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Intellectual property legal system: Protecting innovations in private international law

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Abstract
The aim of this study was to determine the extent to which the IP legal system provides protection for innovation in the field of private international law. The PRISMA systematic review protocol was followed to review articles published in 3 databases (Google Scholar, JSTOR and Research Gate). The study was conducted in September and October 2024. The included studies on the protection of innovation were limited to those published since 2000. Of the 93 studies initially reviewed, only 27 met the selection criteria. Reference was also made to Article 8 of the European "Rome II" Regulation of 2007, which calls for a regional approach to IP infringements. Reference was also made to the Declaration on "Questions of Human Rights and Intellectual Property" adopted by the Committee on Economic, Social and Cultural Rights in November 2001, the Intellectual Property Law of Ghana, the Berne Convention for the Protection of Literary and Artistic Works of March 20, 1883, and the Paris Convention for the Protection of Industrial Property of 2001 (Signed on September 9, 1886) The initial Brussels Regulation concerning Intellectual Property Rights on the Internet. Private international law is constituted by the Second Rome European Regulation of 2007, the Declaration on Human Rights and Intellectual Property ratified by the Committee on Economic, Social and Cultural Rights in November 2001, and the Decision enacted by the same Committee in November 2001. The Council of Europe is protected by Law No. 12 of the Supreme Economic Court of Ukraine, the Paris Convention for the Protection of Industrial Property of March 20, 1883, the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, and the first Brussels Regulation on Intellectual Property and Innovation. However, these laws, regulations and agreements still need to be revised, as most of them do not contain clauses or provisions to address the issue of intellectual property infringement in the era of digitalization and artificial intelligence.

Keywords: Legal system, intellectual property, protection of innovations, private international law

Introduction
With the tremendous development of technology, creating various ways to spread and exchange ideas and information around the world, the most famous of which are social media, e-books, etc., the rate of intellectual property theft has also increased, as it has become very easy to obtain information and ideas, then steal and republish them. Therefore, it is natural for researchers and lawyers to understand various topics such as patents, trademarks, copyrights, designs, geographical indications, or any other forms of protection or, for that matter, plant variety and genetic resource protection, traditional knowledge, the open-source system principle, open innovation, etc.
With this, the present study explicates the intellectual property legal system, with special regard to the protection of former innovation under private international law.
Therefore, this study attempts to answer the following questions:

1. Does private international law provide the necessary protection for intellectual property and innovation?
2. To what extent does private international law protect intellectual property and innovation?
3. How effective are these laws in protecting innovation and intellectual property? Is it necessary to change them?

Therefore, this study attempts to achieve the following objectives

1. Whether private international law provides the necessary protection for intellectual property and innovation.

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2. Understand the scope of protection that innovation and intellectual property enjoy under private international law.
3. Understand the effectiveness of these laws in protecting innovation and intellectual property and indicate whether changes are needed.

Theoretical framework and previous studies

Abbott *et al*.'s study on International Intellectual Property Rights in a Globalized World Economy comprehensively examines patents, trademarks, copyrights, designs, trade secrets, geographical indication protection under plant variety protection, and the safeguarding of genetic resources related to traditional knowledge through the analysis of open-source systems and open innovation. The European Union's unified patent system was elucidated, highlighting its significance in promoting market dynamics. This also offered comprehensive insight into the origins of the China-US rivalry around intellectual property, investment, and technology transfer, as well as significant enforcement trends in intellectual property.

Oriol *et al*. (2022) conducted a pilot research on intellectual property protection and commerce, doing an empirical examination of the factors influencing intellectual property adoption and its effects on industrial innovation. The authors utilized panel data from 112 nations to conduct the research. Intellectual property protection has a U-shaped relationship with the market size of a country and an inverted U-shaped relationship with the combined market size of trade partner countries. Enhanced intellectual property protection diminishes creativity in both developing and developed nations, however does not inherently result in increased global innovation.

