientific position regarding the connection of the concepts of "intellectual power" and artificial intelligence with modern technological achievements can be substantiated through the analysis of their impact on the economic, legal and ethical aspects of the development of society. On the one hand, "intellectual power" as the ability of technologies to create intelligent products and solve complex tasks demonstrates the growing role of technologies in shaping the global knowledge economy. This concept not only reflects the potential of innovative solutions, but also contributes to rethinking the nature of work, intellectual property and knowledge management.

On the other hand, artificial intelligence, which imitates human cognitive functions, becomes a tool for expanding the capabilities of intellectual power, creating new challenges and opportunities for society. The connection of these concepts with technological advances is manifested in the need to create a legal framework that would ensure a balance between the development of innovations and the protection of human rights and ethical standards.

Thus, technological advances not only strengthen the connection between "intellectual power" and artificial intelligence, but also form new ethical and legal challenges that require comprehensive scientific understanding. The scientific position should be to support such technological innovations that contribute to the sustainable development of society, while simultaneously ensuring the legal and ethical harmony of their application.

## OVERALL PARADIGM OF LEGAL REGULATION OF ISSUES OF INTELLECTUAL POWER CREATED BY ARTIFICIAL INTELLIGENCE

The development of artificial intelligence (AI) and its ability to create intellectual products requires legal regulation of new forms of intellectual property. The general paradigm of legal regulation of these issues is built around several key concepts. Among them, we will focus on such as "authorship and copyright", "legal responsibility", "protection of intellectual property rights", "regulatory approaches", "international aspects" and others. We will consider the latter in accordance with some features inherent in general as a legislative regulation of structures of intellectual power created by intellectual property law both in Ukraine and in UK (Marr, 2019).

Thus, one of the main issues in the legal regulation of intellectual products created by AI is the definition of authorship and legal ownership. The latter has several approaches to systematization, among which we will focus on the traditional, as well as the approaches of Ukraine and UK in a generalized and comparative sense (Orduli, 2019; Kretschmer et al., 2022).

According to the classic norms of intellectual law, the author of an intellectual product is recognized as the person who created this product. However, when a product is created in whole or in part by AI, there is a legal problem of determining who is the author. There is an ongoing debate about whether copyright can belong to the AI itself or remain with the person who configured, created or used it.

In turn, currently neither Ukraine nor UK provides for the possibility of granting AI the status of the author or right holder of intellectual products. AI-generated products are copyrighted by the person or entity that designed, programmed, or used the AI to achieve the final result (Orduli, 2019; Kretschmer, 2022).

Another key question is who will be liable for possible infringements or damages related to AI intelligent products. Here, in the structural segment of the theory and practice of intellectual and legal research, there is an approach of

responsibility of developers and responsibility of users, which actually complement each other (Ahmad, 2023).

In the field of providing intellectual power, an approach that provides for the division of responsibility between developers and users of intellectual property is important. This approach makes it possible to establish a balance between the protection of innovations and responsibility for their use, creating conditions for the sustainable development of the country's intellectual potential and fair regulation of legal relations in this area.

The responsibility of the developers is to ensure the bona fide creation and presentation of intellectual products, their legal protection and compatibility with international standards. This includes making products ethically compliant, registering patents, copyrights or trademarks, and providing clear information about the scope of usage rights. Developers must also consider the potential risks of using the products, particularly where the intellectual property may have a serious social or economic impact. The responsible attitude of developers to their products contributes not only to the protection of their rights, but also to the protection of the rights of users who can be sure of the reliability and legality of using such products.

On the other hand, it is the users' responsibility to use smart products properly in compliance with all legal requirements. Users must respect the rights of developers by complying with product-specific license terms and restrictions. For example, users may not infringe copyright, distribute products without permission, or use them for purposes other than their intended purpose. They are also responsible for the use of intellectual products within the limits of the established rights, which is especially important for businesses that use innovation for commercial gain. Thus, the responsibility of users contributes to the preservation of the economic interests of developers and supports the development of an innovative environment.

This approach of mutual responsibility between developers and users is a key element in providing intellectual power. It creates a legal and ethical environment where the rights of both developers and users are protected, trust between parties is maintained and further innovation is encouraged.

Therefore, the responsibility for AI products is often placed on the developers of the system, as they control its creation and operation, and in cases where AI is used as a tool, the responsibility can be placed on the end users who make the decision to use the artificially created intelligent (conversational) model (Orduli, 2019).

An important and segmental value in the structure of regulation of intellectual power created with the help of intellectual property is occupied by the

aspect of protection of intellectual property rights, which is segmented by such components as copyright and patent law, respectively.

In relation to this, we note that in the traditional legal field, copyright covers works created by humans. However, in the case of works created by AI, there is a legal vacuum as there is no clear definition of how to protect such products internationally. Whereas today, patent offices recognize only human authorship, which excludes the possibility of patenting inventions authored by AI. However, in the future, with the development of technology, this issue may require changes in legislation (Kretschmer et al., 2022).

The problem of patenting inventions created by artificial intelligence raises a number of important legal, ethical and technological issues that remain increasingly relevant in connection with the rapid development of artificial intelligence. Today, when artificial intelligence is capable of creating original ideas, new materials, algorithms and even new indicators, there is a need for a defined legal status of such inventions. Should such developments be owned by the AI developer, the system owner, or should the information be left without any protection rights, as, say, freely available?

Traditionally, patent law is focused on the protection of a person's creative achievements, assuming that it is the person who possesses the ability for innovative thinking and the corresponding legal subjectivity. A patent provides an intellectual property right, which is based on the ability of the author to produce a product of socially useful value, to produce or create something new. In cases involving AI-generated inventions, a fundamental problem with many entities in artificial intelligence arises: it does not possess the consciousness, intentions, or legal duties that are the basis for granting patent protection. Because of this, the current legislation, in particular in Ukraine, cannot take into account the need to protect such inventions in the traditional legal field.

One possible approach is to give rights to AI-created inventions to the owners of the systems that created them. This approach, although logical from the point of view of distribution of responsibility and commercial perspective, has risks from an ethical point of view. Patenting of inventions created by AI can contribute to the monopolization of ideas by those with the most powerful computing resources, which limit access to technology and knowledge to other market players or the scientific community. This can hinder the free exchange of knowledge and slow down the development of certain industries if some ideas remain the property of a limited number of individuals or companies.

Another aspect to consider is the risk of abuse of the patent protection system for non-human inventions. Patenting requires a certain novelty, creativity and innovative potential, which is traditionally attributed to man as the bearer of intelligence. If AI inventions are subject to patent protection, questions arise as to

how to distinguish these innovations from automated copying or synthesis of already known data. AI can generate inventions based on information from a large number of prior patents or scientific sources, challenging the novelty and creativity required for patentability.

