In relation to them, the general rules applicable in this region on the territory of Ukraine apply without any exceptions. That is, the current legislation does not establish any special restrictions on obtaining access and the ability to legally control trade secrets for foreign citizens, as well as foreign legal entities and stateless persons. They enjoy the same rights and on the same grounds as citizens of Ukraine and legal entities.

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THE PROBLEM OF LEGAL PROTECTION OF SOME ATYPICAL COPYRIGHT OBJECTS

In today's world, it is impossible to imagine any sphere of human life without the influence of information technologies. Various computer programs and databases are being created more and more often, including at the state level, goods are traded through the Internet, works are published, and in general, work and leisure of a person are organized.

In this regard, it is considered necessary to pay more attention to the issue of copyright enforcement of such objects as computer programs, databases, websites, etc. In addition, these issues are already before the courts, both at the national level and at the international level, in particular, the European Union (EU). Therefore, by analyzing the practice of the European Court of Justice and the practice of national courts, preliminary conclusions can be drawn.

A computer program itself is a complex object of copyright. As a general rule, computer programs are protected as literary works under the Berne Convention. The object and source codes of a computer program are a form of its expression and are therefore subject to legal protection. That is, a computer program in any form of expression that allows reproduction in various programming languages is subject to legal protection.

As you know, a computer program is a set of instructions, expressed in words, numbers, codes, diagrams or in any other form suitable for reading by a computer, which causes it to act to achieve a certain goal or result. That is, a computer program includes a number of preparatory materials and developments that lead to its creation.

But copyright does not extend to ideas, logic, processes, systems, methods of operation, mathematical concepts, even if a computer program is based on them. The functionality of a computer program, the programming language, the format of data files used in it to perform certain functions are also not a form of expression of a computer program, and therefore cannot be protected by

copyright as a computer program. That is, technical and functional elements are not protected by copyright.

Copyright protects the form of expression of a program, not the functions it performs. However, functionally complete program elements created and used to develop certain software may be separate objects of copyright. Therefore, the object of legal protection is the form of expression of a computer program and preparatory development materials, the result of which is the further creation of a computer program.

In the practice of the Court of the European Union, the question of whether the graphic interface of a computer program belongs to the objects of copyright has already arisen. Resolving the issue, the Court of the European Union came to the conclusion that the interface is not a form of expression of a computer program and, accordingly, is not subject to legal protection as an object of copyright – a computer program. However, the Court of the European Union pointed out that in the case of originality, such an object may be subject to legal protection as a work and protected by copyright.

In this regard, scientific circles have already expressed an opinion about the feasibility of registering certain elements of such objects as the program code, without which the functioning of the program is impossible.

That is why authors often use such a way of protecting their rights as registering an invention, since an invention is the result of a person's intellectual activity in the field of technology. But then the same object of intellectual property law falls under different spheres of legal regulation, which complicates both the proper registration of the author's rights and the subsequent protection of his rights.

In one of the decisions, the Court of the European Union indicated that if the functionality of a computer program was protected by copyright, it would lead to the monopolization of ideas and would negatively affect technical progress and industrial development. And it is impossible not to agree with this. Therefore, it is seen that such a specific object of copyright, such as a computer program, needs both specific regulation of legal relations related to it, and the unity of judicial practice in the implementation of rights protection, which forces a clear understanding of this object copyright and its components.

Another common atypical object of copyright is a database. At the current stage of the development of society, databases began to be used both among private individuals and at the state level in the form of state authorities, and mainly in electronic form via the Internet.

As you know, a database is a collection of works, data or any other independent information in an arbitrary form, including electronic, the selection and arrangement of electronic parts of which and its arrangement are the result of creative work, and the constituent parts of which are available individually and can be found using a special search engine based on electronic means

(computer) or by other means. The peculiarity of such an object of copyright is that the structure of the database falls under legal protection, and not its content or content elements.

Copyright remains the proper form of exclusive right of the authors who created it (database), but criteria used to determine whether a database should be protected by copyright should be established, on the basis that the selection or arrangement of the contents of the database is its own intellectual property creation of the author and such protection must cover the structure of the database. In the context of the database, this criterion is considered to be met if, through the selection or arrangement of materials, the author reveals his creative abilities in an original way, making free creative decisions and leaving a "personal imprint" on the work.

No criterion other than originality in the sense of the intellectual creation of the author for the original selection and arrangement of the contents of the database should be used to determine whether a database is copyrightable. However, the issue of legal protection of databases that do not meet the criteria of originality is already spreading in scientific circles.

By their nature, websites are close to databases, which are also a collection of data, electronic (digital) information, other objects of copyright and (or) related rights, etc., interconnected and structured within the web address site and (or) the account of the owner of this website, which are accessed through the Internet address, which may consist of a domain name, directory or call records, and (or) a numerical address according to the Internet protocol.

A website is a complex object of copyright, it contains such components as software, information content and a unique domain name, each of which can also be a separate object of copyright. Particular attention should be paid to the information content (content) of the site, which may consist of various specially selected and arranged in a certain way other works that can be used with the help of a certain computer program, which is also an element of the site.

In each specific case, a question may arise regarding the ownership of the copyright objects of both the site as a whole and its individual parts. It should be noted that the practice of national courts already has examples of cases where the subject of the dispute is a website or its components. And therefore, the specified question needs a deeper study in order to form a unified law enforcement practice.