In accordance with our previous history, Basedo *et al*. (2010) [3] conduct a comprehensive analysis on intellectual property rights, emphasizing choice of law and judgment recognition in Europe, Japan, and the United States. The findings indicated that Article 8 of the 2007 European Rome II Regulation addressed intellectual property rights. The heated debate in Europe on the regional approach to intellectual property infringement centers on the relevance of the jurisdiction of protection law in the context of intellectual property issues in the age of the global network. The "Principles on Conflict of Laws in Intellectual Property," known as the "CLIP Principles," sprang directly from these discussions, developed by the European Max Planck Group on Conflict of Laws in the Field of Intellectual Property. The initial draft of the CLIP Principles was released on April 8, 2009; the subsequent draft was issued on June 6, 2009; and the CLIP Principles were finalized in 2011.

The Yearbook of Private International Law featured Boschiero's 2009 [5] paper on the violation of intellectual property rights. It determined that Article 8 of the Second Rome Regulation concerning the law applicable to non-contractual duties under EC/864/2007 constitutes a specific mandatory provision for non-contractual obligations arising from the infringement of intellectual property rights.

Chapman (2002) [6] portrays the evolution in the understanding of the interaction between the protection of intellectual property rights and human rights institutional recognition of works of authorship, cultural heritage, and scientific knowledge as forming part of the property subject to consideration in terms of human rights. This has resulted in a series of initiatives by human rights bodies of the United Nations. Most important of these is the Declaration on Human Rights and Intellectual Property adopted by the Committee on Economic, Social and Cultural Rights in November 2001. It emphasizes that protection of intellectual property and international trade agreements should conform to and be in line with established international human rights standards.

Christie (2017) [7] conducted a study of private international law principles for dealing with a broad range of IP infringements. The study was applied to 56 cases from 19 jurisdictions, including cross-border Internet IP infringement cases. The study concluded that a model case would include:

- A domestic plaintiff sues a foreign defendant for a foreign claim that infringes a domestic intellectual property right (Whether trademark or copyright).
- The case does not question the validity of the intellectual property right, nor does it involve parallel litigation elsewhere.
- He seeks relief through a locally enforced injunction and damages.
- Clarifies jurisdictional issues by establishing whether local consumers are targeted (In a trademark case) or local consumers have access to material (In a copyright case).
- Local law applies even without express consideration.

Creer (2004) [8] places the issue in the context of the global threat of markets to intellectual property rights. He concludes that intellectual property rights considerably extend the definition of private property and, as a result, come into contradiction with the free competitive market. Former communist countries also set up after this contradiction very strong laws on patent and copyright protection and executed them strictly.

The inconsistencies of Section 27 of Ghana's Intellectual Property Act are well elucidated in a work by De Beukelaer & Fredriksson (2024) [9] about the political economy of intellectual property rights. The content is a published book titled Capitalism and Economic Crime in Africa. It addresses the concerns of contradiction. To what degree has the integration of international copyright standards into African legislatures either bolstered these economies or merely subjected them to neo-colonial exploitation? Most early international agreements on intellectual property rights were established with European nations and subsequently enforced in much of Africa via colonial legislation. In contrast, more recent agreements occur at the international level through organizations such as the United Nations or the World Trade Organization, which remain predominantly Western-dominated. The authors present an economic policy perspective on intellectual property rights as a neo-colonial institution through a structural examination of the adoption of intellectual property agreements throughout African nations.

Dinwoodie (2009) [10] not only discusses the development of private international IP law but also concludes that private international IP law is developing at a very fast pace in many institutional settings. Regarding this area, attention should also be paid much more. These efforts raise several issues regarding the adequacy of existing private international law on IP matters, the appropriateness of the legal form for such matters in the new globalizing world,

and reforms needed through institutional means for this legal form. He also in his research directs attention to treaties, to standards, to national courts, to special regulations through which the international IP system is developed (Dinwoodie 2009) [10]. This would, therefore, not complete enough to explain changes in international IP law from a trade perspective alone.

