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Intellectual property rights as proactive means of narrative field protection in the context of information warfare and counter-propaganda

Marianna Prysiazhniuk*
Postgraduate Student
University of Bucharest
050663, 90 Panduri Str., Bucharest, Romania
https://orcid.org/0000-0001-6636-7620

Abstract
The Russian-Ukrainian war shows that information and cognitive space are critical dimensions of confrontation and aggression. Strategic narratives, on the other hand, are both a resource and a target for attacks. The study aimed to identify the potential of intellectual property rights as a means of asymmetrical counteraction to information threats through semiotic control, the establishment of authentic meanings, and ensuring the dominance of national narratives in the narrative field. The research was conducted using a methodology based on dogmatic analysis of Ukrainian and international legal acts, systemic-structural and conceptual approaches to narrative typology, as well as elements of interdisciplinary analysis in the field of security and communications and analysis of specific cases. Based on the results of the study, conclusions were proposed regarding the narrative field, which is a multi-level structure of strategic, regional and local narratives, each of which can become the subject of protection in the legal field. This approach can reinforce traditional tools for countering propaganda (fact-checking, strategic communications, sanctions), which cannot ensure political and legal superiority, while the use of intellectual property mechanisms makes it possible to legitimise national counter-narratives and thus prevent their exploitation by the aggressor. National legislation and international mechanisms that create the basis for the legal protection of authentic meanings were analysed. The study concluded that this approach has advantages in terms of democratic standards, as the IP approach does not restrict freedom of speech or focus on censorship, but instead offers forms of protection for the expression of content and the rights of the author. Accordingly, intellectual property instruments can be used as a proactive tool in the context of strengthening information security, as they reinforce the strategic discourse of the state. The proposed approach may, in the future, become the basis for the formation of a policy to protect national narratives and strengthen information sovereignty

Keywords:
strategic discourse; strategic narrative; narrative field; legal protection of meanings; intangible assets; legal legitimation; semiotic control

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*Corresponding author

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Introduction

Russian aggression against Ukraine continues not only in conventional but also in unconventional ways. The information war takes various forms: propaganda campaigns, disinformation campaigns, misinformation and malinformation campaigns, etc., and the search for adequate legal mechanisms to counteract it remains relevant. Accordingly, the information space acts as a continuation of the confrontation and an additional theatre of confrontation, in which meanings and semantic constructions are both resources and means of confrontation. Therefore, the key instrument and semantic form that organises certain words, events, and facts into the desired "architecture" is narrative. In practice, narrative can be embodied in various products of intellectual activity and forms of authorial expression.

The legal dimension of information confrontation, ranging from security aspects to strategies for countering various forms of information intervention, is the subject of research of a range of Ukrainian and foreign scholars. The philosophical and theoretical foundations of information warfare are considered as a space for intellectual confrontation in which "manipulative tactics acquire the status of a dominant means of influence" (Diatlova *et al.*, 2025). V. Petrenko (2025) emphasises the importance of protecting intellectual property rights as an innovative approach integrated into Ukraine's national security system. The author argues that intellectual capital and intellectual security are components of the state's humanitarian security, and that effective protection of intellectual property rights requires the creation of an innovative system for their commercialisation, including in the field of military-industrial cooperation. At the same time, while rightly emphasising that intellectual property instruments can be a means of forming competitive advantages, the researcher does not sufficiently address their semantic significance for strengthening the information and semantic field of the state as an environment in which information warfare is unfolding, which is only partially reflected in proposed definition of the category of "intellectual capital".

