

**INFLUENCE OF MARTIAL LAW ON THE FURTHER  
DEVELOPMENT OF THE PROTECTION OF TRADE SECRET  
AND CONFIDENTIAL INFORMATION  
OF BUSINESS IN UKRAINE**

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**INTRODUCTION**

Scientific intelligence (SI) is dedicated to the protection of trade secret (TS) and confidential information of business (CIB) in Ukraine during martial law, as well as prospects for further development of administrative and legal protection of TS and CIB. According to the content of SI, it is the search and processing of the necessary information, the definition of problems in a certain field of SI, and then the presentation of one's own considerations (improvement, search for new ones, etc.) regarding a certain sphere of human activity in the form of scientific works.

Among modern domestic scientists who are fruitfully engaged in scientific research in the field of administrative and information law, it is necessary to single out, namely: E. Skulisha, O. Kravchuk, O. Baranov, V. Kolpakov, K. Belyakov, O. Svitlychny, O. Gulak, V. Furashev, O. Dovgan, T. Tkachuk, A. Marushchak, and others.

Among the foreign scientists engaged in research on the regulatory protection of TS, we can single out Lydia Lundstedt, In her research, the scientist notes that when determining the form and level of trade secret protection, states must take into account (often constitutional) norms on freedom of information, freedom to compete and manage business, mobility and confidentiality of employees. Policy objectives and trade secret protection differ depending on the social, political and economic environment of each individual state. We can state that every state in the modern world should in every possible way stimulate and support scientific researchers in their SI for the development of new technologies, the search for new knowledge and spheres of activity of a person as a citizen, etc. This will contribute to the powerful economic, social, and financial development of the state <sup>1</sup>.

The author proposed new concepts, as well as suggestions for improving the existing terms, and other aspects of TS and CIB in Ukraine, such as:

**1) Scientific intelligence (SI)** is the scientific activity of a person or a group of people, aimed at finding new things (material, non-material), conducting scientific research in a certain field of science, analyzing and systematizing the results of intelligence in the form of theories, hypotheses, scientific works, etc. The results of SI are subject to publication and protection

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<sup>1</sup> Lydia Lundstedt. Cross-Border Trade Secret Disputes in the European Union : Jurisdiction and Applicable Law Elgar Monographs in Private International Law. UK : 2023. 289 c.

in the form of dissertations, monographs, scientific articles, theses of reports, and other scientific works;

2) **Self-ability** is the embodiment and realization of one's abilities or talents. Self-ability of intellectual property rights, namely trade secret (TS) as an object of intellectual property rights.

3) **Business espionage (BES)** is the obtaining of information that has commercial value for the business activities of a firm or other business entity and provides advantages in the field of business over competitors by using methods prohibited by law;

4) **Technical business espionage (TBES)** is the illegal collection of commercially valuable information for business, by removing this information from the TBES using special technical means;

5) **Commercial secret (CS)** is information that has commercial value in the field of business (entity, enterprise, institution or organization) and relates to a specific secret (technical, production, organizational or other) of the enterprise. The totality of CS is a trade secret (TS);

6) **Trade secret (TS)** is commercially valuable information; the business entity is the owner of technical, organizational information or other CS, has the right to protection against the illegal use of this information by third parties, provided that this information has commercial value due to the fact that it is not known to third parties and before it there is no free access of other persons on legal grounds, and the owner of the information takes appropriate measures to protect it;

7) **Confidential information (CI)** is information, including family secrets, access to which is limited to an individual (and/or legal entity) and which can be distributed in a certain manner at his/her request in accordance with the conditions stipulated by him/her.

8) Given the presence in the legal definition of CI of a legal entity, a certain business may secrete its commercially valuable information under the label "CI" and/or "TS". That is why it is necessary to distinguish between the concepts of "CI about a natural person" and "CI of business" in order to improve the conceptual and categorical apparatus of the legislative framework of Ukraine and formulate as follows:

a) **Confidential information about a natural person (CI)** is information, including family secrets, access to which is limited to a natural person and which can be distributed in a certain manner at his will in accordance with the conditions stipulated by him (personal data, place of work, family composition, business reputation, and other information about a natural person);

b) **Confidential information of business (CIB)** is commercially valuable information for a business (entity, enterprise, institution, or organization), which, in the event of its leakage, loss, or other illegal actions regarding CIB, may negatively affect business profits.

## **1. Protection of Trade secret and confidential information of business under martial law in Ukraine**

The author's vision of distinguishing the concepts of "confidential information about a natural person" and "confidential information of business" in Ukraine is proposed, namely as follows:

1) It is necessary to distinguish between the concepts of "confidential information about a natural person (CI)" and "confidential information of business (CIB)", since different measures/methods of protection and protection against leakage, illegal actions regarding such information, or other threats are used for each of them;

2) Considering the presence in the legal definition of CI of a legal entity, a business in Ukraine can secret its commercially valuable information under the label "CI" and/or "TS". That is why it is necessary to distinguish between the concepts of "CI about a natural person" and "CI of business" in order to improve the conceptual and categorical apparatus of the legislative framework of Ukraine;

3) **Commercial secrets (CS)** are information that has commercial value in the field of business (entity, enterprise, institution or organization) and relates to a specific secret (technical, production, organizational or other) of the enterprise. The totality of CS is a trade secret (TS);

4) **Trade secret (TS)** is commercially valuable information; the business entity is the owner of technical, organizational information or other CS, has the right to protection against the illegal use of this information by third parties, provided that this information has commercial value due to the fact that it is not known to third parties and before it there is no free access of other persons on legal grounds, and the owner of the information takes appropriate measures to protect it;

5) **Confidential information about a natural person (CI)** is information, including family secrets, access to which is limited to a natural person and which can be distributed in a certain manner at his will in accordance with the conditions stipulated by him (personal data, place of work, family composition, business reputation, and other information about a natural person);

6) **Confidential Information of Business (CIB)** is commercially valuable information for a business (entity, enterprise, institution, or organization), which, in case of its leakage, loss, or other illegal actions regarding CIB, may negatively affect business profits;

7) The author suggested that CI and CIB, which circulates in subjects of authority, control and law enforcement agencies, be classified as official information (to protect CI and/or CIB from leakage and/or loss of such information). Personal data about a natural person are protected in accordance with the Law "On the Protection of Personal Data".