Dratler (2024) [12] studied IP licensing and found that "Licensing covers not only standard contractual clauses but also IP, antitrust, abuse, common law, and tortious copying issues related to licensing transactions-issues that are not always directly reflected in the contract language..

Grimaldi *et al*. (2021) [13] formulated a strategic framework for intellectual property protection and open innovation, encompassing the following strategies: a "defensive" strategy aimed at preventing knowledge leakage and market entry, a "collaborative" strategy involving partnerships with organizations and market entry, and a "ad hoc" strategy wherein a firm safeguards its intellectual property without a clear rationale.

Conversely, Hitsevich (2015) [14] addressed the issue of intellectual property on the Web and the implications of private international law in this context. The study found that private international intellectual property law has recently relied on tradition, distinct geographical boundaries, and physical space. The inherently static characteristics of the World Wide Web provide challenges that must be resolved in the domain of private international intellectual property law, as noted by lawmakers, courts, and attorneys. Private international law must recognize that, in many instances, the acts and consequences of infringing intellectual property rights conferred within the jurisdiction of a single member state do not transpire there.

Howell (2016) [15] studied the interchange of the relationship between IP and private international law from the perspective of has as Canadian conflicts law. Recent case law developments in various jurisdictions, international scholarship, and a draft treaty for the Hague Conference on Public Interest Claims may be said to be furthering the connection between IP and private international law or Canada's conflicts law. This includes not only IP that results in copyright but immovable IP including registrations, governmental grants, and territoriality. Indeed, public interest cases are a developing cascade in Canada even by legislative and judicial acclamation. Further, through its recent surge, the UK Supreme Court has developed common law choice theory pertaining to copyright in ways reiterated through that process for all of IP that directly implicates its subject matter as has no combination in Canada.

Jefferson *et al*. (2023) [16] studied whether there can be a balanced IP system for agricultural innovation and found that usage of IP in agricultural research is increasing at an accelerated pace as more and more countries and intergovernmental organizations become parties to UPOV endorsing the framework provided by it. There is, however, quite heated political debate in some countries as to whether UPOV's latest Convention (1991 Convention or UPOV 91) should be implemented.

Kur & Maunsbach (2019) [18] Alternative Choice?of? Law and Intellectual Property Rights-with Particular Emphasis on Choice? of? Law Questions in Cross-Border Infringement Cases. In depth was the question of alternative solutions to the "country-of-protection rule" laid down as the basic rule in Article 8 of the Rome II Statute. Some newer alternatives were based upon Norwegian legal principles. New choice of law system.

Fundamental aspects of international intellectual property law are addressed. This paper presents a fundamental review of intellectual property law from the perspective of international trade and delineates the essential principles upon which every intellectual property agreement should be based. This analysis examines and assesses the legal criteria governing a firm's ability to promote the sale of protected products in international markets, while also preventing the utilization of protected property by both domestic and foreign competitors, as well as the production of similar or identical products through any domestic or foreign declarations regarding the infringing foreign goods.

In another study, Morris (2018) [20] researched the influence of intellectual property rights on the transformation of private international law in the era of globalization by discussing the building private international law, i.e. the problem of conflict of laws on the basis of jurisdiction, applicable law, and enforcement regulations and their use in the field of intellectual property. A question of access to information on evidence in cases of violation of rights regarding objects placed on websites was initiated by Mudrytska (2020) [21], in which the situation in Ukraine shows that procedural legislation (Civil Procedure Code of Ukraine and Commercial Procedure Code) envisages the requirements that compel parties independently to prove the claims and objections' validity, i.e. it is onus probandi. Besides, under Article 46 of Resolution No. <num> of the Plenum of the Supreme Economic Court of Ukraine, 12. Publications in Internet sites alone cannot be adduced as evidence in this case, but must be published by institutions or specialized agencies. According to Article 6 of the Convention on the Procedure for the Settlement of Disputes, an official document of the Code of Conduct for Economic Activities adopted on March 20, 1992, on the territory of Ukraine shall, when drawn up by the authorized person in the prescribed form and certified and stamped with the official seal if within its jurisdiction, be admissible as.