S. Mazurenko (2025), analysing trends and copyright infringements in the media space during the war, noted that the legal vacuum that arises as a result of the unlawful use of content potentially creates several long-term threats. These include a loss of trust in information sources and institutions that disseminate information through the media, as well as a distortion of reality and context in the context of irresponsible and unlawful use of information products. At the same time, such conclusions would also be valid for a broader analytical framework that considers not only information content but also other objects of intellectual property rights. This is particularly relevant considering the nature of Russian aggression, which includes signs of systematic expropriation of Ukrainian intellectual capital, its integration into the Russian cultural and legal environment, and the simultaneous destruction of Ukrainian identity. Such practices are confirmed by numerous examples both during the years of full-scale invasion and in a broader historical context, which gives reason to consider them as a deliberate strategy of symbolic and legal expansion.

M. Vedeniapina & M. Pidvysotska (2024) consider the issue of intellectual property rights violations in a broader context. The study emphasised that in wartime, there is an increased range of threats related not only to the spread of disinformation and pirated content, but also to cyberattacks targeting commercially sensitive information that constitutes intellectual property. The study highlighted the problem of the unlawful use of such objects in temporarily occupied territories, where the lack of adequate legal protection creates conditions for systematic abuse and expropriation.

The legal mechanisms for protecting intellectual property in the context of armed conflict were highlighted by K.Yu. Peter (2024), which analyses the potential of intellectual property law instruments during wartime. The study by A. Hasani *et al.* (2024) raised the issue of intellectual rights in the context of the growing use of deepfake technologies and justifies the need for an interdisciplinary approach to ensuring the representativeness of individuals, including legal, ethical and cybernetic components.

A review of published works indicates that despite growing attention to information threats, mechanisms for countering them are primarily considered through the lens of public law, media and communication studies, and political science. However, analysis of this phenomenon in the context of private law, particularly intellectual property law, remains fragmented. The potential of an interdisciplinary approach to the formation of asymmetric strategies for protecting information sovereignty and creating the advantage of truthful strategic narratives in the context of external information threats remains undeveloped, both in the domestic academic environment and in the European scientific tradition. In the context of researching various aspects of security, scholars practically do not consider intellectual property law instruments as a proactive means of legal protection of narratives that are embodied in various forms of expression and may be subject to intellectual property protection. In practice, this means the possibility of strategic commercialisation of meanings through intellectual property rights, ranging from copyright on information content to commercial names with geographical references. At the same time, it should be noted that the practical sphere itself is already generating demand for such a strategic approach. In particular, the head of the Ukrainian National Office of Intellectual Property and Innovation, O. Orliuk (2025), emphasises the need for comprehensive law enforcement. The study highlighted that "proof of registration will

not only help with financial transactions involving the relevant intangible asset, but will also save a lot of resources in case of IP rights violations". This approach directly correlates with the determination of information threats, which, as evidenced by the analysis of academic literature, constitute one of the key dimensions of contemporary challenges to national security.

The study aimed to identify the potential of intellectual property rights as a tool for asymmetric response to information threats, which consists of ensuring semiotic control, as well as to create conditions for the dominance of authentic meanings and the formation of strategic advantages in the narrative field for national narratives embodied in various forms of expression.

Materials and Methods

The study was based on an interdisciplinary approach that combined several conceptual frameworks, including the theory of strategic narratives in international relations by A. Miskimmon *et al.* (2012), which proposes a notion of the key semiotic form of "narrative" not simply as a communicative tool, but as a mechanism for exerting influence; the concept of information warfare as a component of hybrid conflict by G. Pocheptsov (2015); the paradigm of civil law, in particular, the institution of intellectual property law, including developments in the field of intellectual property law in wartime (Peter, 2024), which addressed IP instruments as part of a broader national security system. The classic work by L. Freedman (2006) emphasises the growing role of information and narrative components in modern conflicts. Although the study does not consider the legal mechanisms for protecting narratives, his analysis of the strategic environment confirms the relevance of approach used in the present study. This combination provides an interdisciplinary approach in which intellectual property is understood not only as a mechanism for protecting the results of creative activity, but also as a proactive mechanism for ensuring the superiority of the national strategic narrative in the context of information (cognitive) warfare.

