



Intellectual property as a component of training future lawyers in higher education

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Abstract. The relevance of the topic was determined by the need to provide future legal professionals with in-depth knowledge in the field of intellectual property as an integral part of their professional competence in the context of the modernisation of higher education in the context of European integration processes. The aim of the study was to theoretically substantiate and determine the pedagogical conditions for the effective integration of intellectual property knowledge into the training system for future legal professionals. The use of historical, comparative, analytical and generalisation methods made it possible to establish the need for a more substantive study of the methodological, methodical and technological support for the professional training of future lawyers in this field. Significant shortcomings were identified in the regulatory framework, in particular the absence of specialised intellectual property competencies in state standards of higher education and the standard of the specialty “Law”, the limited scope of disciplines, the absence of specialised specialisations and interdisciplinary courses, which significantly affects the quality of training of applicants at both bachelor’s and master’s levels. The need to reform educational programmes, taking into account the principles of practical orientation, systematicity and interdisciplinarity, has been established. The principle of systematicity involved the inclusion of intellectual property modules in basic and specialised academic disciplines. The practice-oriented approach focused on the analysis of real cases, participation in simulation processes and the use of other interactive methods. The interdisciplinary approach involves the integration of knowledge from the fields of law, economics

Received 10.06.2025 Revised 28.08.2025 Accepted 23.09.2025

Suggested Citation:

Pei, D., & Miroshnichenko, V. (2025). Intellectual property as a component of training future lawyers in higher education. *Humanities Studios: Pedagogy, Psychology, Philosophy*, 13(3), 38-49. doi: 10.31548/hspedagog/3.2025.38.

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and IT, which is particularly relevant in the modern market, where intellectual property is a component of technological and commercial aspects. Key areas for improving the training of specialists have been identified: the introduction of internships in European patent offices, the development of joint projects with foreign universities, and the use of international online courses. It was emphasised that the results obtained can be used to update the content of educational programmes and introduce effective pedagogical approaches to developing the competencies of future lawyers in the field of legal protection of creative activity, intangible assets and innovations, which will ensure their professional success in the context of globalisation, changes in legislation and the successful integration of the Ukrainian intellectual property protection system into the European legal space

Keywords: students; professional training; interdisciplinarity; professional competencies by specialisation; higher education reform

Introduction

In the context of globalisation and digital transformation, when knowledge, innovation and creative products are becoming increasingly important, the issue of high-quality training of legal professionals capable of working effectively in the intellectual property (IP) system is becoming increasingly relevant. As noted by A. Buhun *et al.* (2024), in the context of a modern constitutional state striving for integration with the European educational space, the formation of a legal culture is of particular importance. Ukraine's integration into the European and global legal space requires future lawyers to have knowledge of international standards in the field of IP, and the intensive development of innovative entrepreneurship in the world makes it one of the key assets of business. This, in turn, creates a demand for specialists capable of providing high-quality services for the registration, protection and commercialisation of IP rights. There is a significant imbalance between the needs of the labour market, which is changing dynamically under the influence of technological innovations, and the existing system of training future lawyers (Boshytskyi, 2020). The growing demand for specialists who are able to work effectively with such new phenomena as NFTs (unique digital certificates confirming ownership of a digital or real object), artificial intelligence or metaverses (digital platforms) contradicts the traditionally theoretical focus of legal education.

An analysis of the curricula of leading higher education institutions, in particular, Taras Shevchenko National University of Kyiv, Bohdan Khmelnytsky National University of Cherkasy, Sumy State University, and the National Technical University of Ukraine "Igor Sikorsky Kyiv Polytechnic Institute" has revealed a number of unresolved issues regarding the methodological, methodological, and technological aspects of professional training for specialists in this field. A. Kodynets (2024) talks about not paying enough attention to the practical aspects of IP, not teaching subjects in this area to students of different specialities and fields at higher education institutions, and getting rid of the separate specialty "Intellectual Property". This situation is exacerbated by a shortage of practicing teachers and limited access to international experience, which generally reduces the competitiveness of Ukrainian graduates in the European labour market. Y. Chernenko (2020) sees a partial solution to the shortage of personnel in the organisation of advanced training courses, which can be implemented using blended and dual forms, interactive methods and learning tools.