OseiTutu (2015) [22] highlights human rights in the corporate context and their role in protecting intellectual property rights-when the owners of the controversial BitTorrent site Pirate were accused of copyright infringement, they "exercised their right to freedom of expression as a constitutional right and, under the European Convention on Human Rights." The Court held that copyright is protected not only by law but also by applicable human rights law and sought to balance the right to freedom of expression with the right to property, which the Court held includes intellectual property rights. The ECJ thus balanced the human right to freedom of expression with the human right to copyright as a form of property. If copyright is protected as a form of human right under limitation by legal rights, it should be less important than the human right to freedom of expression.

Another touch point relates to global aspects of protecting IP rights. The paper by Pasechnyk (2022) [23] concludes that the basis of the current international system of procedures for public administration in the field of IP was laid down by two conventions concluded at the end of the 19th century. These were the Paris Convention of March 20, 1883, concerning Industrial Property (Paris Convention) and the Berne Convention of September 9, 1886, concerning Literary and Artistic Works. Those two conventions, in fact,

were fundamentally important for the establishment of later institutions. The legal system. In today's world, a definite system of relevant rights' international legal regulation has been developed that directly influences the relevant European law, in particular international law provisions laying the foundation of the EU legal order. The most powerful worldwide institutions discussing the legal aspects of IP are the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO), and the United Nations Educational, Scientific and Cultural Organization. All EU members are part of the World Trade Organization as individual countries or as part of the European Union, and in this regard, it has become increasingly relevant to matters concerning IP following the implementation of the TRIPS Agreement.

Rehman (2023) [24] examines the interplay between international law and global governance in the information age, concluding that traditional notions of sovereignty and jurisdiction are being redefined in a digitally interconnected world. This highlights the evolution of international law and governance within the context of cyberspace and digital globalization. This study examines the problems and opportunities presented by the vast digital landscape, focusing on data protection, cybersecurity, intellectual property rights in the digital realm, and international digital trade. It furthermore examines the prospective function of international organizations, treaties, and standards in the governance of cyberspace and the facilitation of international collaboration.

Richards (2020) [25] takes up the question of global intellectual property and capitalism, undertaking a political economy of the Agreement on Trade-Related Aspects of Intellectual Property Rights and then offering, as the author puts it, a political-economic account of why developing countries accede to the TRIPS Agreement, illustrated through case studies of two leading industries with acute conflicts over intellectual property-pharmaceuticals and agricultural biotechnology.

According to Torremans (2021) [27], this is because the focus has been on IP and EU rules of private international law since the study indicates that still there is no instrument at the EU level that deals with private international law issues concerning IP. Ubertazzi (2011) [28] conducted research on IP and exclusive jurisdiction concerning both private and public international law; the results demonstrated that recently, leading courts worldwide are declining to hear cases involving registered or unregistered foreign companies. IP (Intellectual Property) cases are such that either the plaintiff or the defendant establishes through separate actions that the IP right was not infringed, was void, or has legit not been infringed (Raising thus the so-called validity issue incidentally), which is one such case that would decide, based on exclusive subject-matter jurisdiction rules, to dismiss a foreign I.P. right as well as the claim of validity.

Van Eechoud (2016) [29] portrays the core principles of private international law within the domain of intellectual property. It finds that private international law, as the Cinderella of the story, will continue to remain of interest to professionals in intellectual property because it is critical to any regulatory framework for cross-border information flows.

Yang (2010) [30] deals with the problem of intellectual property infringements on the Internet and international private relations with special emphasis on the application of Articles 22(4), 2, 5(3), and 6(1) of the Brussels First Regulation to intellectual property infringements on the Internet. It finds that if the defendant of the online intellectual property infringement does not reside in a Member State, English law applies. It further finds that there exist, in practical terms, numerous difficulties in applying these laws to online intellectual property infringements. Recommendations, therefore, are made for the reform of these laws.