In general, the problem of patenting AI winemakers requires an approach, perhaps a different one, with the development of new forms of intellectual property adapted to this challenge. Such avenues could create special categories or protection regimes for AI inventions that were more open and aimed at stimulating further innovation. Another option is to introduce a limitation or exclusion from patent protection for AI-generated inventions, which avoids monopolization and maintains a balance between intellectual property rights and the general availability of technology.

A special place in aspects of the implementation of the concept of protection of intellectual power, created with the use and with the help of intellectual property rights, is occupied by regulatory approaches.

Normative approaches play a fundamental role in the implementation of the concept of protection of intellectual power, which is created and used on the basis of intellectual property rights. Given the growing importance of intellectual potential as a driver of economic and technological development, the protection and management of intellectual property require a comprehensive regulatory framework that could adequately respond to modern challenges. Normative approaches contribute to a clear definition of the rights and obligations of subjects involved in the creation, use and protection of intellectual products, and form a reliable legal framework for the realization of national interests in the field of innovation and technology.

Thanks to normative approaches, the state is able to determine how the rights to intellectual achievements created with the use of resources or based on the scientific and technical base should be protected. This ensures the formation of legal mechanisms for the recognition of intellectual property, its commercialization and protection. The primary task here is to establish a clear procedure that will guarantee the protection of inventions, patents, trademarks and copyrights from unauthorized use. In such a case, the regulatory approach acts not only as a tool for protecting intellectual property, but also as a means of preventing abuses aimed at violating intellectual property rights and unjustified monopolization of intellectual gains.

In addition to the protection of intellectual rights, regulatory approaches also contribute to the development of international cooperation, which is extremely important in the context of globalization. After all, in order to ensure competitiveness on the world market, national legislation must be harmonized with international standards to ensure the free exchange of technologies,

knowledge and innovations without risking the country's intellectual security. It follows that regulatory approaches should not only adapt to the interests of national subjects of intellectual activity, but also create conditions for their integration into the international system of intellectual property.

An important aspect of regulatory approaches is the creation of incentives for innovation. Legislation should provide mechanisms that will encourage inventors to create new products and technologies that can bring social and economic benefits. This is possible by providing tax incentives for innovative enterprises, simplifying patenting procedures and providing opportunities to benefit from developments through licensing. At the same time, regulations must provide for the protection of intellectual power from threats such as commercial espionage, plagiarism or unfair competition.

One of the key aspects of legal regulation of innovation activity is the creation of appropriate incentives for the development of technologies. In this context, the legal regimes of Ukraine and the United Kingdom demonstrate differences in approaches to the regulation of intellectual property and intellectual power, which affects technological innovations.

The United Kingdom has a developed system of protection of intellectual property rights, based on case law and clearly defined mechanisms for stimulating innovations. In particular, tax incentives for enterprises engaged in research and development (R&D tax relief) are taken into account, as well as the "Patent Box" mechanism, which allows reducing income tax for companies that commercialize their innovative developments. Thanks to this, British companies support financial incentives for the development and implementation of new technologies, which contributes to their active growth and international competitiveness (Rowe-Brown & James, 2020).

At the same time, in Ukraine, the legislative framework for intellectual property is more consistent with the Romano-Germanic legal tradition, which provides for detailed regulatory regulation. Although there are a number of mechanisms to support state innovation, such as tax breaks for startups and grant funding, their effectiveness remains low due to complex bureaucratic procedures. In addition, the Ukrainian patent system needs to be improved, in particular, to reduce the time to review applications and improve mechanisms for protecting intellectual property in court.

Regarding the protection of intellectual property, the United Kingdom is actively developing legal mechanisms aimed at combating commercial espionage, unfair competition and the misuse of technological solutions. In Ukraine, the issue of protecting intellectual property remains insufficiently regulated, which creates risks for innovative companies and startups, in particular in the field of artificial intelligence.

Thus, the analysis of the legal regimes of Ukraine and the United Kingdom demonstrates the importance of developing effective mechanisms for stimulating innovation and protecting intellectual property. Ukraine can borrow British experience in the field of tax incentives and simplifying patent procedures, which will contribute to a more dynamic development of technological innovations and increasing the competitiveness of the national economy.

Normative approaches also create a culture of respect for intellectual property, increasing society's responsibility for compliance with legislation in this area. This is especially important in today's environment, where digitalization facilitates the easy distribution of intelligent products, which makes them vulnerable to unauthorized use. As a result, regulatory approaches must respond to the challenges of the digital age, in particular, provide for enhanced protection of intellectual rights in the online environment, where it is often difficult to identify violations.

Therefore, regulatory approaches are an integral part of the strategy of protecting intellectual power and create conditions for its safe, legal and effective use. They allow the state to regulate access to intellectual resources, protect the interests of innovators, stimulate technological development and create a competitive innovation environment, which is the basis for the sustainable growth of the national economy and ensuring the intellectual security of the country.

Countries can apply different regulatory approaches to the legal regulation of AI and intellectual property created with its participation, while applying practical and methodological concepts of soft and hard regulation.

Some countries may apply "soft law" mechanisms, including recommendations and voluntary standards for developers and users of AI, without changing the main legal norms. Other countries, at the same time, may introduce strict legal restrictions and definitions to regulate the rights and obligations associated with the use of AI, including the creation of special legal acts to regulate the intellectual power created by artificial intelligence (Krestchmer et al., 2022).

Soft law plays an important role in ensuring intellectual power, especially in conditions of rapid technological development, globalization of the economy, and the emergence of new forms of intellectual activity. The difference between soft law and traditional normative acts is its advisory nature, which provides the possibility of prompt response to dynamic changes, without being limited to lengthy legislative procedures. Given the global nature of the modern intellectual property market, soft law has become an important tool for adapting national legal systems to international requirements and ensuring flexible regulation of intellectual assets.

One of the key features of the application of soft law in this area is the possibility of integrating the recommendations of international organizations, such as the World Intellectual Property Organization (WIPO), the European Union, and the Organization for Economic Cooperation and Development (OECD). These organizations develop a number of guidelines, codes of conduct, ethical standards, and guidelines that serve as guidelines for national legislators and intellectuals. The use of such tools contributes to the harmonization of legal systems of different countries, increasing the level of competition in the global market and reducing legal barriers to innovative activities.

The second important feature is to promote the formation of standards of ethics and responsibility in the intellectual sphere, in particular in relations related to artificial intelligence, digital technologies and big data. In this context, soft law allows for the creation of ethical and behavioral norms focused on the responsible use of the latest technologies, the protection of personal data, as well as the creation of transparent conditions for innovative activities. For example, the European Union has developed guidelines for the responsible use of artificial intelligence, which provide for transparency, accountability and protection of users' rights. These principles are actively used by member states, encouraging companies to practice responsibly without the need to develop strict legal norms (Smith, 2021).

A third feature of the application of soft law in the field of providing intellectual power is its function of supporting transnational cooperation and transfer of best practices. Institutions dealing with the regulation of intellectual property can use guidance documents and mutual agreements to facilitate the exchange of knowledge and technology, as well as to reduce legal barriers. An example can be multilateral agreements between countries in the field of recognition of certification of innovative products or standardization. Such arrangements are based on soft law, but create a solid basis for cooperation and the development of common approaches to the protection of intellectual rights.