Of particular importance is the issue of adapting the Ukrainian system of professional training of future legal specialists to the requirements of the Fourth Industrial Revolution, when traditional approaches to IP protection need to be radically

revised. In this context, the experience of EU countries (Germany, the Netherlands, France, Switzerland) is useful, where the training of specialists in this field is based on close interaction with the business environment, active use of case methods and computer simulations, and practice-oriented learning. At the same time, the Ukrainian reality demonstrates an urgent need to create mechanisms for institutional cooperation between universities, patent offices and IT companies, which will ensure that educational programmes meet the current market demands. In the long term, this will contribute to improving the quality of professional training of future legal specialists who are able to work effectively in the face of global challenges.

An analysis of scientific literature in the context of the above-mentioned issues has shown that the formation of knowledge among future specialists regarding the content and protection of intellectual property rights is of considerable interest among domestic scientists. Thus, topical issues of professional training of specialists in the context of integration into the European educational space and in the context of intellectual property as their professional competence are presented in the study by the authors S. Vitvytska *et al.* (2019). The monograph highlights and summarises national and international experience in organising the training of specialists in the higher education system. The implementation of international commitments, in particular the signing of the Memorandum on the establishment of the National Training Centre for Intellectual Property (2019) and Ukraine's participation in international educational projects such as IP for Children, is the subject of a study by O. Kulinich (2021). State measures to recruit specialists in technology transfer, innovation and intellectual property in higher education institutions and scientific institutions were also studied by S. Fyl & O. Yurchyshyn (2021). M. Savyt'skyi *et al.* (2021) is devoted to compliance with the principles of academic integrity in the educational sphere as a factor in the creation and legitimate use of intellectual property objects. They emphasise the mutual influence of academic integrity

and IP and stress that adherence to these principles in the professional training system will help to form a culture of intellectual property. A study by O. Popadych *et al.* (2023) is devoted to the study of intellectual property as a condition for preparing master's students for professional activity.

At the same time, the problem of forming the necessary competencies in the field of studying and protecting intellectual property by future legal specialists requires further scientific research. The authors of the article agree with the opinion that existing textbooks, such as L. Popova *et al.* (2021), N. Bilousova *et al.* (2021), as well as intellectual property manuals for higher education students, such as Y. Danylenko & O. Yurchyshyn (2023), do not adequately meet the demand for the formation of theoretical knowledge and practical skills in the field of IP. For this reason the aim of this study was to identify and substantiate the peculiarities of training future legal specialists in the field of intellectual property in the higher education system, taking into account modern digital challenges and European integration processes.

Materials and Methods

To achieve the set goal, the following methods were used in the study: analysis of approaches, generalisation, comparison, historical analysis, and others. Thus, the generalisation method made it possible to analyse scientific data and the specifics of Ukrainian legislation in the field of intellectual property protection.

The methodology was based on regulatory and legal analysis, which made it possible to identify the stages of transformation of approaches to teaching intellectual property in Ukraine: from the mandatory presence of this discipline in all higher education institutions (according to the order of the Ministry of Education and Science of 2004) to its actual exclusion from the list of mandatory components of professional training for lawyers in 2015. The analysis was carried out using a chronological approach and comparison, which made it possible to systematise changes in state regulation of the education sector and trace the impact

of these changes on actual educational practices in Ukrainian universities. The study also examined the compliance of educational programmes with higher education standards using a comparison method, in particular analysing educational standards for specialty 081 “Law” and related fields, such as management and entrepreneurship.

The empirical component of the methodology is based on an analysis of the results of a survey of law students at Sumy State University, conducted in October-November 2024. The use of empirical data made it possible to gain an understanding of the real educational needs of students, their vision of the content and structure of the discipline “Intellectual Property”, their level of satisfaction with the courses, and to identify key topics that students consider appropriate to include in the curricula. It should be noted that the empirical survey was qualitative in nature and was used primarily to confirm or refine previously formulated theoretical propositions.

In addition, the methodology actively used comparative analysis of educational approaches used in the European Union, the United States, Japan, and China. This approach made it possible to draw conclusions about the effectiveness of foreign practices of integrating intellectual property into the system of training lawyers and economists, as well as to evaluate the feasibility of their adaptation to Ukrainian conditions. The study of foreign experience was carried out through the analysis of publications by international experts, reports by educational organisations, as well as programmes of the WIPO Academy, Horizon Europe and other initiatives aimed at developing human capital in the field of IP.