Research Methodology

Articles were assessed across 3 databases (Google Scholar, JSTOR, and Research Gate) following the PRISMA protocol for systematic reviews. It was carried out in September and October 2024. Studies on the protection of innovation were limited to publications since 2000. Of 93 studies initially reviewed, only 27 came to meet the selection criteria. Reference is also made to the European Rome II Regulation of 2007, Article 8, which provides a regional approach to matters on intellectual property infringements. Such reference has been established to the Declaration on Human Rights and Intellectual Property adopted by the Committee on Economic, Social and Cultural Rights in November 2001. This is the domestic legislation on Intellectual Property laws in the Paris Convention for the Protection of Industrial Property of 20th March, and the Berne Convention for the Protection of Literary and Artistic Works of 1883.; the Berne Convention for the Protection of Literary and Artistic Works of 9th September, 1886; and the first Brussels Regulation on Intellectual Property on the Internet.

Research Limitations

Time limits: The study was conducted during September and October 2024.

Substantive limits: Protection of innovations in private international law.

Review and analysis of the main provisions related to innovation protection in private international law

Because most countries of the world view the protection of innovation and intellectual property rights as an issue of great importance, they have rapidly enacted legislations and signed agreements for that matter. The most vital document about innovation and intellectual property rights in the United States is the 2007 Intellectual Property Principles document of the American Law Institute, which embodies jurisdiction principles, choice-of-law, and cross-border dispute resolution (The American Law Institute Property Principles). In connection with this, the Japan Transparency Project Document and the American Law Institute Principles are intended to be an interpretation in the field of private international law filling the lacunae of international and national law and serve as a model to be followed by national and international legislators. The Japan Transparency Proposal is the result of the Transparency Project that provides information on Japanese international business law in English; it was finished in 2009. Documento del Proyecto Japón Transparency y Principios del American Law Institute, conforme el Japan Transparency Proposal busca impulsar el desarrollo normativo de la ley internacional privada en Japón.

While the 2006 Japanese Private International Law does not address provisions regarding conflict of interests on intellectual property cases, the transparency proposal's principles are written to help guide the future work of modernizing national legislation on international jurisdiction by flagging issues and possible pitfalls concerning intellectual property. In relation to the ALI Principles, CLIP Principles, Transparency Proposal, and Papers presented at the International Conference held in Tokyo on May 8-9, 2009. Ukraine. In Ukraine, according to Article 46 of the Decision of the Plenum of the Supreme Economic Court of Ukraine No. 12, the material published on the website (Website) cannot be an evidence itself in the case but must be published by the institution or specially authorized person within the scope of its powers, who by Article 6 of the Convention on the Procedure for Settlement of Disputes on the Territory of Member States of the Commonwealth of Independent States certified or issued in a dossier form with an official stamp dated March 20, 1992, bears the probative value of an official document in Ukraine.

Article 8 (in relation to infringements of intellectual property rights) of the European Rome II Regulation of 2007, which opened up the possibility for a regional approach, ignited fierce debate throughout Europe as to whether location-based IP was appropriate in the age of global IP on the Internet. That debate crystallized in the "Principles on Conflict of Laws of Intellectual Property" developed by the European Max Planck Group on Conflict of Laws of Intellectual Property. First and second drafts of these principles were published on April 8, 2009, and June 6, 2009, respectively. The CLIP Principles were finalized in 2011.

These legislations were parts of various initiatives of the UN human rights bodies. Most important amongst them is the Declaration on Human Rights and Intellectual Property adopted by the Committee on Economic, Social and Cultural Rights in November 2001. It identifies one of the core principles dealing with innovation and intellectual property rights protection: respect of international human rights law by the regimes of intellectual property protection and international trade regulation.