The methodological basis of the study included several levels. At the primary level, using the dogmatic method, the regulatory and legal framework of Ukraine was examined, in particular, the Constitution of Ukraine[1], the Civil Code of Ukraine[2], the Law of Ukraine "On Copyright and Related Rights"[3], the Criminal Code of Ukraine (2001, as amended in 2025)[4]; international treaties, in particular the Paris Convention[5], the Berne Convention[6], the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage[7], and EU Regulation No. 1151/2012[8], which made it possible to systematise the existing regulatory provisions. At a further level, a systemic-structural analysis was applied to classify narratives at the macro, meso and micro levels (Doichyk & Hanzin, 2025) and to determine their potential as objects of legal protection. The conceptual method revealed the possibility of integrating the theory of strategic narratives with the provisions of intellectual property law and analysing the potential of IP tools as a functional mechanism capable of ensuring semiotic control in the specified conditions.

Results

Strategic advantages in the information space. Countering information interventions, as evidenced by Ukrainian and European experience, mainly takes place in the form of countering disinformation, external information interference and manipulation (FIMI), as well as efforts by various media literacy, fact-checking and other programmes. Despite the significant achievements of each of these approaches to the definition of information confrontation and cognitive warfare, none of them is a predictive tool that provides a stable system of sustainable regulation and long-term counterbalance. In Ukraine, as in most jurisdictions, there are no direct legal mechanisms for holding people accountable for spreading disinformation if it is not related to hate speech, the overthrow of the constitutional order, or direct calls for violence. Moreover, mechanisms for protecting the information environment remain limited: in particular, there is liability for the dissemination of inaccurate (unverified) information and mechanism s for refuting such information at the request of a person about whom information has been disseminated that violates their right to honour, dignity or business reputation. At the same time, any state intervention motivated by information security can easily be classified as censorship. This situation is actively exploited by Russia in the context of its aggression against Ukraine and by

[1] Constitution of Ukraine. (1996, June). Retrieved from https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text.
[2] Civil Code of Ukraine. (2003, January). Retrieved from https://zakon.rada.gov.ua/laws/show/435-15#Text.
[3] Law of Ukraine No. 3792-XII "On Copyright and Related Rights". (1993, December). Retrieved from https://zakon.rada.gov.ua/laws/show/3792-12#Text.
[4] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[5] Paris Convention for the Protection of Industrial Property. (1883, March). Retrieved from https://zakon.rada.gov.ua/laws/show/995_123#Text.
[6] Berne Convention for the Protection of Literary and Artistic Works. (1886, September). Retrieved from https://zakon.rada.gov.ua/laws/show/995_051#Text.
[7] UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. (2003, October). Retrieved from https://zakon.rada.gov.ua/laws/show/995_d69#Text.
[8] Regulation of the European Parliament and of the Council No. 1151/2012 "On Quality Schemes for Agricultural Products and Foodstuffs". (2012, November). Retrieved from https://eur-lex.europa.eu/eli/reg/2012/1151/oj/eng.

other authoritarian regimes, which effectively creates unlimited opportunities to legitimise their presence in the information space of liberal democracies under the guise of "alternative opinion", while engaging in hybrid interference through the systematic exploitation of vulnerabilities in democratic systems.

The idea of creating strategic advantages in the information space is not new and is conceptually reflected in works analysing the information dimension of war as a component of hybrid conflict. In this context, intellectual property law can be seen as a legal tool that helps create a bunch of advantages for intellectual products, especially those that shape and reinforce counter-narratives in the narrative field of information warfare. Thanks to the timely legal protection of relevant objects by means of intellectual property, it becomes impossible for hostile information interventions (propaganda, disinformation, etc.) to parasitise on protected counter-products. This creates the possibility of applying civil liability mechanisms for violations of established rights without resorting to censorship or administrative blocking of information. In other words, a propagandist who illegally uses a protected counter-narrative or its elements may be held liable not for the content of the statements themselves, but for violating the owner's rights to the relevant product, which reduces the risk of accusations of censorship and restriction of freedom of speech and also brings the issue of countering information threats to the civil law level, which in turn complements the state's efforts in this counteraction.