Therefore, soft law as a tool for regulating intellectual power has significant advantages on a global scale, allowing to adapt the legal system to innovative processes, create flexible ethical standards and effectively integrate into international markets. The use of soft law contributes to the development of the creative economy and the improvement of interaction between market participants, helping to ensure the stable and responsible growth of intellectual resources.

Finally, regarding this sub-concept, we note that, since intellectual property and AI have a global nature, it is important to take into account the international aspects of the legal regulation of the latter, based on international agreements and global standards.

Current international treaties, such as the Berne Convention for the Protection of Literary and Artistic Works, do not yet cover the issue of copyright in works created by AI.

At the same time, the need to develop global standards for the legal regulation of intelligent AI products is becoming evident in the context of the growth of transnational technology companies and the spread of AI throughout the world. Harmonization of legal regulation will be a key step in the formation of unified approaches to this issue (Collins et al., 2021).

So, the development of global standards for legally regulating intelligent AI products is critical given the increasing dominance of transnational technology companies and the global expansion of AI. However, this requires deeper analysis of the key challenges and strategies involved. The issues include aligning diverse national legal systems, addressing jurisdictional conflicts, and balancing innovation with accountability. Furthermore, harmonization must consider ethical dimensions, equitable participation of developing nations, and the risk of reinforcing existing technological inequalities. A collaborative, multi-stakeholder approach is essential to ensure these standards are both inclusive and effective (Collins et al., 2021).

And overall, intellectual property (IP) should care about intellectual power because the rise of artificial intelligence (AI) is fundamentally changing how intellectual assets are created, distributed, and protected, due to the next reasons : Creation of Intellectual Assets, Ownership and Rights Attribution, Protection of Innovation, Economic Implications, Legal and Ethical Challenges.

For example, AI systems are capable of generating works, inventions, and designs that traditionally required human creativity. This challenges the foundational principles of IP, such as authorship and originality, as laws often assume that these attributes are inherently human.

The challenge to foundational intellectual property (IP) principles, such as authorship and originality, stems from the traditional legal frameworks, which presuppose that these attributes are exclusively human. Authorship, as recognized by most IP laws, entails creative intention, consciousness, and personal expression—all qualities tied to human agency. AI-generated outputs, however, complicate this definition, as they lack human intention but may still produce innovative and complex works.

Furthermore, originality in IP law typically requires that the creation be independently made and not copied from existing works. While AI systems operate based on datasets and algorithms created by humans, they can produce outputs that appear original but are computationally derived. This raises questions about whether such outputs meet the legal thresholds for originality or whether

the AI's "creativity" should be viewed as an extension of its programmer or operator's intent.

To address these complexities, legal systems must reevaluate these principles to include scenarios where human involvement is minimal, ambiguous, or absent. Proposals include granting copyright to AI owners or operators, introducing new categories of intellectual rights for AI-generated works, or entirely rethinking the relationship between human agency and creativity in the IP framework. These discussions underscore the urgent need for clarity and global consensus on how to reconcile traditional legal concepts with the reality of AI-generated creations.

And furthermore, determining who owns the rights to AI-generated intellectual products is a complex issue. Should it be the programmer, the user, or the AI itself? Resolving these questions is crucial for incentivizing innovation and ensuring fair recognition and distribution of benefits.

We must also note that IP laws are designed to protect and encourage creativity and innovation. As AI becomes a more significant player in producing valuable intellectual outputs, the system must adapt to provide adequate protection while ensuring that the use of AI remains ethical and balanced.

AI-generated intellectual assets can be highly lucrative, impacting industries from entertainment to pharmaceuticals. IP systems must evolve to handle these developments, ensuring that economic benefits are fairly distributed and that monopolization or exploitation is prevented.

At last, the use of AI raises ethical concerns, such as accountability for infringing works or bias in AI-generated content. Addressing these issues within the IP framework ensures a balanced and sustainable approach to integrating AI into creative and innovative processes (Arowosegbe at al., 2024).

## LEGAL STATUS OF INTELLECTUAL POWER : UKRAINE AND GREAT BRITAIN APPROACHES

The term "intellectual capacity" is not clearly defined in the legislation of Ukraine and Great Britain. However, within the framework of the legal system of these countries, it can be considered in the context of legal regulation of intellectual property (copyrights, patents, trade secrets, etc.) and technologies, in particular artificial intelligence (AI). Aspects relevant to the legal status of this concept are described below.

In Ukraine, legal regulation of intellectual property is carried out on the basis of the Civil Code of Ukraine and a number of special laws, such as the Law "On Copyright and Related Rights" and the Law "On Protection of Rights to Inventions and Utility Models". There is no direct definition of the term

"intellectual power" in the legislation of Ukraine, but it can be considered through the prism of the concepts of intellectual property and AI.

In accordance with Art. 9 of the Law of Ukraine "On Copyright and Related Rights", the author of an intellectual product is the person who created the work. Technological advances, particularly those generated by AI, may be protected by copyright, patent law or trade secret rights, depending on the nature of the product (Law of Ukraine "On Copyright and Related Rights", 2022).

At the same time, products created with the help of AI are not yet regulated by separate proportions. Ukrainian legislation does not recognize AI as a subject of rights, and therefore the rights to the results of AI activity belong to the developers or users of AI. To date, there are no legislative acts that would directly regulate the issue of authorship of products created by AI, or determine the legal status of "intellectual power" in the field of artificial intelligence. Discussions are conducted at the level of legal doctrine and scientific research regarding the need for legal regulation of this area (Taranenko, 2024).

In the UK, intellectual property is regulated under the Copyright, Designs and Patents Act 1988 (with extras), supplemented by provisions relating to modern technologies, including AI.

Similar to Ukraine, intellectual property in Great Britain provides for the protection of human-made works. According to s. 9 (3) of Copyright, Designs and Patents Act 1988, intellectual products generated by AI are considered to be protectable, but they remain the property of the person or organization that uses the AI or owns the system that generates it (UK Copyright, Designs and Patents Act, 1988).

In the case of works created by computer programs, the right holder is the person who organized the creation of the product or managed the system.

In the UK, the issue of AI and its impact on intellectual property is being actively debated at the level of parliament and regulators such as the UK Intellectual Property Office (IPO). However, no legislation has yet granted artificial intelligence the status of legal personality or the right to intellectual products.

In 2021, the UK government launched a consultation on changes to the law to more clearly regulate intellectual property created with the help of AI. It is proposed that the rights to such products will belong to those who control the creation of intelligent AI products (Rosati, 2024).

Thus, both countries consider the person or organization behind the use or development of AI to be the author or copyright holder of intellectual products. So far, the possibility that artificial intelligence can independently be the author or owner of the results of its activity is not recognized. Great Britain, at the same time, is a little more active in adapting legislation to new technologies. Its

government is initiating public consultations and analyzing the need for changes to regulate AI more clearly. At the same time, in Ukraine, this issue remains more at the level of theoretical discussions and has not yet been reflected in legislative initiatives.