In accordance with the Law of Ukraine "On Mobilization Training and Mobilization", Article 21, the obligations of enterprises, institutions and organizations regarding mobilization preparation and mobilization, which

consist in the following, that enterprises, institutions and organizations are obliged to:

1) carry out during mobilization measures to transfer production (activity) to functioning in conditions of a special period;

2) to assist the territorial recruitment and social support centers, the Central Administration and/or regional bodies of the Security Service of Ukraine, the relevant division of the Foreign Intelligence Service of Ukraine in their work in peacetime and in special periods;

3) in case of mobilization, ensure the delivery of equipment to assembly points and military units in accordance with mobilization tasks (orders);

4) during the mobilization, provide buildings, structures, transport and other material and technical means to the Armed Forces of Ukraine, other military formations, the Operational Rescue Service of Civil Defense in accordance with the mobilization plans, with subsequent reimbursement of their cost in the manner established by law;

5) ensure the formation and management of the insurance fund of documentation for mobilization and defense products;

6) keep military records of conscripts, conscripts and reservists from among working people, carry out measures to reserve conscripts for the period of mobilization and in a special period and provide reporting on these issues to the relevant state authorities, other state bodies and local self-government bodies in the established manner;

7) to provide relevant state authorities, other state bodies and local self-government bodies with information necessary for planning and implementation of mobilization measures;

8) in the case of registration (re-registration), conversion or deregistration of vehicles that may be assigned to supplement the Armed Forces of Ukraine and other military formations in a special period, submit to the relevant bodies and units that, in accordance with the Law of Ukraine "On Road Traffic" state registration and accounting of vehicles, documents with a mark of the relevant district (city) territorial center of equipment and social support on their inclusion in the military register (removal from the military register). Enterprises, institutions and organizations that are executors of mobilization tasks (orders) for the production of products, conclude agreements (contracts) with enterprises, institutions and organizations – manufacturers (co-executors) of component products, suppliers of material and technical means, raw materials. Enterprises, institutions and organizations may not refuse to enter into contracts (contracts) for the fulfillment of mobilization tasks (orders), if their capabilities, taking into account the mobilization deployment and the material and financial resources transferred to them, make it possible to fulfill these mobilization tasks (orders) and other aspects.<sup>2</sup>

The author proposed to adopt a normative legal act, which should regulate the issues of creation, use, preservation, disclosure of TS and/or CIB,

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<sup>2</sup> On mobilization training and mobilization: Law of Ukraine dated 10/21/1993. URL: <https://zakon.rada.gov.ua/laws/show/3543-12#Text> (date of application: 11.03.2024).

definition of TS and/or CIB, their signs, conditions of legal protection, list of information that constitutes/does not constitute TS and/or CIB, the emergence of subjects of the right to TS and/or CIB, the possibility of crediting TS and/or CIB to the balance sheet of the enterprise as an intangible asset, the procedure for disclosing TS and/or CIB to law enforcement and control bodies, the responsibility of state bodies for disclosing TS and/or CIB, protection and protection of the latter and other issues related to TS and/or CIB. After all, today the most effective measure to ensure the protection of TS and/or CIB is the protection carried out by the business itself through local measures and the adoption of local corporate legal acts. At the same time, the system of measures to ensure the protection of TS and/or CIB should include various measures – administrative, legal, organizational, technical and others.

In Article 17 of the author's draft law on TS, the following liability for offenses regarding such information with limited access is proposed, namely:

1. Violation of this law entails disciplinary, civil, administrative or criminal liability, in accordance with the legislation of Ukraine.

2. An employee who, in connection with the performance of labor duties, has gained access to a trade secret owned by the employer and its counterparties, in the event of unintentional or careless disclosure of this information, in the absence of any crime in the actions of such an employee, bears disciplinary responsibility in accordance with the law of Ukraine. According to the Civil Legislation of Ukraine, an employee who disclosed a trade secret in violation of the employment contract is obliged to compensate the damage caused to the enterprise, institution or organization.

3. State authorities, other state bodies, local self-government bodies, supervisory and law enforcement bodies that have gained access to a trade secret bear full financial responsibility to the owner of information constituting a trade secret for the disclosure or illegal use of this information by public officials, or by officials of the specified bodies, to whom it became known in connection with the performance of official (official) duties by them.

4. A person who used a trade secret and did not have sufficient grounds to consider the use of this information to be illegal, including having access to it as a result of an accident or mistake, cannot be prosecuted in accordance with the law.

5. At the request of the owner of a trade secret, the person specified in part 4 of this article is obliged to take measures to protect the confidentiality of information. If such a person refuses to take the specified measures, the owner of the trade secret has the right to demand legal protection of his rights (Appendix A)<sup>3</sup>.

For the further development of the administrative and legal protection of TS and/or CIB in the conditions of martial law in Ukraine, the author proposed a project of the Law of Ukraine "On Trade Secret", which meets the modern challenges in Ukraine regarding the protection and protection of TS, including

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<sup>3</sup> Kravchenko O.M. Administrative and legal principles of trade secret protection in Ukraine: diss. ... candidate law Sciences: 12.00.07. Kyiv, 2019. 253 p.

in the case of ATO or combat actions, or during other special operations. Article 15 of our project states that the owner of the trade secret decides at his own discretion, but within the limits of the legislation of Ukraine, what actions to take regarding the protection of trade secret. The Security Service of Ukraine and other law enforcement agencies of Ukraine are responsible for assisting business entities and protecting trade secret during anti-terrorist operations or military operations, as well as other special operations. In the event of damage to the business entity through the leakage of information constituting a trade secret from bodies authorized to take certain actions regarding the protection of trade secrets during anti-terrorist operations or military operations, as well as other special operations, the losses shall be compensated by the guilty authorities (Appendix A) <sup>3</sup>.

In previous SI, the author proposed proposals for further development and improvement of the protection of confidential information and trade secret under martial law; the state of protection of commercial secrets of business entities in the temporarily occupied territories of Ukraine and in the zone of ATO; the state of protection of commercial secrets of business entities in the temporarily occupied territories of Ukraine and in the zone of anti-terrorist operation <sup>4</sup>.