A multitude of laws and regulations have been established in Africa to protect innovation and intellectual property, with Ghana's Intellectual Property Law being particularly notable. Several studies have questioned these statutes for their inconsistency with Section 27 of the Ghana Intellectual Property Law. The impact of transposing international copyright mechanisms into legislation across Africa on local economies, specifically whether it has strengthened them or rendered them susceptible to neo-colonial exploitation. The research posits that initial international treaties concerning intellectual property were formulated by European nations and enforced by colonial legislation over a significant portion of Africa.

The Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works were two very important international treaties done in France on 20 March 1883 and 9 September 1886, respectively, which led subsequent legal establishments. However, these have to be amended to address the contemporary concerns of violation of intellectual property in the age of technological revolution and artificial intelligence.

Article 22(4), 2, 5(3), and 6(1) of the Brussels I Regulation relates to intellectual property rights on the Internet. Where an Internet infringement of an intellectual property right is committed, it provides that if the defendant is not resident in a Member State, English law will apply.

Results and Discussion

Findings on the first question: Does private international law provide the necessary protection for intellectual property and innovation?

The results establish that Article 8 of the 2007 Rome II Regulation in Europe initiated the approach for regional treatment of cases on intellectual property infringement, sparking a vehement debate in Europe as to whether the principle of local protection involves intellectual property issues in the area of the world-wide web. This has inspired numerous initiatives based on the idea that there is currently no sufficient regulation for addressing issues of intellectual property infringement in the technological era. Hence, the discussion was concluded by reaching the so-called "Principles on the Conflict of Laws in Intellectual Property," or more precisely (CLIP Principles), which are conflict of laws rules in the field of intellectual property developed by the European Max Planck Group on Intellectual Property.

In line with these principles, the United Nations human rights bodies have taken a series of initiatives, the most important of which is the above Declaration on Human Rights and Intellectual Property adopted by the Committee on Economic, Social and Cultural Rights in November 2001. It puts forth that international trade regulation and intellectual property protection must abide by and be respectful of the international human rights legal regime.

Article 46 of the Resolution of the 12th Plenum of the Supreme Economic Court of Ukraine deals with such a case as of publications at Internet sites (websites) and provides that they cannot be use themselves as evidence in a case, but documents issued or certified by an institution or specially authorized person or probative value under the provisions of Article 6 of the Convention on Procedure for the Settlement of Disputes Relating to Economic Activities of March 20, 1992 on official documents territory of Ukraine.

It is to be noted that the legal enactments and accords relating to the safeguarding of innovation and intellectual property are very retrogressive and do not in any way address the problem of breach of intellectual property that comes up in the era of digitization and artificial intelligence. For instance, the Paris Convention for the Protection of Industrial Property of March 20, 1883, and the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, though they are crucial for the evolution of the rule of law, do not refer to cases of infringement of Internet intellectual property rights.

The net result seems to be that the First Brussels Regulation is most comprehensive in this respect with Articles 22(4), 2, 5(3), and 6(1) of the Regulation all bearing upon online acquisition of property in cases of infringement of intellectual property rights. If the defendant in the Internet infringement of intellectual property rights is not resident in a Member State ¦ English law applies.

These results are in line with other authors, It contradicts works of reference; (Boschiero, 2009; Chapman, 2002; Christie, 2017; Dinwoodie, 2009; Dratler, 2024) [5, 6, 7, 10, 12], but according to the researchers. Proves the contradiction and ineffectiveness of Ghana's IP law because it is based on the colonial thinking.

Findings on the second question: To what extent does private international law protect intellectual property and innovation?

The results show that there are deficiencies in the Rome II European Regulations No. A declaration on the human rights and intellectual property adopted by the Committee on Economic, Social, and Cultural Rights in November 2001 and the Plenum Resolution of the Supreme Economic Court of Ukraine. Convention No. 12 the Paris Convention for the Protection of Industrial Property of March 20, 1883, and the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886.