The legal status of the concept of "intellectual power" as such is not fixed either in the legislation of Ukraine or Great Britain. However, products created with AI are viewed through the lens of traditional intellectual property law, where the rights belong to the developer, user, or organization that owns the AI. In both countries, the issue of legal regulation of intelligent AI products is still at the stage of development, and requires further improvement and adaptation to new technological realities.

It is here that the concept of "intellectual power" offers a new approach to understanding the role of artificial intelligence. If "intellectual property" involves a clear assignment of rights to individuals or legal entities, then "intellectual power" focuses on the control aspect of managing the results created by AI. This concept can include not only property rights, but also broader regulatory mechanisms - responsibility for the use of AI-generated products, their ethics and legality in the global legal space.

The soundness of introducing the concept of "intellectual power" into legal circulation is due to several factors. First, it reflects the real processes of management and control over AI products, which is important for developers, the state and consumers. Second, it allows for the formation of a more dynamic and adaptive regulatory model that does not depend exclusively on traditional approaches to authorship and patenting. Third, this concept could become the basis for creating international standards for accountability for decisions made based on AI, especially in areas where technology has a significant impact – from medicine to finance and law.

In addition to the above aspects, the concept of "intellectual power" also allows us to consider more broadly the issue of not only legal, but also economic and social control over intellectual products created with the participation of artificial intelligence. In the modern global environment, AI is gradually becoming not just a tool, but an active participant in the process of innovative development, capable of independently generating solutions, predicting trends and even influencing the formation of market strategies. In this context, the issue of control over such technologies goes beyond the classical approach to intellectual property and requires an expanded interpretation.

The introduction of the concept of "intellectual power" makes it possible to solve the problem of the distribution of rights and responsibilities in cases where AI-generated objects cannot be attributed to traditional categories of intellectual property. For example, modern algorithms can create new scientific

discoveries, write music, develop unique design solutions or even generate code for complex software products. If we consider such results of activity exclusively through the prism of classical copyright or patent law, a number of difficulties arise, since the current legislation in most countries does not provide for the possibility of recognizing AI as an independent legal subject.

It is also important that the concept of "intellectual power" helps to outline the issue of not only authorship, but also control over the commercial use of AI-generated solutions. Who has the right to profit from such products? Can the contribution of the AI operator or user be equated with the contribution of a classical author? Should the state establish additional mechanisms for regulating such relations? The answers to these questions become particularly important in situations where we are talking about the creation of strategically important products, such as medicines, financial analysis algorithms, or cybersecurity technologies.

In addition, it is worth considering that modern approaches to the legal regulation of intellectual property are usually based on the territorial principle, that is, the protection of rights is carried out within a specific jurisdiction. At the same time, AI products are often created and used in the context of transnational digital platforms, which complicates their legal status. In this context, the concept of "intellectual power" can contribute to the formation of a global approach to the regulation of artificial intelligence and its products, in particular through the development of international agreements and standards.

Thus, the concept of "intellectual power" not only allows to expand the traditional understanding of intellectual property, but also contributes to the formation of a comprehensive legal model that takes into account the technological, economic and ethical aspects of the development of artificial intelligence. Its introduction into the legal discourse can be an important step towards creating an effective and fair system of regulation of artificial intelligence in a modern digital society.

## APPROACHES OF GREAT BRITAIN TO THE LEGAL REGULATION OF INTELLECTUAL POWER GENERATED WITH THE HELP OF ARTIFICIAL INTELLIGENCE: PROSPECTS OF RECEPTION IN UKRAINE

Legal regulation of intellectual power generated by artificial intelligence (AI) is a complex and multifaceted issue. Great Britain is one of the countries that is actively researching this area and adapting its legislation to the rapidly changing conditions of technology development. Analysis of British approaches can help Ukraine form its own models of legal regulation of intelligent products created by

AI. Let's consider the key approaches of Great Britain and the possible prospects of their reception in Ukraine.

UK approaches to regulating the intellectual power created by AI are conventionally divided into traditional and regulatory. The traditional ones include the creation of the Copyright, Designs and Patents Act 1988, while the regulatory ones include consultations on the use of the potential of artificial intelligence through a regulatory lens, initiated by the UK Parliament through the UK Intellectual Property Office (IPO) in 2021 (GOV. UK., 2021).

Let's dwell in more detail on regulatory initiatives and discussions of the potential of artificial intelligence as a segment of intellectual property law as an element of potential reception within the framework of Ukrainian legislation.

The British government and UK Parliament, through the UK Intellectual Property Office (IPO), has initiated a consultation on the regulation of intellectual property rights for AI-generated products. Possibilities of changes to the legislation to better take into account the ownership of works created in whole or in part by artificial intelligence were discussed.

Moreover, consultations on the rights to works created by AI also became the subject field of the body's regulation; research on the economic impact of intellectual property created by AI; analysis of international practice; consulting on patents and AI (GOV. UK., 2021). Let's briefly review the key narratives of each of these clusters in the context of potential law enforcement in Ukraine.

Therefore, in 2021, the IPO launched public consultations on the issue of copyright protection for works created by artificial intelligence. The main goals were to solve such key issues as determining authorship and updating legislation.

The category of determining authorship primarily consisted in detecting the copyright holder of works created by artificial intelligence. In the UK, the current approach is that the rights to works created by AI belong to the person who initiated the creation of the product or operated the system. The consultation aimed to assess the feasibility of maintaining this approach or the possibility of introducing new regulatory models, and ultimately the UK government and the IPO decided to further modernize the national legal framework in accordance with the possibility of recognizing AI as the author of a work (Rosati, 2024).

As part of the legislation update segment, IPO hearings led to the conclusion that legislation in the field of intellectual property needs to be adapted to new technologies, in particular AI. The purpose of the consultations was to collect the opinions of experts, companies and the public regarding amendments to the laws. The result of such discussions was the positioning of the problem of legal non-controllability of AI, which can lead either to gross violations of copyright (the rights of "software", developers and companies that own software patents), or to the potential finding of the use of AI outside the legal field.

In the realm of intellectual power, the concepts of authorship and ownership are key, but they are not the same. Authorship is generally associated with the recognition of the person who created an object of intellectual activity, while ownership refers to control over the use of that object and determines who can receive material benefits from it. The two categories are intertwined, but distinguishing between them has important legal and economic consequences.

Authorship gives the creator moral rights, which are inalienable and remain with him even in case of transfer of property rights. This means that the author has the right to be recognized as the creator and to be protected against distortion or misuse of his idea. In the case of transfer of ownership rights, for example through a license or sale, the author retains the moral rights, but loses the opportunity to independently receive economic benefits from the work to which the new owner is now entitled. That is, authorship establishes the connection between the creator and the object, but ownership determines the economic control over it.