The author established that the following actions are required to protect and protect commercially valuable information:

1. The owner of information that has a commercial value determines at his own discretion whether the information that has a commercial value will belong to TS and/or CIB.

2. The owner of the information that has a commercial (economic) value, independently establishes measures to protect this information (that has a commercial value), and other aspects related to the protection of TS and/or CIB, namely legal measures, organizational, technical, etc.

3. The owner of information that has commercial value establishes the terms of the classification of TS and/or CIB, the circle of persons who can be acquainted with the specified information (on a contractual basis), etc. Previously, the author proposed the following that a possible solution to the problems in the field of protection of confidential secrets and commercial secrets in Ukraine during the martial law may be the adoption of the Law of Ukraine "On Trade Secret", and regarding confidential information to remove references to legal entities in the relevant legislative acts on CI.

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<sup>4</sup> Kravchenko O.M. Protection of confidential information and trade secrets under martial law. Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs. 2022. Special issue. No. 1. P. 471–475. DOI: 10.31733/2078-3566-2022-6-471-475

Kravchenko O.M. State of protection of trade secret of business entities in the temporarily occupied territories of Ukraine and in the zone of anti-terrorist operation. Actual problems of the social and legal status of persons injured during the anti-terrorist operation: coll. materials of the All-Ukrainian science and practice conf. (Kyiv, April 19, 2017). Kyiv: Acad. labor, social relations and tourism, 2017. P. 36–39.

Kravchenko O.M. State of protection of trade secret of business entities in the temporarily occupied territories of Ukraine and in the zone of anti-terrorist operation. Information security of a person, society, state. 2018. No. 2 (24). P. 117–124.

The legislation of Ukraine provides for criminal liability, namely in Art. 182 of the Criminal Code of Ukraine (CCT) is specified that Illegal collection, storage, use, destruction, distribution of confidential information about a person or illegal change of such information shall be punished by a fine from five hundred to one thousand non-taxable minimum incomes of citizens or by correctional labor for a term of up to two years, or by arrest for a term of up to six months, or by restriction of freedom for a term of up to three years, etc. In turn, in Art. 231 CCU are indicated that Illegal collection for the purpose of use or use of information constituting a commercial or banking secret shall be punished by a fine of three thousand to eight thousand tax-free minimum incomes of citizens. In Art. 232 of the CCU stipulates that for the disclosure of a commercial or banking secret, intentional disclosure of a commercial, banking secret without the consent of its owner shall be punished by a fine from one thousand to three thousand non-taxable minimum incomes of citizens with deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years.<sup>5</sup>

Thus, administrative legislation provides for liability for violation of rights to the object of intellectual property rights, including TS and CI of business (Articles 51–2 of the Code of Ukraine on Administrative Offenses (CUAO)), unfair competition, one of the manifestations of which is obtaining, using, disclosing trade secrets, as well as other confidential information with the purpose of causing damage to the business reputation or property of another entrepreneur (Article 164-3 of the Code of Administrative Offenses of Ukraine)<sup>6</sup>. It should be noted that the legislator at the legislative level defines such concepts as illegal collection of TS, disclosure of TS, tendency to disclose TS, improper use of TS.

At the same time, in accordance with Part 3 of Art. 164-3 "Unfair competition" for receiving, using, disclosing trade secrets, as well as other confidential information with the purpose of causing damage to the business reputation or property of another entrepreneur provides for administrative liability with the application of a fine from nine to eighteen tax-free minimum incomes of citizens<sup>6</sup>. According to the specified article, the right to draw up protocols on administrative offenses belongs to the bodies of the Antimonopoly Committee of Ukraine. Thus, administrative responsibility for the violation of the right to TS consists directly in drawing up protocols on administrative offenses by subjects authorized in accordance with the law for persons who have violated the right to an object of intellectual property, namely TS, as well as in the application by the court to them corresponding administrative charges.

Legal relations related to protection against unfair competition are regulated by the following legal acts: Law of Ukraine "On protection against unfair competition", Law of Ukraine "On Protection of Economic

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<sup>5</sup> Criminal Code of Ukraine dated April 5, 2001. Information of the Verkhovna Rada of Ukraine. 2001. No. 25 – 26. Article 131. URL: <http://zakon.rada.gov.ua/laws/show/2341-14> (date of application: 12.03.2024).

<sup>6</sup> Code of Ukraine on Administrative Offenses dated 07.12.1984 No. 8073-X. URL: <http://zakon2.rada.gov.ua/laws/show/80731-10/paran3896#n3896> (access date: 03/12/2024).

Competition", Law of Ukraine "On the Antimonopoly Committee of Ukraine", "Paris Convention for the Protection of Industrial Property of March 20, 1883", international treaties of Ukraine, the binding consent of which was given by the Verkhovna Rada of Ukraine, other legal acts issued on the basis of laws or resolutions of the Verkhovna Rada of Ukraine. Chapters 4–5 of the Law "On Protection from Unfair Competition"<sup>7</sup> and the Law "On Protection of Economic Competition"<sup>8</sup> provide for property liability for unfair competition.

It has been established that liability for illegal disclosure or other illegal actions regarding TS and/or CIB in Ukraine are provided for in the following legal acts: Criminal Code of Ukraine (Articles 231–232); Code of Ukraine on Administrative Offenses (Article 164, Clause 3); The Law of Ukraine "On Protection from Unfair Competition" (Chapter 4) and others.

Thus, taking into account the subject of our SI, we suggest that under administrative responsibility in the field of TS provision, we understand the system of influence measures against the guilty person, which are carried out in compliance with the established procedure by the relevant authorized subjects, provided by the law for committing an administrative offense in the field of TS provision.

Taking into account the fact that trade secrets are the object of intellectual property rights, in the event of an offense related to the violation of the right to trade secrets, the above-mentioned bodies may draw up protocols on administrative offenses under the specified article.