Results and Discussion

State policy in the field of intellectual property

First of all, it should be noted that the fundamental role of intellectual property in the innovation policy of any state is recognised both at the level of international institutions and at the level of national policies, as evidenced by analytical reports of the World Intellectual Property Organisation, which

record the role of IP in national innovation systems (Annual Report, 2022). Ukraine is not standing aside from these processes. One of the main aspects of its state policy in the field of education is to promote the sustainable development of society by training competitive human capital. This is discussed in the Strategy of Sustainable Development “Ukraine – 2020” (2015), which defines the main vectors and priorities for the implementation of European standards of living and Ukraine’s rise to a leading position in the world. The document recognises that a high intellectual level of human potential should ensure the country’s competitiveness in the future. Among the goals of Ukraine’s sustainable development for the period up to 2030, defined by the Decree of the President of Ukraine (On Sustainable Development, 2019), are: ensuring comprehensive and equitable quality education and promoting lifelong learning opportunities for all; promoting progressive, inclusive and sustainable economic growth, full and productive employment and decent work for all; creating sustainable infrastructure, promoting inclusive and sustainable industrialisation and innovation (Orliuk, 2019).

Intellectual property is an integral part of Ukraine’s future development, as the implementation of new technologies and, accordingly, the establishment of production facilities in the country requires adequate protection of intellectual assets. That is why the post-war reconstruction of the country depends on the development of the innovation sector and the labour market being filled with specialists in various fields who have knowledge of intellectual property. In this context, the system of training qualified specialists in this field at the bachelor’s and master’s levels is of crucial importance and should be aimed at providing future specialists in various fields with comprehensive knowledge of modern technologies for the legal regulation of intellectual property. The educational process in this field involves: in-depth study of specialised disciplines in the legal protection of IP objects; mastering practical skills in the field of patent auditing; developing competencies in the field of intellectual

property management; developing professional qualities taking into account the specifics of future activities. At the same time, special attention should be paid to developing the skills of future specialists to apply the knowledge they have acquired in practical activities.

At the same time, an analysis of the educational practices of Ukrainian universities has revealed significant gaps in the teaching of intellectual property disciplines to higher education students of various specialities (Konstantynova, 2021). Most Ukrainian higher education institutions do not have specialised IP courses adapted to the needs of specific fields of knowledge, which significantly limits the opportunities for developing relevant competencies not only at the master's level but also at the bachelor's level.

Since 2004, Ukraine has had Order No. 811 (2004) of the Ministry of Science of Ukraine, which required all higher education institutions to teach the subject of intellectual property. According to unofficial estimates, 120,000 students at Ukrainian universities took this course (Papirnyk *et al.*, 2020). In 2015, this order was cancelled, which led to the effective cessation of systematic teaching of IP as a separate discipline. Currently, knowledge in this field is partially integrated into other courses, in particular in the form of elective disciplines or

separate modules within a number of courses. The same principle was applied to the abolition of the specialty "Intellectual Property" (introduced in accordance with Resolution No. 507 of the Cabinet of Ministers of Ukraine, 1997), and in 2010, master's degree programmes in this speciality were launched (Resolution No. 787 of the Cabinet of Ministers of Ukraine, 2010). Since 2015, by order of the Ministry of Education and Science "On the specifics of introducing a list of fields of knowledge and specialities for which higher education is provided" dated 06.11.2015 No. 115, a new list of fields of knowledge and specialities has been introduced, from which specific categories have been excluded. According to the correspondence table, the specialty "Intellectual Property" is classified under specialty D8 "Law".

Thus, until 2016, almost all higher education institutions in Ukraine that trained specialists in the field of "Intellectual Property" awarded the qualification "Intellectual Property Professional". The elimination of this field has caused some chaos in the training of specialists in the field of intellectual property. According to the new list of specialities, this speciality is absent and may be reflected in other fields of knowledge (Kuznetsov, 2021). The evolution of training specialists in the field of intellectual property is presented in Table 1.