The proposed strategy envisages expanding the scope of intellectual property rights instruments in the context of responding to information threats. Intellectual property is not only an instrument for protecting the results of creative activity, but also as a legal mechanism for identifying, legitimising and protecting strategically relevant products of symbolic production that shape, fill and concretise the strategic discourse of the state in the context of a highly intense information war aimed to delegitimise and culturally erode Ukrainian identity.

Narrative and narrative warfare. The concept of "narration" in different disciplines may have interpretations that differ slightly from one another. However, in the context of military conflict, its meaning takes on a semantic form that can be reproduced in various informational (virtual) and material formats and genres that influence society. As O. Kyrylyuk (2021) notes, "by changing narratives, it is possible to change the system of mentality and build a new system of social action". Narratives as semantic constructions can be differentiated by the scale of the idea they convey. The most complex is the strategic narrative, which is a semantic framework that formulates comprehensive explanations of the state's positions in the international arena, determines the nature of inter-state relations, and influences public opinion within the country regarding these positions: "If the ideas actualised in such narratives are substantial for the existence of the state, they are called strategic narratives" (Kyrylyuk, 2023). Therefore, strategic narratives are the focus of most research in the fields of political science, international relations and communications. At the same time, the process of narrative articulation also occurs at other levels, and as follows from the structure of narrative warfare proposed by O. Doichyk & V. Hanzin (2025), which, according to the authors, occurs at the macro, meso, and micro levels, the typology of narratives can also be reproduced in this hierarchy. Accordingly, there are macro-narratives, meso-narratives, and micro-narratives. According to the logic of confrontation, each of these narratives performs a specific function in the structure of semantic aggression or counter-strategy to counter it.

In particular, the macro-narrative covers ideological or civilisational frameworks, meso-narratives form regional, historical-cultural or socially significant plots, and micro-narratives form localised images, events, personalities or narratives that have a specialised purpose (mission). Thus, the narrative field is formed as a multi-level structure in which each type of narrative performs a separate function in legitimising or delegitimising meanings that compete in the narrative field. The concept of a "narrative field" refers to a space of competing stories and meanings in which there is a struggle to interpret the past and define the values of the present. Defending this space is a component of information sovereignty as an element of national security (Lipkan, 2022). In the context of hybrid warfare analysis, the concept of V.P. Horbulin (2017) of the multidimensionality of modern conflicts emphasises that the information component is one of the key ones, which is consistent with the need for a comprehensive approach to protecting the narrative field, where IP tools act as one of the components of the overall strategy.

Therefore, the "narrative field" is a kind of battlefield where different interpretations, meanings, values, etc., compete. Thus, in an information war, the aggressor seeks a narrative that will convey and legitimise its interpretation, adjusting people's perceptions of a particular event in accordance with its goal, which is generally subjugation.

The most well-known manifestations of narrative confrontation or information warfare are propaganda, disinformation, external information campaigns, and manipulation (FIMI, foreign information manipulation and interference). These forms of narrative warfare are not only conducted in the information environment, where they are most visible, but are also present in cultural, political, scientific, and educational spaces. The penetration of hostile narratives occurs through the creation and dissemination of content in various formats or through the organisation of events that reproduce, broadcast or legitimise certain ideas that constitute the content of the strategic narrative. In the case of Russia,

such narrative aggression is mostly associated with the distortion, appropriation and misrepresentation of the opponent's narratives, in particular the Ukrainian strategic narrative, to influence the general discourse and the information and cultural dominance. In this context, any format, as a means of representing meaning or ideas that has been subject to such interference or exploitation for propaganda purposes, can be considered as an object in respect of which Ukrainian intellectual property rights holders have the potential to exercise legal protection. This approach not only contributes to the protection of the results of intellectual and creative activity but also creates conditions for strengthening the position of the Ukrainian strategic narrative, which is based on a set of authentic intellectual products that are legally protected.