An example for our scientific research can be the legal protection of bank secrecy, namely the Law of Ukraine "On Banks and Banking Activity". Where in Chapter 10, Articles 60–62, the following is indicated: what is Bank secrecy, namely, information about the activity and financial condition of the client, which became known to the bank in the process of servicing the client and relations with him, or became known to third parties during the provision of bank services or execution the functions defined by law, as well as the information about the bank defined in this article, are bank secrets; information about clients' bank accounts, including bank correspondent accounts with the National Bank of Ukraine; information about operations carried out for the benefit of or on behalf of the client, transactions performed by him; financial and economic condition of clients; information on the organization and security of the bank and persons staying in the bank's premises; information about the organizational and legal structure of the client's legal entity, its managers, areas of activity; information about the

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<sup>7</sup> On protection against unfair competition: Law of Ukraine dated 07.06. 1996. Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/236/96-%D0%B2%D1%80#Text> (date of application: 12.03.2024).

<sup>8</sup> On the protection of economic competition: Law of Ukraine from 2001. Verkhovna Rada of Ukraine. URL: <http://zakon3.rada.gov.ua/laws/show/2210-14> (date of application: 12.03.2024).



commercial activities of clients or trade secrets, any project, inventions, product samples and other commercial information, etc.<sup>9</sup>.

So, the author found that a possible solution to the problems in the field of protection of TI and/or CIB during the martial law in Ukraine can be the adoption of the Law of Ukraine "On Trade Secret". Regarding confidential information, here the author proposes to remove references to legal entities in relevant legislative acts on CI, or to distinguish between the concepts of "confidential information about a natural person" and "CIB".

## **2. Development and improvement of administrative and legal protection of trade secret and confidential information of business in Ukraine**

Self-ability of intellectual property rights to TS in Ukraine, first of all, consists in administrative and legal protection and reliable protection of TS and/or CIB from illegal encroachments and other modern threats.

Therefore, legal regulation of TS and/or CIB is necessary not only at the level of normative legal acts that make up the legislation on TS and/or CIB, but also at the local level – in the form of local acts of a certain enterprise. For the development and improvement of the administrative and legal protection of TI and CIB in Ukraine, the author suggests concepts such as "holder of TS" (ECU), "person" (CCU), in our opinion, should be replaced by the term "owner of TS", as we and proposed in the project the Law of Ukraine "On Trade Secret" (Appendix A)<sup>10</sup>.

In Art. 21 of the Law of Ukraine "On Information" states that information with limited access is confidential, secret and official information.

Information about a natural person, as well as information to which access is limited to a natural or legal person, except for subjects of authority, is considered confidential. Moreover, confidential information can be distributed at the request (consent) of the relevant person in the order determined by him in accordance with the conditions provided for by him, as well as in other cases determined by law<sup>11</sup>.

In Art. 7 of the Law of Ukraine "On Access to Public Information" states that information containing state, professional, banking, intelligence secrets, pre-trial investigation secrets and other secrets prescribed by law, including commercial secrets, is recognized as secret.<sup>12</sup>

It was established that the definition of trade secret is contained in the Civil Code of Ukraine (CCU)<sup>13</sup>, as well as in the Economic Code of Ukraine

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<sup>9</sup> About banks and banking activities. Information of the Verkhovna Rada of Ukraine (VVR), 2001, No. 5-6, Article 30. URL: <https://zakon.rada.gov.ua/laws/show/2121-14#Text> (date of application: 13.03.2024).

<sup>10</sup> Kravchenko O.M. Administrative and legal principles of trade secret protection in Ukraine: diss. ... candidate law Sciences: 12.00.07. Kyiv, 2019. 253 p.

<sup>11</sup> About information: Law of Ukraine dated 02.10.92. Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2657-12#Text> (date of application: 13.03.2024).

<sup>12</sup> On access to public information: Law of Ukraine of 2011. Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2939-17#Text> (date of application: 13.03.2024).

<sup>13</sup> Civil Code of Ukraine dated January 16, 2003 No. 435-IV. URL: <https://zakon.rada.gov.ua/laws/show/435-15#Text> (date of application: 13.03.2024).

(ECU)<sup>14</sup>, but, in our opinion, needs improvement. In Art. 505 of the CCU states that TS is information that is secret in the sense that it is unknown in general or in a certain form and combination of its components and is not easily accessible to persons who normally deal with the type of information to which it belongs, in therefore, it has a commercial value and has been the subject of measures adequate to the existing circumstances to preserve its secrecy, taken by the person who legally controls this information. In Art. 162 of the Civil Code states that a business entity that is the owner of technical, organizational or other commercial information has the right to protection against the illegal use of this information by third parties, provided that this information has commercial value due to the fact that it unknown to third parties and there is no free access to it by other persons on legal grounds, and the owner of the information takes appropriate measures to protect its confidentiality.

In Art. 505 of the CCU uses the term "person", but it is unclear which "person" the legislator means, namely: a legal entity or an individual. In our opinion, it should be clearly stated in Art. 505 of the Civil Code, what exactly is a legal entity, and formulate it, for example, as follows: TS is information that is secret in the sense that it is generally or in a certain form and combination of its components unknown and not easily accessible to persons who normally deal with the type of information to which it belongs, in this regard has commercial value and was the subject of measures adequate to the existing circumstances to preserve its secrecy, taken by the legal entity that legally controls this information.

In Art. 162 of the ECU states that a business entity that is the owner of technical, organizational or other commercial information has the right to protection against the illegal use of this information by third parties, provided that this information has commercial value due to the fact that it unknown to third parties and there is no free access to it by other persons on legal grounds, and the owner of the information takes appropriate measures to protect its confidentiality<sup>15</sup>. Here, in addition to the not entirely correct, in our opinion, concept of "holder of TS" (change to "owner of TS"), mentions of confidentiality should be removed, because confidential information is information about a natural person, not a legal entity. And formulate the definition of TS in Art. 162 of the ECU, for example: a business entity that is the owner of technical, organizational or other commercial information has the right to protection against the illegal use of this information by third parties, provided that this information has commercial value due to the fact that it unknown to third parties and there is no free access to it by other persons on legal grounds, and the owner of the information takes appropriate measures to protect it.

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<sup>14</sup> Economic Code of Ukraine dated 16.01.2003 No. 436-IV. URL: <https://zakon.rada.gov.ua/laws/show/436-15/page#Text> (date of application: 13.03.2024).

<sup>15</sup> Economic Code of Ukraine dated 16.01.2003 No. 436-IV. URL: <https://zakon.rada.gov.ua/laws/show/436-15/page#Text> (date of application: 13.03.2024).