Table 1. Features of training specialists in the field of intellectual property

Period	Regulatory documents	Directions of specialist training
1997	Resolution of the Cabinet of Ministers of Ukraine dated 24.05.1997 No. 507 (1997)	Training of specialists in the specialism 7.000002 "Intellectual Property" (specific categories)
2010	Resolution of the Cabinet of Ministers of Ukraine dated 27.08.2010 No. 787 (2010)	Training of Master's students in "Intellectual Property" (specific categories) – 16 HEIs of Ukraine
2016	Resolution of the Cabinet of Ministers of Ukraine dated 29.04.2015 No. 266 (2015)	The training of intellectual property specialists was removed from specific categories; it was decided to transfer it to the field of knowledge "Management and Administration" (07), specialty – Management (073); specialty – Entrepreneurship, Trade, and Exchange Activities (076); and to the field of knowledge Law (08), Law specialty(081)
2022	Higher Education Standard of the second (Master's) level in the field of knowledge 08 Law dated 20.07.2022 No. 643 (2022)	Training of Master's students in intellectual property under 081 Law specialty, 073 Management and Administration within 7 HEIs of Ukraine

Source: compiled by the authors

Professional training in the field of IP within the modern Ukrainian educational space is provided by a small number of universities: in the specialty 081 “Law” – this is Taras Shevchenko National University of Kyiv (Department of Intellectual Property and Information Law); Cherkasy National University named after Bohdan Khmelnytsky; Sumy State University; National Technical University of Ukraine “Kyiv Polytechnic Institute named after I. Sikorsky”, Yaroslav Mudryi National Law University, Sumy State University. This, in turn, determines the need to review approaches to teaching intellectual property in Ukrainian higher education institutions, taking into account modern requirements for training specialists in this field. Thus, the results of a survey of students of the Educational and Scientific Institute of Law of Sumy State University, conducted in October–November 2024 (Department of Criminal Law, 2024), showed that the vast majority believe that the discipline of “Intellectual Property” provides the formation of general competencies and is important for their personal development (Fig. 1).

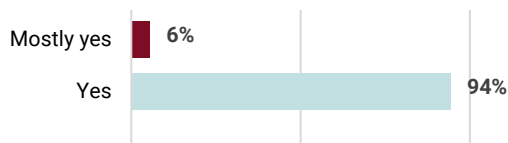


Figure 1. Respondents' satisfaction with the components of the educational and professional programme “Intellectual Property”

Source: Department of Criminal Law (2024)

As noted by R. Drapushko *et al.* (2022), studying the discipline of “Intellectual Property” contributes to the formation of necessary and extremely important competencies, such as: the ability to generate new ideas (creativity), the ability to identify, pose, solve problems and make informed decisions, the ability to adapt and act in new situations, etc. An analysis of the content of the Ministry of Education and Science Standard in the specialty 081 “Law” (Order of the Ministry No. 307, 2023) demonstrated the absence of knowledge, skills, and abilities related to intellectual property among general and professional

competencies. For example, The Standards of Higher Education of Ukraine for Economic Specialities, approved by the Ministry of Education and Science in accordance with the Law of Ukraine “On Higher Education”, define the integral competence for applicants for higher economic education as “the ability to solve complex tasks and problems that involve conducting research and/or implementing innovations under conditions and requirements of uncertainty”. Among the general competencies that should be developed in future specialists is “the ability to generate new ideas (creativity)” (Babenko, 2019).

The authors of the current study consider it appropriate to include such competencies in the list of professional competencies for the 081 Law specialty. The authors consider the formation of skills and abilities to resolve issues of legal regulation of IP in situations of protection, transfer and acquisition of rights to its objects to be the substantive aspects of the integral competence of future lawyers.

Proposals for optimising the training of specialists in the field of IP

The professional training of future lawyers in higher education institutions in Ukraine requires significant transformation, as for them, understanding intellectual property is not only about knowing the regulatory framework, but also about being able to apply it in practice, particularly in the areas of rights protection, licensing and technology transfer. Therefore, the introduction of IP principles into the professional education system should be based on the principles of: systematicity (the inclusion of intellectual property modules in basic and specialised disciplines, which will ensure consistent study of the subject), practical orientation (the use of case methods, simulation processes that enable students to apply theoretical knowledge in real-life situations) and interdisciplinarity (integration of knowledge from law, economics, and IT, which is particularly relevant in modern conditions, when intellectual property often intersects with technological and commercial aspects).

The primary task is to update the content of academic disciplines to reflect contemporary challenges, such as the regulation of artificial intelligence, blockchain technologies and digital assets. Curricula should include not only traditional aspects of copyright and patent law, but also special modules devoted to cyber law, data protection, and the commercialisation of intellectual

property. An important step in this direction is the harmonisation of national educational standards with European ones, in particular with EU directives on copyright in the digital single market. Figure 2 shows the topics that respondents to a survey conducted by the Department of Criminal Law (2024) consider to be fundamental to the discipline of IP.