This division has several important consequences. First, the author can continue to receive public recognition even if the property rights already belong to another person or company. For example, a writer can sell the rights to publish his book to a publisher, but retain the moral right to authorship. Secondly, in cases of offenses (plagiarism, illegal use), it is the author as the bearer of moral rights who has the right to demand restoration of justice and protection against the distortion of his work, which contributes to the preservation of intellectual power as a public value (Karimi, 2023).

In addition, the right of ownership of objects of intellectual activity may be transferred or acquired by other persons or organizations, in particular, in cases of commercialization of inventions, licensing of trademarks, etc. This allows the author or inventor to monetize their work through the transfer or grant of rights of use for a certain period, while retaining the copyright. As a result, the author can focus on the creative activity, while the rights holder - on the commercial use of the object.

In the context of intellectual power, this distinction creates a situation in which society benefits both from the protection of authors' creative rights and from the commercial exploitation of innovation, which stimulates economic development. However, excessive concentration of property rights in the same hands can lead to the monopolization of innovations and the limitation of access to knowledge, which can restrain the general development of the intellectual power of society. In this case, establishing a balance between copyright, property rights and the interests of society in the development of intellectual capital becomes an important task (Rosati, 2024).

Applicable and in demand from the point of view of potential reception in the legislation of Ukraine on the protection of intellectual property rights for intellectual capacities generated by AI, we also see the study of the economic impact of intellectual property created by AI.

Holding a similar discussion in Ukraine with the involvement of the National Institute of Intellectual Property (Ukrpatent), the scientific community, the government and the public could help in the commercialization of developments carried out with the help of artificial intelligence, the digitalization of state-building processes and, at the same time, the stimulation of the national economy with the help of effective sources of attracting potential investors , which seems logical, in particular, in the context of post-war reconstruction, the necessity of which was caused by the full-scale invasion of Russia into Ukraine.

Also, a component to which Ukraine needs to pay attention in terms of borrowing the approaches and provisions of Great Britain to regulate the field of intellectual power generated by artificial intelligence is the analysis of international practice.

For example, as part of the 2021 initiatives, the IPO also conducted a review of the international practice of regulating intellectual property rights for works created by AI, including the experience of countries such as the United States, the EU, and Japan. This allowed the UK to collect and compare different approaches to the protection of intellectual property and assess which of them could be adapted in the UK legal field.

Ukraine, in the context of European integration transformations and the signing of the Association Agreement with the EU dated March 21, 2014 (with subsequent amendments), which includes the presumption of cooperation in the field of intellectual property law and artificial intelligence (Chapter 9, Part 1, Articles 157-158) (UA-EU Association Agreement, 2014), it will be appropriate to pay attention to the policy of systematization, incorporation and structuring of the national legal framework in proportion to the approaches already used earlier by the partner states.

We also note that as part of the procedure of discussions and innovative provision of AI in the field of its intellectual and legal understanding in the UK, the UK government and the IPO considered patent and AI consultations as a separate cluster. Among the issues submitted for discussion were the likelihood of AI being recognized as an inventor within the scope of patent law and the feasibility of recognizing the right holder for inventions created without human participation in cases where AI performs autonomous actions (Peng et al., 2017).

As part of the broader effort to address the innovative and legal implications of artificial intelligence (AI), the United Kingdom has initiated significant discussions focusing on the intersection of AI and intellectual property

rights. The UK government, alongside the Intellectual Property Office (IPO), has strategically approached this challenge by treating patent-related issues involving AI as a distinct area of consultation. This reflects a recognition of the growing complexity and importance of AI's role in innovation.

Key topics under review include the contentious question of whether AI systems can be recognized as inventors under existing patent law frameworks. This raises profound implications for the conceptual boundaries of inventorship, traditionally grounded in human creativity and contribution. Another critical issue concerns the potential acknowledgment of AI-generated inventions and the determination of rightful ownership, particularly in scenarios where such inventions arise from fully autonomous AI actions without direct human input.

These consultations aim to navigate the intricate balance between fostering innovation and ensuring legal certainty in patent law. By addressing these issues, the UK seeks to position itself as a leader in the global discourse on integrating AI into existing legal frameworks, providing clarity and adapting its intellectual property system to the realities of a rapidly evolving technological landscape. This progressive approach underscores the importance of forward-looking policies to accommodate the transformative potential of AI while safeguarding the principles of equity and innovation.

The UK's consultations on AI and intellectual property have outlined critical next steps for integrating AI-generated inventions into patent law. One notable outcome is the acknowledgment of the need for legislative intervention to clarify whether AI can be recognized as an inventor, challenging traditional frameworks grounded in human creativity. Over the last year, working groups and expert panels have emphasized the necessity of a code of conduct to guide AI's application in innovation. This includes setting standards for transparency, accountability, and ensuring equitable benefit-sharing.

The UK's progressive approach highlights the balance between fostering innovation and maintaining legal certainty. Future legislative proposals are likely to focus on creating adaptable IP frameworks while safeguarding equity and innovation principles. For Ukraine, adopting these practices would require significant legislative amendments, including implementing mechanisms for AI accountability, transparent IP ownership structures, and compatibility with global standards. This alignment is vital for protecting intellectual property rights and fostering AI-driven innovation.

Consequently, British approaches to the legal regulation of intellectual power created by artificial intelligence are important for adaptation in Ukraine, as they contribute to the protection of intellectual product rights and ensure transparency and accountability for the use of AI. However, the reception of

British approaches requires significant changes in Ukrainian legislation, implementation of standards and accountability mechanisms.

A separate issue is the position of adapting the legislation of Great Britain, which currently functions within the framework of ideological and procedural separation from the European legal framework with the transition to regulatory autonomy, within the national legal field. The issue is coordination between the British and European approaches to the interpretation of intellectual power as a component and result of the activity of artificial intelligence, the effectiveness of which will depend primarily on the activity of the Ukrainian legislator (Tai, 2020).

## PROBLEMS AND PROSPECTS OF LEGISLATIVE TRANSFORMATIONS IN THE FIELD OF LEGAL REGULATION OF INTELLECTUAL POWER CREATED WITH THE HELP OF ARTIFICIAL INTELLIGENCE: CASES OF GREAT BRITAIN AND UKRAINE IN PROPORTION TO LEGAL FAMILIES

Intellectual power and artificial intelligence (AI) regulation in the UK is still in a state of active development. The development of AI raises a number of legal challenges related to the legal status of intellectual power (inventions, creative works, etc.) created with the help of AI, as well as the responsibility for the use of such technologies.

Below we propose to focus mainly on the discourse and theoretical approaches to the modification of the intellectual-legal and intellectual-power legislative framework related to the authorized use of AI, which are offered by foreign researchers in the UK context.

Proposals for changing the interpretation of artificial intelligence in the field of intellectual property involve identifying it with copyright and patent law at the same time.

