

were accused of nationalism and executed. In the 1960s, a new wave of intellectuals emerged. The Sixtiers (Lina Kostenko, Vasyl Stus, Ivan Dziuba, Yevhen Sverstiuk) defended the Ukrainian culture. They criticized the Soviet policies and demanded more freedoms. Many of them faced censorship, imprisonment, or exile [4].

Conclusions. The Ukrainian intelligentsia played a crucial role in shaping our national identity. They worked to preserve culture, promote education, and fight for political rights. Despite repressions, they influenced Ukraine's path to independence. Their struggle proves that national consciousness and cultural heritage are essential for the survival of the Ukrainian nation.

References:

1. Грушевський О. З настроїв та думок Кирило-Мефодіївського братства/ Україна: Науковий трьохмісячник українознавства/ Українське наукове товариство в Києві: Друкарня Другої Спілки Друкарів. - 1914.- Кн. 1.- С.71-77
2. Тисячі українських книжок і декілька квадратних метрів: з чого це починалася «Просвіта»: веб- сайт. URL: <https://localhistory.org.ua/texts/statti/tisiachi-ukrayinskikh-knizhok-i-dekilka-kvadratnikh-metriv-z-chogo-pochinalasia-prosvita/> (дата звернення: 12.01.2025)
3. Розвиток мистецтва в 1917-1921 pp. URL: <https://www.historyua.com/2019/05/09/rozvytok-mystetstva-v-1917-1921-rr-10-klas-istoriya-ukrayiny/> (дата звернення: 14.01.2025)
4. Грицак Я. Подолати минуле: глобальна історія України. – Київ:Портал, 2021.- 408с

COPYRIGHT FOR DERIVATIVE WORKS

DIANA PETRIV, student

IRYNA SHPUHANYCH, Associate Professor, PhD in Law, Scientific Adviser

NATALIYA O. HRYNYA, Associate Professor, PhD in Philology, Language Adviser

Ivan Franko National University of Lviv

Introduction. The right to create derivative works is a crucial privilege granted to copyright owners. This adaptation right is considered the most influential among all exclusive rights in copyright law. It allows owners to modify and adapt a copyrighted work, enabling them to improve it and generate new copyrights belonging to the creator of the derivative work, while still respecting the rights attached to the original work.

Objectives. This article aims to find out the main differences in the implementation of copyright for derivative works in Ukraine and the USA.

Methods. In the course of the research, both general scientific and special methods of scientific knowledge were used. The most used methods are the method of analysis and synthesis.

Results. Section 101 of the Copyright Act defines "[a] 'derivative work' as a work based upon one or more preexisting works, such as a translation, musical

arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgement, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, or other modifications which, as a whole, represent an original work of authorship, is a 'derivative work'." 17 U.S.C. §101. Derivative works are also known as "new versions."

One of the primary considerations in copyrighting derivative works is the concept of originality. While derivative works build upon existing material, they must also exhibit a significant level of originality to warrant copyright protection. This criterion ensures that derivative works contribute fresh perspectives and transformative elements, thereby enriching cultural values while respecting the rights of the original creators.

In the USA a derivative work is a copyrighted creation that is based on or developed from another copyrighted work. Copyright laws grant the original creator the right to control how their work is used, including whether others can produce derivative works from it. Such works can be made either with the permission of the original copyright holder or from content that is in the public domain.

For a derivative work to receive copyright protection, it must introduce a significant transformation or modification of the original. The extent of required changes depends on the nature of the work. In some cases, translating a work into another language may be enough, whereas other instances may require a shift in medium. Simply making minor alterations –such as changing a few words in a written piece – is not sufficient to qualify as a derivative work; instead, substantial modifications must be made. At the same time, a derivative work must retain enough elements of the original so that its connection to the source material remains clear.

The copyright protection for a derivative work applies only to the new additions or alterations, not to the original work itself. The creator of the original work maintains ownership and control over their content and, in many cases, can revoke permission for the creation of derivative works. However, if someone has already secured copyright for their derivative work, they retain ownership of that copyright even if their right to make further derivative works is later revoked.

Ukrainian copyright law is based on the continental European tradition, with the Law of Ukraine "On Copyright and Related Rights" as the primary legislation. It places strong emphasis on moral rights (right of attribution, right to integrity of the work), which are inalienable and perpetual, even after economic rights transfer. Copyright registration is voluntary but can serve as prima facie evidence in disputes. The term of protection for derivative works is generally the life of the author plus 70 years. Ukrainian law has more limited exceptions comparable to the fair use doctrine, with more specifically defined situations where use without permission is allowed. Creating derivative works generally requires explicit prior authorization from the original copyright holder. There is also a strong role for collective management organizations in administering rights.

American copyright law is based on the Copyright Act of 1976 with numerous amendments, following the common law tradition. It has limited recognition of moral rights, with greater emphasis on economic rights. Registration is not required for protection but is necessary for filing copyright infringement lawsuits and obtaining statutory damages. The term of protection is generally the life of the author plus 70 years, but with variations for works made for hire. American law features a broader and more flexible fair use doctrine allowing transformative uses that may include creating certain derivative works without permission. While creating derivative works requires authorization from the original copyright holder, there is more flexibility under fair use provisions for transformative works. There is also a more developed concept of "work made for hire," where employers/commissioning parties often automatically own rights to derivative works created by employees/contractors.

Conclusion. To sum up, in both Ukraine and the USA, copyright for derivative works shares similarities but also has significant differences. In Ukraine, obtaining permission from the original copyright holder is mandatory to create a derivative work, even if substantial modifications are made. In the USA, permission is also required, but the "fair use" exception allows for certain derivative works to be created without the original owner's consent, provided it does not infringe on their commercial rights. Additionally, in Ukraine, the rights to a derivative work are more closely tied to the original, whereas in the USA, the author of a derivative work may retain certain rights even if their license to create derivative works is later revoked.

References:

1. The Copyright Act. URL: <https://www.copyright.gov/title17/>
2. Закон України про авторське право і суміжні права від 01.12.2022 року URL: <https://zakon.rada.gov.ua/laws/show/2811-20#n855>
3. Орлюк О.П. Право інтелектуальної власності: академічний курс За ред.О. П. Орлюк, О. Д. Святоцького. — К.: Видавничий Дім «Ін Юре», 2007. — 696 с
4. Захист прав інтелектуальної власності: досвід Сполучених Штатів Америки: збірник документів, матеріалів, статей. — Київ: Видавничий Дім «Ін Юре», 2003.
5. Тарасенко Л.Л: Новий Закон про авторське право (2022): виклики та перспективи. URL: http://lsej.org.ua/12_2022/36.pdf
6. Cambridge Dictionary. URL: <https://dictionary.cambridge.org/>

AGE-RELATED IRRESPONSIBILITY BY LAW: CONCEPT AND CRIMINAL LAW SIGNIFICANCE

OLHA PETRYSHYN, student

ALLA I. RADU, Associate Professor, PhD in Philology, Language Adviser
Ivan Franko National University of Lviv

The **relevance** of the issue of age-related irresponsibility by law lies in its importance for criminal law, since it directly relates to the issue of fair prosecution