Figure 2. Basic topics of the IP course according to respondents

Source: Department of Criminal Law (2024)

One of the main problems in training lawyers is the rapid obsolescence of information. Legislation in the field of IP is constantly changing due to international agreements and the rapid development of technologies, in particular artificial intelligence and blockchain. Traditional teaching methods based on passive assimilation of lecture material are becoming ineffective in such conditions.

A key element in the training of future lawyers should be to strengthen the practical component of education, which involves organising internships in patent offices, IT companies and law firms specialising in IP. It would be appropriate to use interactive technologies in the classroom, such as modelling court proceedings involving copyright infringement cases, which would allow students to immerse themselves in real-life situations and learn to make decisions

in conditions that are as close as possible to practice. Working with patent applications, including analysing protection conditions and drafting documents, will help students develop the skills they need for their future careers. The development of their own projects by future lawyers, such as brand protection strategies, will contribute to the development of their creative thinking and teamwork skills. The use of digital platforms, such as online simulators (e.g., IP Panorama), will allow students to work through real-life scenarios and acquire practice-oriented skills in a convenient format. This is confirmed by the results of a survey of applicants for the “Intellectual Property” programme (Department of Criminal Law, 2024), who are interested in contemporary topics related to digitalisation, international law and industry-specific features of IP (Fig. 3).



Figure 3. Updating the content of the IP course according to respondents

Source: Department of Criminal Law (2024)

In addition, an effective tool is the use of distance learning courses from international organisations such as the World Intellectual Property Organisation (WIPO, n.d.) or the European Union Intellectual Property Office (EUIPO, n.d.), which offer modern and relevant materials for study. An equally important area for improving the training of legal professionals is the development of interdisciplinary links between legal and technical specialties. This involves the introduction of joint educational programmes with IT specialists, engineers and designers, which will enable future lawyers to better understand the technical aspects of IP objects.

Of particular importance is the systematic improvement of the qualifications of teachers in the field of IP, who must possess not only theoretical knowledge but also practical experience in the field of IP. To this end, it is advisable to involve patent attorneys, corporate lawyers and representatives of the State Intellectual Property Service in teaching. An important tool for improving the qualifications of teachers is their participation in international training courses and internships organised by WIPO or the European Patent Office.

As noted by N. Fesenko & N. Ruban (2019), most European countries face the problem of a shortage of highly qualified teachers. This is primarily due to the fact that intellectual property is constantly evolving, new types of rights to IP objects are emerging (e.g., intellectual property on the Internet), and this requires the development and implementation of updated courses and interactive teaching methods. Secondly, every intellectual property specialist needs to understand the legal regimes in force in different countries and be familiar with the system of intergovernmental legislative norms, such as those of the European Union, its regulations and directives.

An analysis of international experience in the professional training of applicants in the higher education system shows that the countries of the European Union and the United States actively use intellectual property programmes aimed at training qualified specialists. For example, in Germany,

there are compulsory intellectual property courses for lawyers, which provide basic knowledge in this field. Programmes such as Horizon Europe (a European research and innovation project) provide grant support for research in the field of intellectual property, which stimulates the development of this industry. In Ukraine, there is potential for expanding cooperation with the “Ukrainian National Office for Intellectual Property and Innovation”, which has been operating since 2022 on the basis of Cabinet of Ministers of Ukraine No. 943-r (Some Issues of the National Intellectual Property, 2022), which can provide practical materials and assist in the development of training programmes. The inclusion of practical modules modelled on the WIPO Academy (a centre for professional education, training and advanced training in the field of intellectual property) in the curricula will enable higher education institution students to acquire the relevant knowledge and skills necessary for working in the field of IP.

The integration of intellectual property principles into the training system for future legal professionals is a necessity dictated by current challenges in the labour market and globalisation processes. Optimising professional training requires updating teaching methods, activating practical components and international cooperation. Overcoming existing challenges will ensure the formation of specialists capable of protecting intellectual assets in the context of digitalisation. The use of interactive methods, project-based learning and digital platforms, as well as the active involvement of international practices, will contribute to improving the quality of higher education and the training of highly qualified specialists.