Practices for countering propaganda and disinformation. Many jurisdictions lack a direct mechanism for holding individuals accountable for disinformation as a form of hybrid warfare, with the exception (as in the case of Ukraine) of situations where such information campaigns are not linked to the spread of hate speech, which in most cases is one of the signs of a violation of Article 161 of the Criminal Code of Ukraine[1] (Kryzhanovskyi & Kryzhanovskyi, 2025) or public calls against the constitutional order, in particular, its overthrow or violent change, which are signs of a violation of Article 109 of the Criminal Code of Ukraine[2]. Moreover, any restriction on freedom of expression can easily be interpreted as censorship (Huyvan, 2020), especially when it comes to enemy content in times of war or hybrid conflict. This is actively exploited by aggressor states, which legitimise their presence in the information space of liberal democracies under the guise of "alternative opinion".

Scientific literature noted that Russia skilfully constructs narratives to legitimise its actions, including the legitimisation of a full-scale invasion (Zavershinskaia & Spera, 2024), which is a manifestation of a strategic narrative, given the inter-state context of the semantic meaning of the event. Such "strategic narratives" can take the form of short slogans or clichés, and be simplified and concretised at lower levels. Such narratives, especially strategic ones, formulate ideas that fill the "narrative field", for example: "Russia is the older brother", "Ukraine is a failed state", "The rights of Russian speakers are being violated everywhere", etc. (Romanyshyn *et al*., 2023). However, the implementation of these narratives exceeds the scope of information campaigns or media content. They can be embodied through books, pseudo-historical lectures, public events, as well as through the appropriation and incorporation of Ukrainian meanings as derivatives of Russian culture. This involves the distortion of historical memory, the devaluation of Ukrainian cultural, scientific and political figures, and the belittling of their role in shaping the national strategic discourse, both in terms of cultural heritage and in the context of information resistance.

Protection of intellectual property rights in Ukraine. The Constitution of Ukraine guarantees every citizen the right to the results of their intellectual and creative activity. This is enshrined in Article 54 of the Constitution. The Basic Law also guarantees freedom of literary, artistic, scientific and technical creativity and the protection of intellectual property and copyright, and censorship of creativity is expressly prohibited[3]. According to Articles 14 and 15 of the Law of Ukraine "On Copyright and Related Rights"[4], the rights of the author are divided into personal non-property rights and property rights, and among non-property rights. According to Article 14 of this Law, the author has personal non-property rights, in particular: to demand recognition of his authorship (proper attribution) or to remain anonymous; to choose a pseudonym; to demand the preservation of the integrity of the work and to oppose any distortion or misrepresentation of the work that may harm the honour and reputation of the author. The property rights of the author (or other person who has copyright) include, for example, the exclusive right to use the work, to authorise or prohibit the use of the work by other persons, etc.

The Civil Code of Ukraine (Article 420)[5] defines a wide range of intellectual property rights. These include traditional creative works such as literary and artistic works, computer programs, as well as objects that are directly relevant to the formation of narrative policy: data compilations (databases), folklore expressions, plant varieties, geographical indications, commercial (brand) names, trademarks (signs for goods and services), and trade secrets. Such objects differ in the way they are created, their legal nature and protection mechanisms, which can be used in the selection of a protection tool addressing the nature of the counterproduct itself. Article 5 of the Law of Ukraine "On Copyright and Related Rights"[6] provides an open list of copyright objects, which includes works of science, literature, art, information products, compilations of knowledge, conceptual models, cultural codes, etc. This