In the context of our SI of legal remedies for TS and CIB, attention should be paid to the fact that if a certain business, which illegally obtained information that is TS and CIB, did not receive any benefit from its use, and the subsequent disclosure and use of TS and CIB will not cause damage to the former owner of TS and CIB, prohibitive restrictions on disclosure and use will not be introduced. Thus, we can state that within the limits of the judicial form of protection of the right to TS and CIB, it is possible to apply such types of compensation for damages, as provided for in Part 3 of Art. 162 of the ECU, and fines<sup>15</sup>. So, it can be noted that the legal measure in the field of ensuring legal protection of TS and CIB is compensation, which is one of the legally established methods of protection of TS and CIB in Ukraine.

The author established that business in Ukraine must take care of the protection and protection of its TS and/or CIB from modern threats, using measures to protect and protect such information with limited access. To develop and improve the protection of TS and/or CIB in Ukraine, the author proposed a system of measures for the protection and protection of TS and/or CIB, which includes: legal, organizational, technical, and other aspects of the protection of the specified information with limited access (Table 1).

Table 1

**System of measures for ensuring the protection of trade secret (TS) and confidential information of business (CIB)**

<b>Normative and legal measures for the protection of TS and/or CIB<sup>+</sup></b>	<b>Organizational measures to protect TS and/or CIB<sup>+</sup></b>	<b>Technical measures to protect TS and/or CIB<sup>+</sup></b>	<b>Other legal measures for protection and security of TS and/or CIB<sup>+</sup></b>	<b>Analytical business security department</b>
The statute of the enterprise (where it is prescribed that the TS and/or CIB protection regime is being implemented)	Creation of a throughput mode where T and/or CIB circulates	Creation of technical security department of TS and/or CIB	<b>Creation of the "business intelligence" department<sup>+</sup></b>	Analytical processing of all collected information
Collective agreement (which prescribes the rules of non-disclosure of TS and/or CIB and responsibility for their violation)	Procedure for registration of admission to TS and/or CIB	Measures to provide video surveillance, alarm systems, and other modern technical devices of premises and buildings where TS and/or CIB circulates	Monitoring open information about competitors	<b>Presentation of "analytical conclusions and practical recommendations"</b> to business management including for the improvement of measures of protection and protection of TS and/or CIB

## Продовження таблиці 1

Provisions on TS or CIB and rules for its preservation	Mode of access to TS and/or CIB	Security system with all technical devices of buildings containing TS and/or CIB for protection against TBES	Other legitimate methods of business intelligence	other
Provisions on the permission system for access of executors to documents and information constituting TS and/or CIB	Regime-secret security department of TS and/or CIB	Electromagnetic shielding of premises containing TS and/or CI of business, for protection against TBES	<b>Creation of the "business-counter-intelligence" department»</b>	
About the mode of operation of employees with data constituting TS and/or CIB	Special inspections of workers who work directly with TS and/or CIB	Creation of a reliable system of protection of computer equipment and networks where TS and/or CI of business circulates, to protect against TBES	Counteraction to business espionage and business intelligence of competitors	
Other normative and legal measures for the protection of TS and/or CIB	Other TS and/or CIB protection measures	Other technical measures to protect TS and/or CI business	Counteraction to technical business espionage, etc.	

The author established that the peculiarity of liability for illegal actions regarding TS and/or CIB in Ukraine is property liability for such offenses, namely: fines; confiscation of illegally manufactured products and equipment and materials intended for their production; restoration of the situation that existed before the violation of the right and cessation of actions that violate the right or create a threat of its violation; deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years, etc. In the absence of the Law of Ukraine "On Trade Secret", which should clearly state the responsibility for illegal actions in relation to TS or CIB, and/or leakage of TS or CIB from the authorities, controlling and law enforcement agencies that received it at the request, and others aspects in the field of protection of TS and/or CIB. Therefore, the business in Ukraine itself

keeps its commercially valuable information secret, under the label "TS" trade secret and/or "CI" confidential information.

An effective administrative and legal measure in the field of ensuring legal protection of TS and/or CIB is the obligation of state authorities to protect TS and/or CIB from unfair commercial use, as well as the information provided to them for the purpose of obtaining a legally established permit for a certain type of activity; measures of administrative responsibility, which is considered in the context of administrative penalties applied by subjects of public administration for committing an offense in the field of providing TS and/or CIB in the process of bringing the guilty to administrative responsibility. As for the state authorities concerned with protection and having access to TS and/or CIB in Ukraine, the following can be noted: Cabinet of Ministers of Ukraine, Ministry of Justice of Ukraine, Ministry of Education and Science of Ukraine, Ministry of Economy of Ukraine, Ministry of Culture and Information Policy, Antimonopoly Committee of Ukraine, bodies of internal affairs, etc.

Therefore, the main proposal for improving the legal and organizational component of ensuring the protection of TS and/or CIB in Ukraine, as well as countering other modern business threats, is the adoption of the law on the protection of TS. It is established that first of all, the business itself must take care of protecting its TS or CIB from modern threats, using certain protection and security measures.

The author proposes to highlight separately the bodies of the Antimonopoly Committee of Ukraine, which use such administrative and legal measures as the inspection of a certain business, unimpeded entry into the premises of enterprises of business entities, consideration of applications and cases of violation of legislation on the protection of economic competition, the right to demand from entities management of information, including with limited access (such as TS and CIB); call for explanations, inspection of business premises and vehicles, seizure or seizure of objects, documents or other information carriers, etc. The peculiarity of liability for wrongful actions regarding TS and/or CIB in Ukraine is property liability for such offenses, namely: fines; confiscation of illegally manufactured products and equipment and materials intended for their production; restoration of the situation that existed before the violation of the right and cessation of actions that violate the right or create a threat of its violation; deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years, etc. In the absence of the Law of Ukraine "On Trade Secret", which should clearly state the responsibility for illegal actions in relation to TS or CIB, and/or leakage of TS or CIB from the authorities, controlling and law enforcement agencies that received it at the request, and others aspects in the field of protection of TS and/or CIB. Therefore, the business in Ukraine itself keeps its commercially valuable information secret, under the label "TS" trade secret and/or "CI" confidential information. TI and/or CIB, which circulates in subjects of power, control and law enforcement agencies, the author suggested to classify as official information (to preserve TS and/or CIB

from leakage and/or loss of such information). Personal data about a natural person are protected in accordance with the Law of Ukraine "On the Protection of Personal Data".

