

During the consideration of the case, the participants exercise their freedom of will within the limits of their procedural rights. The procedural rights of participants in the legal process can be divided into general (Article 43 of the CPC of Ukraine, which contains a list of rights and obligations that apply to all participants in the legal process) and special.

The scope of the latter depends on the participant's role during the case. For example, the defendant and the plaintiff, who are parties to the civil process, are additionally governed by the rights and obligations provided for in Art. 49 of the CPC of Ukraine.

The role of a witness needs special attention. According to Art. 71 of the CPC of Ukraine, a witness cannot refuse to testify [2]. The exception is testimony about his/herself, family members or close relatives. The question arises whether such a provision does not contradict the content of freedom of will?

Considering the fact that the hypothesis of the mentioned article contains a number of exceptions, and giving testimony about third parties does not carry legal negative consequences for the witness, our answer is no.

We also emphasize that the presence of obligations on the participants of the civil process does not indicate a violation of freedom of will.

Thus, we can conclude that the content of freedom of will in civil law and civil procedure consists in the ability of the subject to independently manage the scope of his/her rights and observe the limitations established by law.

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## **THE STRUCTURE OF INTELLECTUAL PROPERTY RIGHTS RELATIONS IN CYBERSPACE**

The word “structure” is known to most of us, and comes from the Latin word *structura*, that is, “connection, construction”. So, when we are talking about the structure of specific legal relations, we can understand it as a combination of subjects and a method of connection between them based on

subjective legal rights and obligations concerning certain social benefits or interests. Regarding intellectual property rights in cyberspace, using a preliminary definition, we can name this structure a symbiosis of subjects entering into legal relations over intellectual property and an expedient way of connection between them based on subjective legal rights and obligations about certain social goods or interests in cyberspace.

If we turn our attention to the World Wide Web as an inseparable element of the cybernetic space, its direct manifestation, then, as G.O. Ulyanova and others state, the studied structure of relations has its specifics. It is formed by the subject composition, objects, and content of the relevant legal relationship. Such legal relations for the use of the World Wide Web, are closely related to the content, that is, the information filling of web resources. The fact is that they are formed based on the placement of information and data in the digital environment, and it is also possible to regulate them with both private and public law (both separately and together). The complexity of the legal category of relations concerning the Network, however, suggests the presence in their structure of traditionally mandatory elements - subjects, objects, and content [1, p. 180].

According to scientists, it is the relations of use, commercialization, disposal, and ownership that are the components of the structure of the relationship of intellectual property [2, p. 5]. Sometimes this list is supplemented with appropriation relations since the subject of intellectual property acquires the right of ownership of the object as a result of creativity in a way that is enshrined in the form of legal norms at the state level and thus is sanctioned by society [3, p. 144].

As for legal relations on the Internet, namely their types, then, depending on the object of regulation, they distinguish relations arising from the creation of information content and its usage; use of the address space of the Network segment, and allocation of IP addresses; creation and management of domain names; provision of hosting services, and the like [1, p. 180–181]. In any case, Internet relations are characterized by their heterogeneity, and this type of legal relationship is engaged, among other things, in regulating the content of Internet resources, protecting confidential and personal data and IP rights, e-commerce, and the like [4, p. 10]. So, as O.I. Kharytonova notes, the structure of legal relations of intellectual property is identical to the corresponding structure of legal relations in general, and, therefore, consists of subjects and objects of legal relations, as well as their content [5, p. 330].

The subject composition of relations on the use of the Internet is specific because users of the digital space enter it through the activities of the provider, which is an independent body providing the relevant services. Another feature of it is the participation of more than two parties in relations over domain names because they are registered by independent third parties - registrars,

while the owner of the web address also acts as such an independent person even though he may not be the owner of the corresponding web resource [1, p. 181].

We can say that the subjects of IP relations are the creators and other owners of intellectual property rights, as well as persons interacting with the results of creative and innovative activities. This means that the subjects of relations in cyberspace will be the same persons, as well as those who entered into such relations in the course of activities in the digital space, that is, providers, telecom operators, registrars, Internet registries, and the like.

The specified subjects enter into appropriate relations regarding the specific object of intellectual property in the cyber environment. By the explanation of O.I. Kharytonova, the objects of civil legal relations are tangible or intangible benefits, because of which these relations have been developed. Accordingly, such benefits in IP legal relations will be the legally protected results of intellectual and creative activity [5, p. 333]. But we should also note that neither international law nor national law provides for rules on clear criteria for classifying objects of these relations, usually, legal acts contain a list of such objects. In addition to the traditional objects indicated in Civil Code of Ukraine, K.V. Yefremova, taking into account the specifics of information relations on the Internet, also notes information, information systems and information and telecommunication technologies, information resources and products, domain names, and the like [6, p. 8].

In the structure of legal relations of intellectual property, there is also a third inseparable element - the content, that is, the rights and obligations that are granted to the relevant subjects of the legal relationship. As for legal relations regarding intellectual property in the digital space, then, in the context of the Internet, they also have certain features of the structure of subjective legal rights and subjective legal duties. As for the first per the digital space, subjective law manifests itself in the bend of the right-of-use, right-of-demand, right-of-behavior, and right-of-pretension [1, p. 182]. Secondly, it is through the users' actions that subjective rights are revealed, because the corresponding behavior becomes a catalyst for the emergence, transformation, or even termination of the rights and obligations of other participants in interaction in the Internet sphere [7, p. 14].

Summing up the above, we note that the structure of relations for the observance of intellectual property rights in the digital space consists of three standard and "classic" elements for any legal relationship - subjects, objects, and content. The definition and legal qualification of the studied elements of the structure of relations for the observance of intellectual property rights in the digital space is a way to conduct an effective analysis of the current legal regulation and a strategy to identify gaps and deficiencies in it. Based on it, it is

possible to further determine the trends for improvement of the relevant legislation and the development courses in the relevant area.

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## **ОСОБЛИВОСТІ КОНЦЕСІЙНОГО ДОГОВОРУ НА БУДІВНИЦТВО ТА ЕКСПЛУАТАЦІЮ АВТОМОБІЛЬНИХ ДОРІГ**

Згідно з Цивільним кодексом України, договором є домовленість двох чи більше сторін, що обов'язкова для виконання вказаними сторонами і спрямована на встановлення, зміну чи припинення цивільних прав та обов'язків (ст. 626, 629) [1].

Відповідно до ст. 1 Закону України «Про концесію», концесійний договір – це договір між концесіонером та концесієдавцем, який визначає