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Ibidem, 2001.
[3] Constitution of Ukraine. (1996, June). Retrieved from https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text.
[4] Law of Ukraine No. 3792-XII "On Copyright and Related Rights". (1993, December). Retrieved from https://zakon.rada.gov.ua/laws/show/3792-12#Text.
[5] Civil Code of Ukraine. (2003, January). Retrieved from https://zakon.rada.gov.ua/laws/show/435-15#Text.
[6] Law of Ukraine No. 3792-XII "On Copyright and Related Rights". (1993, December). Retrieved from https://zakon.rada.gov.ua/laws/show/3792-12#Text.

list is not complete: the legislator emphasises that life brings new forms of creative activity, and all of them can be protected by law. At the same time, it should be noted that it is the form of expression of the work that is protected, not the ideas or facts themselves. In other words, legal protection extends only to the form of the work and does not extend to any ideas, theories, methods, or concepts, even if they are described or illustrated in the work. Accordingly, a propagandist who parasitises on the structure or terms of a counter-narrative protected in this way is liable not for the content of what is expressed, but for infringement of property rights, which also reduces the risk of accusations of censorship and restriction of freedom of speech.

At the national level, in the event of intellectual property rights infringement, Article 431 of the Civil Code of Ukraine[1] establishes a general rule that any infringement of intellectual property rights (including non-recognition of such rights or encroachment upon them) entails liability as provided for by the Code, other laws or contracts. Article 432 of the Civil Code specifies the types of judicial protection, including: immediate cessation of the infringement and preservation of evidence; suspension of customs clearance of infringing goods; seizure and destruction of infringing products; seizure of means and materials used primarily for infringement; application of a one-time monetary penalty (alternative to compensation for damages); publication of information about the infringement in the media.

Therefore, Russian illegal exploitation of intellectual property, including for propaganda purposes, which is protected by the above-mentioned mechanisms of national legislation, can be considered not only as a basis for response at the level of strategic communications (i.e. at the semantic level), but also as a legal basis for civil law protection of the rights of a specific author or copyright holder of the relevant intellectual or creative product, especially in cases where such a product is of strategic importance for Ukrainian national discourse.

International mechanisms for the protection of intellectual property rights. Ukrainian participation in international treaties on intellectual property rights also creates several prerequisites that could significantly improve its position in the narrative war through the protection of intellectual rights. These include the Paris Convention for the Protection of Industrial Property[2], the Berne Convention for the Protection of Literary and Artistic Works[3], the Universal Copyright Convention[4], the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage[5,6] and others. All these conventions operate within the framework of the World Intellectual Property Organisation (WIPO), of which both Ukraine and Russia are members. Accordingly, and based on the provisions of the Berne and Universal Conventions, as well as Ukrainian copyright law, texts, analytical materials, speeches, podcasts, videos, visual materials, etc. that embody the author's vision or interpretation of a strategic narrative are subject to protection. Violations, in particular the distortion or appropriation of such materials, give grounds for filing a lawsuit or contacting online platforms to have them removed or blocked. Visual elements of counter-narrative campaigns can be protected as trademarks or industrial designs under the Paris Convention[7]. Furthermore, following Article 10bis of the Paris Convention, in cases where imitated or similar designations are used that may mislead the audience or discredit the original message, legal mechanisms to counter unfair competition apply.

For elements of narrative warfare related to cultural memory and identity, the mechanism of protecting intangible cultural heritage through national registers and subsequent international recognition is also effective. An example of this is UNESCO's inclusion of elements of Ukrainian heritage (such as the culture of borscht preparation) in its relevant list, which provides legal and political grounds for challenging attempts by Russia to appropriate the narrative. Such examples demonstrate that individual or collective intellectual actions can develop into legally significant processes at the international level. In cases of cross-border violations, especially in the digital environment, WIPO alternative dispute resolution tools can be applied, the WIPO Arbitration and Mediation Centre, which offers mechanisms for resolving disputes over domain names (Uniform Domain Name Dispute Resolution Policy, UDRP) and other intellectual property objects in the online environment (WIPO, 2024).