V. Kolpakov emphasizes that the main criterion for assigning certain bodies to the number of law enforcement agencies is the presence of coercive powers within their competences. It is in such powers that the real possibility of achieving law enforcement goals is embedded<sup>16</sup>.

An effective administrative and legal measure in the field of ensuring legal protection of TS and/or CIB is the obligation of state authorities to protect TS and/or CIB from unfair commercial use, as well as the information provided to them for the purpose of obtaining a legally established permit for a certain type of activity; measures of administrative responsibility, which is considered in the context of administrative penalties applied by subjects of public administration for committing an offense in the field of providing TS and/or CIB in the process of bringing the guilty to administrative responsibility.

In previous SI, the author emphasized that in the field of protection of TS and/or CIB, it is necessary to adopt the Law of Ukraine "On Trade Secret", which clearly formulates the rules of TS protection measures in the business space of Ukraine. And regarding the protection of CI, the legislator needs to exclude mentions of a legal entity from the definition of confidential information. And to formulate the definition of CI, for example, as follows: confidential information is information to which access is limited to a natural person and which can be distributed in a certain manner at his will in accordance with the conditions stipulated by him. And CI about a natural person circulating in the subjects of authority should be classified as official information. The divergence between CI and TS is that confidential information is information about a natural person that has value specifically for the natural person, and therefore the legal definition of confidential information needs to remove references to a legal entity. A trade secret is information that is valuable for legal entities, gives advantages in the market over competitors (business entities), affects the profit of enterprises, institutions and organizations and therefore requires protection and protection. Given the presence in the legal definition of CI of a legal entity, a certain business may secrete its commercially valuable information under the label "CI" and/or "TS". The author proposes to distinguish between the concepts of "CI about a natural person" and "CI of business" in order to improve the conceptual and categorical apparatus of the legislative framework of Ukraine and formulate as follows:

**1) Confidential information about a natural person (CI)** is information, including family secrets, access to which is limited to a natural person and which can be distributed in a certain manner at his will in accordance with the

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<sup>16</sup> Kolpakov V.K. Signs of law enforcement subjects. Human rights in the era of digital transformations: materials of the 12th International science and practice conf. (Kyiv, 25.02.2022). Kyiv: MES of Ukraine, 2022. P. 174–176.

conditions stipulated by him (personal data, place of work, family composition, business reputation, and other information about a natural person);

**2) Confidential business information (CIB)** is commercially valuable information for a business (entity, enterprise, institution or organization), which, in the event of its leakage, loss, or other illegal actions regarding CIB, may negatively affect business profits.

The author established that for reliable administrative and legal protection of TS and/or CIB in Ukraine, it is necessary to adopt a corresponding law on protection of TS, such as the one proposed by the author (Appendix A)<sup>17</sup>. It should be added that the current state of the normative-legal and organizational-legal components of the mechanism for ensuring the administrative-legal protection of TS and/or CIB in Ukraine, as well as other aspects of the protection and security of TS and/or CIB were investigated by the author in previous SI<sup>18</sup>.

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<sup>17</sup> Kravchenko O.M. Administrative and legal principles of trade secret protection in Ukraine: diss. ... candidate law Sciences: 12.00.07. Kyiv, 2019. 253 p.

<sup>18</sup> Kravchenko O.M. Administrative and legal protection of commercial business secrets. Human rights and public governance in modern conditions: collection. monogr. Riga, Latvia: European publishing house "Izdevnieciba "Baltija Publishing", 2023. Pp. 449–464. DOI: 10.30525/978-9934-26-320-0-22

18. Kravchenko O.M. Business espionage. Modern paradigm of public and private law in conditions of sustainable development: collection. monogr. Riga, Latvia: European publishing house "Izdevnieciba "Baltija Publishing", 2023. Pp. 353–376. DOI: 10.30525/978-9934-26-331-6-16

19. Kravchenko O.M. Measures to ensure the security of trade secret and confidential information of business in Ukraine. Science, technology and innovation in the modern world: collection. monogr. Riga, Latvia: European publishing house "Izdevnieciba "Baltija Publishing", 2023. Pp. 421–442. DOI: 10.30525/978-9934-26-364-4-18

20. Kravchenko O.M. The role of administrative and legal protection of trade secret and confidential information of business in ensuring sustainable development of industry. EU labor law: decent work and institutional capacity building for sustainable development: collection. monogr. Riga, Latvia: European publishing house "Izdevnieciba "Baltija Publishing", 2023. Pp. 150–172. DOI: 10.30525/978-9934-26-396-5-8

21. Kravchenko O.M. Divergence between confidential information and trade secret in Ukraine. *Baltic Journal of Legal and Social Sciences*. 2022. № 2. Pp. 110–116. DOI: 10.30525/2592-8813-2022-2-18

22. Кравченко О.М. Confidential information and trade secret as restricted information in Ukraine. *Baltic Journal of Legal and Social Sciences*. 2022. № 3. С. 45–52. DOI: 10.30525/2592-8813-2022-3-6

23. Kravchenko O.M. Improving the protection of trade secret and confidential information in Ukraine for integration into the European business environment. *New Ukrainian law*. 2022. Issue 6. Volume 1. P. 211–220. DOI: 10.51989/nul.2022.6.1.29

24. Kravchenko O.M. Integration of Ukraine's trade secret protection standards into the European business environment. *Amparo*. 2022. Special issue. Volume 1. P. 175–181. DOI: 10.26661/2786-5649-2022-spec-1-25

25. Kravchenko O.M. Integration of the standards of protection of confidential information and trade secret of Ukraine to the standards of the European Union. *South Ukrainian legal journal*. 2022. No. 4, Volume 2. P. 189–195. DOI: 10.32850/sulj.2022.4.2.29

## CONCLUSIONS

Drawing conclusions, the author established that a possible solution to the problems in the field of protection of TS and/or CIB during the martial law in Ukraine could be the adoption of the Law of Ukraine "On Trade Secret". Regarding confidential information, here the author proposes to remove references to legal entities in relevant legislative acts on CI, or to distinguish between the concepts of "confidential information about a natural person" and "CIB".