Some British and foreign researchers determine that copyright in computer-generated works belongs to the person who initiated or controlled the process of creating the work, although the computer itself may be the performer. Accordingly, the current legal system does not recognize AI as the author of works.

In the context of patent law, British discourse requires that the inventor be a natural person. This creates problems for inventions created by autonomous AI systems, since in such cases it is difficult to clearly identify the human inventor.

Also, after analyzing the features of the proposals regarding the positioning of AI within the framework of the intellectual-legal paradigm, it is necessary to include such components as trademarks and the legal status of AI, as well as the ethics of responsible use of AI, to the transformational component of the latter.

Given that UK law does not provide for the use of AI as a legal entity for trademark registration. The responsibility for submitting and defending such applications always rests with individuals or legal entities – the doctrinal field of research in the country is focused on the active development and implementation of ethical standards for the development and use of AI. The ethical use of AI involves the protection of human rights, the transparency of algorithms, and the minimization of the harmful impact of AI on society (Rosati, 2024).

A segmented element of proposals for the transformation of the understanding of AI in the system of intellectual power and intellectual property is also a revision of the concept of authorship. Here there is an approach of maintaining the status quo and directly recognizing AI as a co-author.

One proposal is to retain the current system, where the person who controls or initiates the use of AI is the copyright holder, while some experts suggest considering the possibility of legally recognizing AI as a co-author or at least creator of intellectual products, which would create a new category of intellectual rights (Persson, 2023).

The proposal to reconsider the authorship and ownership structure for intellectual property (IP) generated by artificial intelligence (AI) has sparked intense debate among legal experts, policymakers, and industry stakeholders. Currently, under the traditional IP framework, the copyright holder is typically the individual or entity that controls or initiates the AI system's use. However, there is growing interest in recognizing AI as a co-author or even as the primary creator of intellectual products, which would necessitate the creation of a new category of intellectual rights (Persson, 2023).

Argumnets supporting AI as co-author or creator are next : acknowledging AI's role in creation, encouraging innovation and AI development, adapting to technological realities and fair attribution.

Modern AI systems, especially those utilizing advanced machine learning and neural networks, often produce outputs—such as artistic works, inventions, or software—through processes that are largely autonomous. Advocates argue that failing to recognize AI's contribution undermines the innovative value these systems bring to the table and does not adequately reflect the reality of their creative capabilities.

By establishing a new category of intellectual rights for AI-generated works, jurisdictions could incentivize investment in AI research and development. This could provide clarity for businesses and innovators who rely on AI, creating a predictable legal environment conducive to innovation (Hitchens et al., 2024).

The legal recognition of AI's contributions would align IP law with the capabilities of modern technologies, avoiding the imposition of outdated human-centric frameworks on machine-generated outputs. This adaptation is essential as

AI continues to take on increasingly complex and independent roles in the creative and inventive processes (Persson, 2023).

AI systems that operate with minimal or no human intervention blur the traditional notion of authorship. Recognizing AI as a co-author could provide a fair attribution system that reflects the division of labor between human and machine inputs.

By the way, consequences of recognizing AI as a co-author or creator are legal and ethical complexities, potential fragmentation of IP systems, challenges in ownership models and impact on human creators.

So, recognizing AI as a co-author would raise fundamental questions about accountability and responsibility. For instance, if an AI creates a defamatory work or violates copyright, determining liability could become convoluted. Legal frameworks would need to establish clear guidelines on how disputes are resolved and who assumes responsibility for AI-generated content.

If some jurisdictions recognize AI as a creator while others do not, it could lead to inconsistencies in international IP protection. This might complicate the enforcement of rights and create challenges in global commerce (Roberts et al, 2023).

Introducing AI as a co-author could necessitate a rethinking of ownership models. Should the owner of the AI system, its programmer, or the entity using it be considered the beneficiary of these rights? Addressing these questions would require significant legislative and policy adjustments.

And also, there is always a risk that human creators could face diminished opportunities or recognition if AI systems are increasingly attributed with authorship. This could lead to broader societal debates about the value of human creativity versus machine-generated contributions.

At last, advantages of recognizing AI in IP law are clarity in ownership and rights, economic growth boost, fostering collaboration between humans and machines and global leadership in IP reform.

So, establishing a legal framework that explicitly defines AI's role in intellectual property creation would reduce ambiguity and disputes. This would provide a clear pathway for companies and innovators to commercialize AI-generated works without fear of legal uncertainties (Brennen et al, 2018).

By fostering innovation and investment in AI technologies, the recognition of AI in IP law could stimulate economic growth. Companies would be more likely to invest in AI systems if they could rely on robust legal protections for the outputs generated by these technologies (Roberts et al., 2023).

Deeper than that, acknowledging AI as a contributor to intellectual property could promote more collaborative approaches to creation and invention.

This symbiosis between human creativity and machine intelligence could lead to breakthroughs in art, science, and technology.

Jurisdictions that lead the way in adapting IP law to account for AI-generated works could position themselves as global leaders in innovation policy. This would enhance their competitiveness in the AI-driven global economy.

The specified proposed innovations, at the same time, may face certain challenges and prospects, which consist in determining the legal personality of AI and the aspect of balancing between innovations and the protection of rights.

The first approach is based on the fact that the legal recognition of AI as a legal entity (author or inventor) requires profound changes in approaches to legal subjectivity and responsibility, which causes many discussions; the second is that legislators must find a balance between stimulating innovation with the help of AI and protecting human intellectual property rights (Hitchens et al., 2024).

In the future, these proposals may contribute to the development of new legal approaches to the regulation of intellectual power created by AI, which will allow to preserve fairness and ensure the development of innovations - primarily on the condition that the specified process in the UK will have a substantive legal application aimed at regulating the intellectual property market (Kazim et al., 2021).

In the context of the study of the peculiarities of the generation of management and direction of intellectual power and artificial intelligence in Great Britain in the conditions of the development of the intellectual property market, it is also appropriate to note some positions of scientists regarding the influence of the Anglo-American legal family on the specified process (Brennen et al., 2018).

Thus, the Anglo-American legal family, to which Great Britain belongs, has unique approaches to the regulation of intellectual property, which significantly affects the development of law in the conditions of the growing importance of intellectual power and artificial intelligence (AI). This legal tradition, based on common law, is characterized by flexibility, precedent and ability to quickly respond to new challenges. Her key influence is how legal approaches to intellectual property and AI are shaping up, particularly in the UK (Roberts et al., 2023).

The Anglo-American legal family directly affects the regulation of such key aspects as intellectual power and intellectual property in the field of AI. The main influences can be considered in the directions of understanding intellectual power as a legal category, the identification of intellectual property with AI, the correlation between patent law and AI and, finally, aspects of the development of ethical standards in the field of AI (Huang et al., 2023).

The intellectual power created with the help of AI raises many questions in the field of legal regulation, especially regarding copyright and invention rights.

In the common law system, this issue is decided on the basis of precedents and the flexibility of the system.