The list of forms of expression of intellectual property objects subject to protection under copyright and related rights, which is determined by Ukrainian legislation, is not exhaustive. Therefore, not only traditional intellectual property objects (works of science, literature

[1] Civil Code of Ukraine. (2003, January). Retrieved from https://zakon.rada.gov.ua/laws/show/435-15#Text.
[2] Paris Convention for the Protection of Industrial Property. (1883, March). Retrieved from https://zakon.rada.gov.ua/laws/show/995_123#Text.
[3] Berne Convention for the Protection of Literary and Artistic Works. (1886, September). Retrieved from https://zakon.rada.gov.ua/laws/show/995_051#Text.
[4] Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. (1974, May). Retrieved from https://zakon.rada.gov.ua/laws/show/995_052#Text.
[5] Universal Copyright Convention. (1952, September). Retrieved from https://zakon.rada.gov.ua/laws/show/995_052#Text.
[6] UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. (2003, October). Retrieved from https://zakon.rada.gov.ua/laws/show/995_d69#Text.
[7] Paris Convention for the Protection of Industrial Property. (1883, March). Retrieved from https://zakon.rada.gov.ua/laws/show/995_123#Text.

or art, conceptual models, databases, etc.) can be recognised as objects of legal protection, but also modern forms of information products, cultural codes, creative performances, etc. Accordingly, the list of legal instruments for their protection is not exhaustive, which creates room for flexible application of civil and international law in new areas, particularly in the context of information warfare as a component of hybrid threats.

In this regard, the category of unfair competition, which is considered both in national doctrine and in international legal acts (in particular, in Article 10bis of the Paris Convention[1]), is of particular importance. Its main feature remains the misleading of consumers, discrediting or imitation, which in turn completely reproduces the logic of information confrontation, when the opponent (aggressor) aims to undermine trust in authentic sources, substitute content or intercept the opponent's semantic positions (to establish semantic control). Thus, mechanisms to counter unfair competition can be applied as a legal framework for responding to information attacks, which are conducted mainly through distortion, discrediting and parasitising on other people's narratives. Therefore, strategic responses in the civil law sphere should focus not only on achieving the broader goal of creating legal advantages for key elements of the national brand and consolidating the state's strategic narrative in the international information field by restoring the violated rights of a specific entity.

Discussion

The results of the study redefined the role of intellectual property rights in the context of modern information threats and proposed a new conceptual approach to protecting the narrative field. The conclusions of V. Petrenko (2025) regarding intellectual capital as a component of a state's humanitarian security are valid, but the author primarily addressed the commercialisation of IP in the military-industrial sector. In contrast, the proposed study reveals the potential of IP tools directly for the protection of the semiotic space and strategic discourse of the state. The reason for the discrepancy is that V. Petrenko (2025) considers intellectual property as an economic asset, while our approach integrates IP into the context of information warfare, where meanings and narratives expressed in specific results of intellectual activity become objects of protection.

The assertions of S. Mazurenko (2025) regarding the legal vacuum in the media space appear to be valid, especially in terms of focusing exclusively on reactive responses. The proposed approach provides for proactive protection against post facto violations, and IP tools can become a proactive mechanism through the prior establishment of rights to key elements of the national narrative. The study by M. Vedeniapina & M. Pidvysotska (2024), which analyses protective mechanisms against IP violations, can be viewed from another perspective: IP as an offensive tool for actively shaping strategic advantages in the narrative field.