These are no longer all cases on any infringement of the rights of intellectual property and innovation. Since the regulations and laws are obsolete, not adequately functional in the current era of digitalization and AI for addressing cases on infringement of the rights of intellectual property and innovation. This is in line with the studies (Abbott, *et al*., 2024; Auriol, *et al*., 2022; Basedow, *et al*., 2010; Boschiero, 2009; Chapman, 2002; Christie, 2017; Creer, 2004; Dinwoodie, 2009; Dratler, 2024; Grimaldi, *et al*., 2021; Hitsevich, 2015; Howell, 2016; Jefferson, *et al*., 2023; Kur & Maunsbach, 2019; Letterman, 2001; Morris, 2018; Mudritska 2020; OseiTutu, 2015; Pasechnyk, 2022; Rehman, 2023; Richards, 2020; Torremans, 2021; Ubertazzi, 2011; Van Eechoud, 2016; Yang, 2010) [1-3, 5, 6, 7, 7, 8, 10, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 27, 28, 29, 30]. This contradicts the research (e.g. Beukelaer & Fredriksson. 2024) [9] that attributes their inadequacy to the fact that they were formulated in response to foreign policy.

Findings on Question 3: How effective are these laws in protecting innovation and intellectual property? Do they need to change?

The results indicate that the Second European Rome Regulation Act of 2007 and the Declaration on Human Rights and Intellectual Property adopted in November 2001 by the Committee on Economic ' are invalid, the resolution of the plenary session of the Supreme Economic Court of Ukraine Convention No. 12, the Paris Convention for the Protection of Industrial Property of March 20, 1883, and the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, all cover different aspects of questions of infringement on intellectual property and innovation. In the era of digitization and artificial intelligence, changes are a must. This is consistent with the results of other previous studies, such as (Abbott, *et al*., 2024; Auriol, *et al*., 2022; Basedow, *et al*., 2010; Boschiero, 2009; Chapman, 2002; Christie, 2017; Creer, 2004; Dinwoodie, 2009; Dratler, 2024; Grimaldi, *et al*., 2021; Hitsevich, 2015; Howell, 2016; Jefferson, *et al*., 2023; Kur & Maunsbach, 2019; Letterman, 2001; Morris, 2018; Mudritska 2020; OseiTutu, 2015; Pasechnyk, 2022; Rehman, 2023; Richards, 2020; Torremans, 2021; Ubertazzi, 2011; Van Eechoud, 2016; Yang, 2010) [1, 2, 3, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, 27, 28, 29, 30]. While this finding contradicts those of (Beukelaer & Fredriksson, 2024) [9], on the inefficiency of such laws, because they are considered old and worthless. Though this result contradicts a study (Beukelaer & Fredriksson, 2024) [9], whose findings castigate the fact that these are not based on national guidelines.

Conclusion

This study contributes to the imperfections of the IP legal system by focusing on innovations' protection in private international law. They argued that private international law is safeguarded by the Second European Rome Regulation of 2007 and the Declaration on "Questions of Human Rights and Intellectual Property," formulated by the Committee on Economic, Social and Cultural Rights in November 2001. The First Brussels Regulation of Intellectual Property was plenty enough protection for property and innovation. The rest were The Paris Convention for the Protection of Industrial Property of March 20, 1883, and the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, and for Intellectual Property-First Brussels Regulation. Still, these laws regulations and agreements have to be amended-most of them do not have clauses or provisions related to issues on IP infringements in the era of digitalization and artificial intelligence.

Recommendations

1. Undertake research and prepare recommendations for amendments to the international legal framework on innovation and intellectual property rights protection with a view to ensuring the efficiency of the protection of these rights in the context emerging new digital and artificial technologies.
2. Establish an international unified organizational framework for research and elaboration of proposals on legal innovations concerning the protection of innovations and intellectual property rights, taking into account technological progress providing new opportunities for their violation.
3. Amendments to the Rome II Decree, which incorporates the provisions on the protection of innovation and intellectual property rights in the digitalization and artificial intelligence era, Resolution No. 12 of the Plenum of the Supreme Economic Court of Ukraine, the Paris Convention for the Protection of Industrial Property of 20 March 1883, and the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886.

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