An effective administrative and legal measure in the field of ensuring legal protection of TS and/or CIB is the obligation of state authorities to protect TS and/or KIB from unfair commercial use, as well as the information provided to them for the purpose of obtaining a legally established permit for a certain type of activity; measures of administrative responsibility, which is considered in the context of administrative penalties applied by subjects of public administration for committing an offense in the field of providing TS and/or CIB in the process of bringing the guilty to administrative responsibility. Among the state authorities concerned with protection and having access to TS and/or CIB in Ukraine, the following can be noted: Cabinet of Ministers of Ukraine, Ministry of Justice of Ukraine, Ministry of Education and Science of Ukraine, Ministry of Economy of Ukraine, Ministry of Culture and Information Policy, Antimonopoly Committee of Ukraine, bodies of internal affairs, etc.

Self-ability of your intellectual property right to trade secrets and business confidential information primarily consists in legal protection and reliable protection of TS and/or CIB from illegal encroachments and other modern threats. An analysis of the legislative framework in the area of responsibility for wrongful actions in relation to TS and/or CIB shows material responsibility for such crimes. Therefore, first of all, the business itself must take care of protecting its TS and/or CIB from modern threats, using certain protection and protection measures.

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26. Kravchenko O.M. Distinguishing the concepts of "confidential information" and "trade secret" in the information doctrine strategy of Ukraine. Legal journal of Donbass. 2022. No. 4(81). P. 98–104. DOI: 10.32782/2523-4269-2022-81-4-1-98-104

27. Kravchenko O.M. Protection of confidential information and trade secret under martial law. Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs. 2022. Special issue. No. 1. P. 471–475. DOI: 10.31733/2078-3566-2022-6-471-475

28. Kravchenko O.M. International experience of regulatory and legal protection of commercial business secrets. Philosophy, economics and law review. 2023. No. 1. P. 285–295. DOI: 10.31733/2786-491X-2023-1-285-295

29. O.M. Kravchenko Organizational and legal measures to ensure the protection of confidential information and commercial business secrets in Ukraine. Academic notes of TNU named after V.I. Vernadskyi. Series: Legal Sciences. 2023. No. 3. Volume 34 (73). 2023. P. 48–53. DOI: 10.32782/TNU-2707-0581/2023.3/09

30. Kravchenko O.M. Distinguishing the concepts of "confidential information of business" and "confidential information about a natural person". Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs. 2023. Special issue No. 2 (127). P. 22–29. DOI: 10.31733/2078-3566/2023-6-22-29



As for TS and/or CIB circulating in subjects of authority, control and law enforcement agencies, the author suggested that it be classified as official information (to protect TS and/or CIB from leakage and/or loss of such information). Personal data about a natural person are protected in accordance with the Law of Ukraine "On the Protection of Personal Data". Therefore, for reliable administrative and legal protection of TS and/or CIB business in Ukraine, it is necessary to adopt an appropriate law on protection of TS, such as the one proposed by the author (Appendix A)<sup>19</sup>.

### **ABSTRACT**

The scientific exploration is devoted to the protection of trade secret (TS) and confidential information of business (CIB) in Ukraine during the martial law, as well as prospects for the further development of administrative and legal protection of TS and CIB. The author established that the adoption of the Law of Ukraine "On Trade Secret" can be a possible solution to the problems in the field of protection of TS and/or CIB during the martial law in Ukraine. With regard to confidential information, the author here suggests removing references to a legal entity in relevant legal acts on CI, or distinguishing between the concepts of "confidential information about a natural person" and "confidential information of business".

The author notes that an effective administrative and legal measure in the field of ensuring legal protection of TS and/or CIB is the obligation of state authorities to protect TS and/or CIB from unfair commercial use, as well as the information provided to them for the purpose of obtaining a legally established permit for a certain type of activity; measures of administrative responsibility, which is considered in the context of administrative penalties applied by subjects of public administration for committing an offense in the field of providing TS and/or CIB in the process of bringing the guilty to administrative responsibility. Self-ability of your intellectual property right to trade secrets and business confidential information primarily consists in legal protection and reliable protection of TS and/or CIB from illegal encroachments and other modern threats. An analysis of the legislative framework in the area of responsibility for wrongful actions in relation to TI and/or CIB shows material responsibility for such crimes. Therefore, first of all, the business itself must take care of protecting its TS and/or CIB from modern threats, using certain protection and protection measures. As for TS and/or CIB circulating in subjects of authority, control and law enforcement agencies, the author suggested that it be classified as official information (to protect TS and/or CIB from leakage and/or loss of such information). Personal data about a natural person are protected in accordance with the Law of Ukraine "On the Protection of Personal Data". Therefore, for reliable administrative and legal protection of business (TS and/or CIB) in Ukraine

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<sup>19</sup> Kravchenko O.M. Administrative and legal principles of trade secret protection in Ukraine: diss. ... candidate law Sciences: 12.00.07. Kyiv, 2019. 253 p.

during martial law, the adoption of a law on the protection of TS, such as the one proposed by the author (Appendix A)<sup>20</sup>.

### References

1. Lydia Lundstedt. Cross-Border Trade Secret Disputes in the European Union : Jurisdiction and Applicable Law Elgar Monographs in Private International Law. UK : 2023. 289 c.

2. On mobilization training and mobilization: Law of Ukraine dated 10/21/1993. URL: <https://zakon.rada.gov.ua/laws/show/3543-12#Text> (date of application: 11.03.2024).

3. Kravchenko O.M. Administrative and legal principles of trade secret protection in Ukraine: diss. ... candidate law Sciences: 12.00.07. Kyiv, 2019. 253 p.

4. Kravchenko O.M. Protection of confidential information and trade secrets under martial law. Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs. 2022. Special issue. No. 1. P. 471–475. DOI: 10.31733/2078-3566-2022-6-471-475

5. Kravchenko O.M. State of protection of trade secret of business entities in the temporarily occupied territories of Ukraine and in the zone of anti-terrorist operation. Actual problems of the social and legal status of persons injured during the anti-terrorist operation: coll. materials of the All-Ukrainian science and practice conf. (Kyiv, April 19, 2017). Kyiv: Acad. labor, social relations and tourism, 2017. P. 36–39.

