

interests of its developers and users, as well as authors of works and right holders of objects of neighbouring rights used by AI.

From the beginning of 2023 the updated Law of Ukraine “On Copyright and Neighbouring Rights” entered into force and defined the concept of “non-original objects generated by a computer program”. The special kind of right called *sui generis* will now apply to them as well as to non-original databases in the EU. This means that non-property rights to them do not arise, and property rights belong to the authors of such computer programs, their successors or legitimate users. The term of validity of the rights to this object expires after 25 years, calculated from January 1<sup>st</sup> of the year following the year in which the non-original object was generated.

We consider *sui generis* (in the EU it is applied to non-original databases) as optimal enough to determine the legal regime of objects created by AI, because we see some similarities between the specified databases and AI products. The first is the lack of originality that is the characteristic of works created by human, the second is that both kind of objects are essentially a set of other works or fragments of works arranged or processed in a certain way. In our opinion, the very appearance of legal regulation in this area is a positive moment. However, it is difficult to predict how AI-generated objects created in Ukraine will be protected outside its borders, in the states that have not chosen the *sui generis* model.

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## **PRINCIPLES OF MEDIA FREEDOM IN DEMOCRACIES**

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The main purpose of mass media is the exchange of information in society, however, it also forms public opinion. Freedom of speech is one of the most important values of the modern world as it is an integral part of democracy. Media freedom is a fundamental principle of democratic countries, and it is enshrined in

the Universal Declaration of Human Rights [1]. It ensures that the media has the freedom to report, investigate, and express their opinions without fear of restrictions or persecution from the state. In this context, journalists' role is essential because their job is to inform the public about the events that are happening in the country and abroad.

Thus, media freedom is a standard on which the society develops. Journalistic materials can have a great influence on the public opinion. One of the functions of mass media, two-way communication is carried out between the recipient and the communicator. With the help of special technical channels, mass media perform their most important function, their purpose is to provide the population with information. By exercising the right to freedom of speech, mass media can independently identify any negative phenomena happening in the country and determine which governmental activities led to them, by way of covering and analyzing the events of domestic and international life.

The right to freedom of information in a democratic society is ensured by law. De jure, mass media in Ukraine are free, independent and protected from interference of power structures. When Ukraine was declared an independent state, the main goal in Ukraine became the building of a new democratic state in which the rights and freedoms of a person and a citizen are put first. Since the independence of Ukraine, an extraordinary number of laws and orders have been adopted, which contributed to the development of our legislation specifically in the field of mass media.

The Constitution of Ukraine plays a key role in the legal provision of media activities, as the constitutional regulation acts as a basis for further regulation in the current legislation. The Constitution of Ukraine enshrines the right of every person and citizen to freely collect, use, store and disseminate orally, in writing or in any other way the information he possesses - at his choice. In general, these provisions of the Constitution proclaim the freedom and openness of the mass media, as well as define the directions of their activities [2].

Any pressure the authorities put on journalism is simply unacceptable and media can be free and independent only when there is a political will to preserve and develop it. By protecting the principles of media freedom, democratic governments can ensure that citizens have access to the information they need to make informed decisions about their lives and their governments, and this is the fundamental prerequisite for the democratic process to deepen. Public television, powerful opposition parties with their own mass media or a developed cable television system can help form democratic society and oppose monopolizing the information space by the state or private companies.

In the midst of a war, discussions have arisen in Ukraine regarding the appropriate role for the national broadcaster and the level of alignment it should have with the government's position. Due to these considerations, media outlets have been reevaluating their reporting methods. As a result, United News, a unified wartime broadcaster supported by the government, was formed by bringing

together various national television channels [3]. When the Ukrainian government imposed martial law after the invasion began, it resulted in several security restrictions being imposed on journalists, including a prohibition on disclosing the locations of military units and other information that could potentially assist Russian forces.

On March 31, the Law of Ukraine "On Media", adopted by the Verkhovna Rada of Ukraine at the end of 2022 entered into force. It has given the authorities more power to regulate the media, causing some controversy. The government claims the legislation is needed to combat Russian disinformation and propaganda but the European Federation of Journalists has expressed concerns that it could be used to stifle critical reporting. Freedom of speech may have certain limitations, which must be established by law and be necessary in a democratic society to respect the rights and reputation of others and to protect state security, public order, health or morals of the population [4].

Following the arrival of Russian forces in Ukraine, a few journalists avoided investigating claims of misconduct by officials during the initial months. However, investigative reporters eventually revealed allegations in January of this year, indicating that officials were illegally benefiting from military rations and electrical generator procurement contracts intended for the armed forces [3]. The subsequent scandal resulted in the resignation of the deputy defense minister and the firing of the deputy infrastructure minister. As a result of the independent journalism and advocacy by civil society organizations, the government was compelled to take action.

Overall, media freedom is a cornerstone of democratic societies, as it promotes transparency, accountability, and free exchange of ideas. By protecting the principles of media freedom, democratic countries can ensure that citizens have access to the information they need to make informed decisions about their lives and their governments.

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