These approaches are based on the fact that since many aspects related to the intellectual power of AI are new, the British courts will play an important role in determining the limits of legal responsibility and authorship. In addition, courts in the Anglo-American system can adapt existing legal norms to new technologies on a case-by-case basis, which makes it possible to regulate innovations in dynamic conditions of development. AI. The doctrinal apparatus there is inclined to believe that the judiciary must meet the requirements and realities of the time in the context of the protection of rights to computer programs, the results of activity in the field of software, created with the help of intellectual power generated by artificial intelligence (Karimi, 2023).

In turn, the influence of the Anglo-American legal system on the regulation of intellectual property created by AI occurs through court precedents and existing laws, which is based on adherence to the approaches of determining authorship and the development of law through court decisions (Dwivedi et al., 2024).

So, in the Anglo-American legal tradition, there is an approach according to which the person or organization that controls the process of their creation, and not the AI itself, is recognized as the rightful owner of the products created by AI. This is confirmed by both current UK legislation and court decisions (Smith, 2021).

According to this paradigm, each new case related to the use of AI can become the basis for a new precedent that will change approaches to regulation in this area. This allows the legal system to quickly respond to new situations (Arowosegbe et al., 2024).

The Anglo-American system also promotes the development of ethical norms in the use of AI. Although ethics is not part of formal law, court decisions and recommendations from government organizations can influence the formation of standards of conduct and use of AI in the context of intellectual property (AlAli, 2024).

Ukraine, which seeks to integrate into European and world standards, can study the experience of Great Britain in regulating intellectual power and AI. The advantages of the Anglo-American system, such as flexibility and the ability to adapt to new technologies, can be useful for the development of national legal norms in this area. Case law and quick response to technological innovations can become important elements for the development of the legal field of AI in Ukraine. Furthermore, the suggestion for Ukraine to study the UK's experience in regulating intellectual power and AI is rooted in the UK’s proactive and evolving legal framework addressing AI challenges. The UK has demonstrated leadership in balancing innovation with legal clarity by conducting public consultations,

establishing working groups, and exploring codes of conduct to integrate AI into IP law. These efforts provide a roadmap for harmonizing domestic policies with global standards. For Ukraine, adopting elements of the UK's approach could accelerate its alignment with European and international regulatory norms, fostering innovation and legal certainty.

So, further on, we propose to focus more specifically on the features of the understanding of the intellectual-legal model of transformation of the identification of intellectual power and artificial intelligence in Ukraine, adapted to the model features of the Romano-Germanic legal family.

First of all, we should note that the Romano-Germanic legal family, to which Ukraine belongs, has different approaches to the regulation of intellectual power, intellectual property and artificial intelligence (AI) compared to the Anglo-American legal system. The main characteristics of the Romano-Germanic legal system are normativity, systematicity and detailed codification of law, which affects the process of adapting legal norms to the challenges that arise due to the development of AI.

Ukrainian legislation, as part of the Romano-Germanic legal family, affects the regulation of intellectual property and the potential of AI in the aspects of intellectual power in the legal field of Ukraine, intellectual property and AI, aspects of ethics and responsibility in the field of using artificial intelligence and intellectual power within the framework of law intellectual property.

The concept of intellectual power does not yet have a clear legal definition in Ukrainian legislation. However, the issue of intellectual property is already regulated within the framework of legal acts, such as the Civil Code of Ukraine and the Law of Ukraine "On Copyright and Related Rights", which contains provisions on copyright and related rights and defines the rights of authors to works and other intellectual products, respectively (Civil Code of Ukraine, 2003; Law of Ukraine "On Copyright and Related Rights", 2022).

Within the Romano-Germanic system, the legal category of "intellectual power" created by AI can be formalized through changes and additions to existing laws. Since the system is codified, any new concept or legal category must be legislated.

There are no separate provisions in Ukrainian law that would regulate the legal status of products created by artificial intelligence. However, general intellectual property provisions may apply to such products, taking into account aspects of authorship and patents.

Therefore, Ukrainian legislation provides that only a person can be the author of a work, and not a technology or a machine, as in many other jurisdictions. Therefore, the results of AI work are considered the intellectual property of those persons or companies that developed or operated it.

Regarding patents, Ukrainian legislation also follows the classical principles of Romano-Germanic law, where an individual is considered an inventor. AI cannot independently be listed as an inventor or the subject of a patent right.

The Romano-Germanic legal system applied in Ukraine also takes into account the issue of liability for AI products, which includes the issue of liability for damage caused by AI products, as well as the contextualization of ethical norms.

In this context regarding the use of AI to create intellectual property products, it is important to establish clear rules regarding liability for potential copyright or patent infringements. At the same time, as in many other countries, in Ukraine the discussion about the ethical use of AI and its regulation is just beginning, but ethical issues play an important role in the formation of new legal norms (Yakubivskiy, 2024).

On the basis of the problems of the potential transformation of the intellectual and legal field of Ukraine in terms of intellectual power and the protection of the rights of artificial intelligence reviewed above, we propose to single out provisions regarding possible changes and prospects for the development of the intellectual and legal legislation of Ukraine in connection with the development of AI. Also, the presumption of European rapprochement of Ukraine should be taken into account here, including in the legislative field.

In view of global technological changes, new regulatory provisions may be introduced in Ukraine to take into account the development of artificial intelligence. In particular, the important issues that need to be resolved are the definition of authorship of AI works and the expansion of patent law (Tymoshenko, 2020).

Within the framework of this segmentation, we highlight the possibility of introducing the concept of the "creator" of an AI product, which will take into account the contribution of AI developers and end users of the system, as well as the need to amend the patent legislation for the possible patenting of inventions created using AI.

Ukrainian legislation can be gradually adapted to modern challenges in the field of AI and intellectual power, in particular through borrowing international experience and harmonization with EU law.

In particular, Ukraine can refer to the experience of countries belonging to the Romano-Germanic legal family to develop its own legal norms. Also, Ukrainian legislation is already being actively harmonized with European standards, which also concerns issues of intellectual property and technology. Therefore, we should expect further steps in this direction, in particular in the field of legal regulation of AI.

Thus, the influence of the Romano-Germanic legal family on the legal regulation of intellectual power and artificial intelligence in Ukraine lies in the need for codification and legislative regulation of issues related to these new technologies, taking into account international experience and standards.

## CONCLUSION

Based on the comparative analysis of the legal regulation of AI-generated intellectual power in Ukraine and Great Britain, several practical recommendations for future legislative changes in Ukraine can be outlined. First, there is a need to modernize Ukrainian legislation by considering the British approach, which actively develops mechanisms for recognizing AI users as potential rights holders. This could ensure a more adaptive legal framework in response to technological advancements.

Second, given the ongoing discussions in the UK regarding AI as a co-author in patent law, Ukraine should explore similar legal adaptations to account for AI-generated innovations. Introducing amendments to national patent legislation could facilitate a more forward-looking approach to intellectual property rights in the AI era.