6. Kravchenko O.M. State of protection of trade secret of business entities in the temporarily occupied territories of Ukraine and in the zone of anti-terrorist operation. Information security of a person, society, state. 2018. No. 2 (24). P. 117–124.

7. Criminal Code of Ukraine dated April 5, 2001. Information of the Verkhovna Rada of Ukraine. 2001. No. 25 – 26. Article 131. URL: <http://zakon.rada.gov.ua/laws/show/2341-14> (date of application: 12.03.2024).

8. Code of Ukraine on Administrative Offenses dated 07.12.1984 No. 8073-X. URL: <http://zakon2.rada.gov.ua/laws/show/80731-10/paran3896#n3896> (access date: 03/12/2024).

9. On protection against unfair competition: Law of Ukraine dated 07.06.1996. Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/236/96-%D0%B2%D1%80#Text> (date of application: 12.03.2024).

10. On the protection of economic competition: Law of Ukraine from 2001. Verkhovna Rada of Ukraine. URL: <http://zakon3.rada.gov.ua/laws/show/2210-14> (date of application: 12.03.2024).

11. About banks and banking activities. Information of the Verkhovna Rada of Ukraine (VVR), 2001, No. 5-6, Article 30. URL:

---

<sup>20</sup> Kravchenko O.M. Administrative and legal principles of trade secret protection in Ukraine: diss. ... candidate law Sciences: 12.00.07. Kyiv, 2019. 253 p.

<https://zakon.rada.gov.ua/laws/show/2121-14#Text> (date of application: 13.03.2024).

12. About information: Law of Ukraine dated 02.10.92. Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2657-12#Text> (date of application: 13.03.2024).

13. On access to public information: Law of Ukraine of 2011. Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2939-17#Text> (date of application: 13.03.2024).

14. Civil Code of Ukraine dated January 16, 2003 No. 435-IV. URL: <https://zakon.rada.gov.ua/laws/show/435-15#Text> (date of application: 13.03.2024).

15. Economic Code of Ukraine dated 16.01.2003 No. 436-IV. URL: <https://zakon.rada.gov.ua/laws/show/436-15/page#Text> (date of application: 13.03.2024).

16. Kolpakov V.K. Signs of law enforcement subjects. Human rights in the era of digital transformations: materials of the 12th International science and practice conf. (Kyiv, 25.02.2022). Kyiv: MES of Ukraine, 2022. P. 174–176.

17. Kravchenko O.M. Administrative and legal protection of commercial business secrets. Human rights and public governance in modern conditions: collection. monogr. Riga, Latvia: European publishing house “Izdevnieciba “Baltija Publishing”, 2023. Pp. 449–464. DOI: 10.30525/978-9934-26-320-0-22

18. Kravchenko O.M. Business espionage. Modern paradigm of public and private law in conditions of sustainable development: collection. monogr. Riga, Latvia: European publishing house “Izdevnieciba “Baltija Publishing”, 2023. Pp. 353–376. DOI: 10.30525/978-9934-26-331-6-16

19. Kravchenko O.M. Measures to ensure the security of trade secret and confidential information of business in Ukraine. Science, technology and innovation in the modern world: collection. monogr. Riga, Latvia: European publishing house “Izdevnieciba “Baltija Publishing”, 2023. Pp. 421–442. DOI: 10.30525/978-9934-26-364-4-18

20. Kravchenko O.M. The role of administrative and legal protection of trade secret and confidential information of business in ensuring sustainable development of industry. EU labor law: decent work and institutional capacity building for sustainable development: collection. monogr. Riga, Latvia: European publishing house “Izdevnieciba “Baltija Publishing”, 2023. Pp. 150–172. DOI: 10.30525/978-9934-26-396-5-8

21. Kravchenko O.M. Divergence between confidential information and trade secret in Ukraine. *Baltic Journal of Legal and Social Sciences*. 2022. № 2. Pp. 110–116. DOI: 10.30525/2592-8813-2022-2-18

22. Кравченко О.М. Confidential information and trade secret as restricted information in Ukraine. *Baltic Journal of Legal and Social Sciences*. 2022. № 3. С. 45–52. DOI: 10.30525/2592-8813-2022-3-6

23. Kravchenko O.M. Improving the protection of trade secret and confidential information in Ukraine for integration into the European business environment. New Ukrainian law. 2022. Issue 6. Volume 1. P. 211–220. DOI: 10.51989/nul.2022.6.1.29

24. Kravchenko O.M. Integration of Ukraine's trade secret protection standards into the European business environment. *Amparo*. 2022. Special issue. Volume 1. P. 175–181. DOI: 10.26661/2786-5649-2022-spec-1-25

25. Kravchenko O.M. Integration of the standards of protection of confidential information and trade secret of Ukraine to the standards of the European Union. *South Ukrainian legal journal*. 2022. No. 4, Volume 2. P. 189–195. DOI: 10.32850/sulj.2022.4.2.29

26. Kravchenko O.M. Distinguishing the concepts of "confidential information" and "trade secret" in the information doctrine strategy of Ukraine. *Legal journal of Donbass*. 2022. No. 4(81). P. 98–104. DOI: 10.32782/2523-4269-2022-81-4-1-98-104

27. Kravchenko O.M. Protection of confidential information and trade secret under martial law. *Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs*. 2022. Special issue. No. 1. P. 471–475. DOI: 10.31733/2078-3566-2022-6-471-475

28. Kravchenko O.M. International experience of regulatory and legal protection of commercial business secrets. *Philosophy, economics and law review*. 2023. No. 1. P. 285–295. DOI: 10.31733/2786-491X-2023-1-285-295

29. O.M. Kravchenko Organizational and legal measures to ensure the protection of confidential information and commercial business secrets in Ukraine. *Academic notes of TNU named after V.I. Vernadskyi. Series: Legal Sciences*. 2023. No. 3. Volume 34 (73). 2023. P. 48–53. DOI: 10.32782/TNU-2707-0581/2023.3/09

30. Kravchenko O.M. Distinguishing the concepts of "confidential information of business " and "confidential information about a natural person". *Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs*. 2023. Special issue No. 2 (127). P. 22–29. DOI: 10.31733/2078-3566/2023-6-22-29

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