Conclusions

Intellectual property is a fundamental component of the professional competence of future specialists. Taking into account modern digital challenges and European integration processes, comprehensive, interdisciplinary and practice-oriented approaches have been identified as specific features of their training in the higher education system.

During the review of regulatory documents, the Standards of Higher Education of the Ministry of Education and Science of Ukraine and educational programmes, it was found that since 2016, the number of higher education institutions training specialists in the field of “Intellectual Property” has significantly decreased. Most higher education institutions do not have specialised courses on IP adapted to the needs of specific fields of knowledge, which significantly limits the opportunities for developing relevant competencies not only at the master’s level but also at the bachelor’s level.

An analysis of the pedagogical aspects of training future specialists in the field of IP reveals ways to optimise curricula, teaching methods and practical training: the application of a comprehensive approach that combines theoretical knowledge with practical skills; integration of interdisciplinary knowledge (curricula should include elements of related disciplines, which will allow future lawyers to better understand the context in which IP operates); the need to constantly update knowledge in connection with the dynamic development of legislation and practice in the field of IP; the use of international experience in

training IP specialists; the development of soft skills in future specialists (communication skills, creative thinking, ability to work in a team); the use of opportunities offered by grant projects and state programmes in the field of IP.

Prospects for further research include studying the latest digital tools, platforms and simulations that allow modelling situations of law enforcement in the field of IP, studying foreign experience, in particular in the EU, USA, Japan and China, in training specialists in this field, with a view to adapting best educational practices. A separate area of research could be the development of criteria and indicators for the evaluation of professional competencies by specialisation, analysis and the role of dual education, the introduction of certification programmes and post-graduate education.

None.

None.

None.

Acknowledgements

Funding

Conflict of Interest

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Інтелектуальна власність як складова підготовки майбутніх фахівців з права в системі вищої освіти

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Анотація. Актуальність теми зумовлена необхідністю формування у майбутніх фахівців з права ґрунтовних знань у сфері інтелектуальної власності як невід'ємної складової їх професійної компетентності в умовах модернізації вищої освіти в контексті євроінтеграційних процесів. Мета дослідження полягала в теоретичному обґрунтуванні та визначенні педагогічних умов ефективної інтеграції знань з інтелектуальної власності в систему підготовки майбутніх фахівців з права. Застосування історичного, порівняльного, аналітичного методів та методу узагальнення дозволило встановити необхідність більш змістовного дослідження методологічного, методичного та технологічного забезпечення професійної підготовки майбутніх юристів у цій царині. Було виявлено суттєві недоліки в нормативній базі, зокрема відсутність спеціалізованих компетенцій з інтелектуальної власності у державних стандартах вищої освіти та стандарті спеціальності «Право», обмежений обсяг дисциплін, відсутність профільних спеціалізацій та міждисциплінарних курсів, що суттєво впливає на якість підготовки здобувачів як на бакалаврському, так і на магістерському рівнях. Встановлено необхідність реформування навчальних програм, з урахуванням принципів практико-орієнтованості, системності та міждисциплінарності. Принцип системності передбачає включення модулів з інтелектуальної власності до базових та спеціалізованих навчальних дисциплін. Практико-орієнтований підхід акцентував увагу на аналізі реальних кейсів, участі в імітаційних процесах та використанні інших інтерактивних методів. Міждисциплінарний підхід передбачив інтеграцію знань з права, економіки та ІТ-сфери, що особливо актуально в умовах сучасного ринку, де інтелектуальна власність є складовою технологічних та комерційних аспектів. Окреслено ключові напрями вдосконалення підготовки фахівців: впровадження стажувань у європейських патентних відомствах, розвиток спільних з іноземними університетами проєктів, використання міжнародних онлайн-курсів. Підкреслено, що отриманні результати можуть бути використані для оновлення змісту освітніх програм та впровадження ефективних педагогічних підходів щодо формування у майбутніх фахівців з права компетентностей у сфері правового захисту результатів творчої діяльності, нематеріальних активів та інновацій, що забезпечить їх професійний успіх в умовах глобалізації, змін у законодавстві та успішну інтеграцію української системи захисту інтелектуальної власності в європейський правовий простір

Ключові слова: здобувачі освіти; професійна підготовка; міждисциплінарність; професійні компетентності за спеціалізацією; реформа вищої освіти