Third, Ukraine should prioritize the harmonization of its legal standards with international best practices, particularly in ethical AI governance. Learning from the UK's development of AI regulatory guidelines and ethical frameworks could help shape responsible AI policies, ensuring accountability and effective protection of intellectual power.

Ultimately, these legislative improvements will enhance Ukraine’s ability to regulate AI-generated intellectual property, fostering legal certainty and alignment with global digital transformation trends.

## REFERENCES

*Abbott, R. (2022). Research Handbook on Intellectual Property and Artificial Intelligence. Edward Elgar Publishing. 498 p.*

*Virchenko, V. et al. (2024). Intellectual property as a catalyst for the recovery of the Ukrainian economy during and after the war. Economy and Society. Vol. 61. 7 p.*

*Baranovska, V. (2024). Intellectual property rights in the digital age. Electronic scientific publication "Analytical and comparative jurisprudence". Vol. 3. pp. 167-171.*

*Rothman, D. (2018). Artificial Intelligence By Example. Develop Machine Intelligence from Scratch Using Real Artificial Intelligence Use Cases. Packt Publishing. 490 p.*

*Marr, B. (2019). Artificial Intelligence in Practice. How 50 Successful Companies Used AI and Machine Learning to Solve Problems. Wiley. 352 p.*

*Orduli, E. (2019). To the issue of the legal mechanism for the protection of intellectual property rights in Ukraine. Theory and practice of intellectual property. Vol. 6. pp. 55-64.*

*Kretschmer, M. et al. (2022). Artificial intelligence and intellectual property: copyright and patents—a response by the CREATe Centre to the UK Intellectual Property Office's open consultation. Journal of Intellectual Property Law & Practice. Vol. 17 (3). pp. 321-326.*

*Rowe-Brown, M. & James, H. (2020). Patent Box Evaluation. HM Revenue&Customs. 29 p.*

*Ahmad, S. et al. (2023). Impact of artificial intelligence on human loss in decision making, laziness and safety in education. Humanities and Social Sciences Communications. Vol. 6. Access mode : https://www.nature.com/articles/s41599-023-01787-8*

*Collins, C. et al. (2021). Artificial intelligence in information systems research: A systematic literature review and research agenda. International Journal of Information Management. Vol. 60. Access mode : https://www.sciencedirect.com/science/article/pii/S0268401221000761*

*On Copyright and Related Rights (2022). Law of Ukraine 2811-IX. Date of update : 15.04.2023. URL : https://zakon.rada.gov.ua/laws/show/2811-20#n855*

*UK Copyright, Designs and Patents Act 1988. Updated : 2018. URL : https://assets.publishing.service.gov.uk/media/60180c2b8fa8f53fc62c5897/Copyright-designs-and-patents-act-1988.pdf*

*Rosati, E. (2024). Infringing AI: Liability for AI-generated outputs under international, EU, and UK copyright law. European Journal of Risk Regulation. Vol. 8. 22 p.*

*Artificial Intelligence and IP: copyright and patents (2021). IPO& UK Parliament Consultation Outcome. GOV. UK. URL : https://www.gov.uk/government/consultations/artificial-intelligence-and-ip-copyright-and-patents*

*Association agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand (2014) № 984_011. Date of update : 30.11.2023. URL : https://zakon.rada.gov.ua/laws/show/984_011#Text*

*Peng, M. et al. (2017). History and the Debate Over Intellectual Property. Cambridge University Press. URL : https://www.cambridge.org/core/journals/management-and-organization-review/article/history-and-the-debate-over-intellectual-property/D11C95A6199EC9EF753BAE7A3F121C2B#article*

*Tai, M. (2020). The impact of artificial intelligence on human society and bioethics. NLOM. Vol. 14. P. 339-343.*

*Persson, J. (2023). Artificial Intelligence and UK Education: Research, the Redistribution of Authority, and Rights. International Journal of Artificial Intelligence in Education. Vol. 34. P. 62-72.*

*Hitchens, B. et al. (2024). Sustainability and Intellectual Property in United Kingdom. Sustainability Objectives in Competition and Intellectual Property Law. Vol. 1. pp. 387-415.*

*Kazim, E. et al. (2021). Innovation and opportunity: review of the UK's national AI strategy. Vol. 1 (14). Access mode : https://link.springer.com/article/10.1007/s44163-021-00014-0*

*Brennen, J. et al. (2018). An Industry-Led Debate: How UK Media Cover Artificial Intelligence. University of Oxford Factsheet. 10 p.*

*Roberts, H. et al. (2023). Artificial intelligence regulation in the United Kingdom: a path to good governance and global leadership?. Internet Policy Review. Vol. 12. Access mode : https://policyreview.info/articles/analysis/artificial-intelligence-regulation-united-kingdom-path-good-governance*

*Huang, Y. et al. (2023). The Journal of Academic Librarianship. Vol. 49 (6). Access mode : https://www.sciencedirect.com/science/article/pii/S0099133323001118*

*Karimi, H. (2023). The Impact of Artificial Intelligence on Higher Education in England. Creative Education. Vol. 14 (12). Access mode : https://www.scirp.org/journal/paperinformation?paperid=129811*

*Dwivedi, Y. et al. (2024). Artificial intelligence (AI) futures: India-UK collaborations emerging from the 4th Royal Society Yusuf Hamied workshop. International Journal of Information Management Vol. 76. Access mode : https://www.sciencedirect.com/science/article/abs/pii/S0268401223001068*

*Arowosegbe, A. et al. (2024). Perception of generative AI use in UK higher education. Frontier Education. Vol. 10. Access mode : https://www.frontiersin.org/journals/education/articles/10.3389/feduc.2024.1463208/full*

*ALali, R. (2024). Opportunities and Challenges of Integrating Generative Artificial Intelligence in Education. International Journal of Religion. Vol. 5 (7). 10 p.*

*Smith, J. C. (2021). An Introduction to the History of English Law. Oxford University Press. 236 p.*

*Civil Code of Ukraine : Law of Ukraine № 435-IV (2003). Date of update : 03.09.2024. URL : https://zakon.rada.gov.ua/laws/show/435-15#Text*

*Yakubivskiy, I. (2024). Civil-legal regime of objects generated by artificial intelligence. Scientific Bulletin of the Uzhhorod National University. Series: Law. Vol. 82 (1). pp. 355-361.*

*Tymoshenko, E. (2020). Artificial intelligence as a subject of intellectual property law. Journal of the Kyiv University of Law. Vol. 4. pp. 328-332.*

**The Law, State and Telecommunications Review / Revista de Direito, Estado e Telecomunicações**

***Contact:***
Universidade de Brasília - Faculdade de Direito - Núcleo de Direito Setorial e Regulatório
Campus Universitário de Brasília
Brasília, DF, CEP 70919-970
Caixa Postal 04413

***Phone:*** +55(61)3107-2683/2688

***E-mail:*** getel@unb.br

Submissions are welcome at: https://periodicos.unb.br/index.php/RDET