K.Yu. Peter (2024) considers IP in the context of war through the prism of protecting existing rights and restoring them in the post-conflict period. However, the proposed approach involves the proactive use of IP tools during the active phase of the conflict. The reason for the discrepancy lies in different conceptual frameworks. K.Yu. Peter (2024) addressed IP as an object of protection, while the present study considers it as an instrument of active counteraction. The study by O.L. Kyrylyuk (2023) on the discourse of information warfare is fundamental to the research of the semantic mechanisms of conflict. The present study correlates with the conclusion about the possibility of changing the system of mentality through narratives but adds a legal dimension by demonstrating specific IP mechanisms of control over narratives at the level of civil-legal participation of intellectual property rights holders. The concept of G. Pocheptsov (2015; 2019) creates a theoretical framework, but the assertion about the limitations of legal mechanisms seems debatable: the IP approach demonstrates that civil law mechanisms can effectively complement traditional security instruments without resorting to censorship. The study by O.M. Bykov (2023) emphasised the relevance of balancing the protection of the information space with democratic freedoms, which is consistent with the conclusion that the IP approach emphasises the form of expression rather than the content, shifting the issue from the public law sphere to the civil law sphere. O. Spesyvtseva (2023) emphasises the reputational risks of unverified information, but IP tools create legally significant barriers due to the possibility of civil liability. The analysis by P. Horbulin (2017) and Ye. Mahda (2023) confirms that the information component is a key element of hybrid warfare, which justifies the relevance of the IP approach as an additional mechanism of national security.

The theory of strategic narratives by A. Miskimmon *et al.* (2012, 2014) provides a conceptual framework for definition of narratives as instruments of communicative power. The proposed study develops this theory by adding a legal dimension to consolidate strategic narratives through IP instruments, which translates communication strategies into specific legal actions and strengthens the soft power of the state through the legitimisation of narratives.

C. Bjola & J. Pamment (2019) and C. Bjola & R. Zaiotti (2023) highlight technological and diplomatic strategies to counter propaganda. However, IP legal mechanisms can be equally effective in the long term by creating durable legal barriers. A systematic review by

[1] Paris Convention for the Protection of Industrial Property. (1883, March). Retrieved from https://zakon.rada.gov.ua/laws/show/995_123#Text.

J. Pamment *et al.* (2018) catalogues existing approaches to countering information influence but does not consider the potential of intellectual property law, making this study complementary. The concept of "truth decay" by J. Kavanagh & M.D. Rich (2018) describes the systematic decline of the role of facts in public discourse. The proposed approach offers a legal mechanism for countering this by establishing the priority of authentic sources through IP, creating legal liability for parasitising on verified narratives. The study by P. Bernal (2020) emphasises the need for legal regulation of the digital space. The claim that a new legal framework is needed seems debatable: existing IP mechanisms, adapted to new challenges, can work effectively without creating new legal institutions, which accelerates practical implementation. The study by L. Lixinski (2013) on intangible cultural heritage provides a theoretical basis for the protection of cultural practices through the UNESCO system. An example is the inclusion of Ukrainian borscht in the UNESCO list (2022), which set a legal precedent against Russian attempts at cultural appropriation. K. Carpenter *et al.* (2009) demonstrate that IP can protect collective cultural practices, which is relevant to Ukrainian national narratives. The analysis by R. Chesney & D. Citron (2019) and P. Nemitz (2018) on deepfakes and artificial intelligence confirms the relevance of the IP approach to protect against technological manipulation, maintaining a balance between innovation and democratic values. Detailed analysis by G.B. Dinwoodie & M.D. Janis (2022) and D.J. Gervais (2021) provide a legal basis for protecting visual elements and cross-border IP mechanisms in the digital space. L. Freedman (2006) confirms the historical evolution when narratives became an independent object of conflict. O. Orliuk (2025) notes that the practical sphere shapes the demand for comprehensive IP enforcement, confirming the readiness of the approach for implementation. O. Doichyk & V. Hanzin (2025) propose a typology of narratives at the macro, meso and micro levels, which is consistent with the multi-level structure of the narrative field.

The limitations of the proposed approach should also be acknowledged. First, its effectiveness depends on the willingness of the judicial system to recognise narrative constructs as objects of legal protection. Second, the cross-border nature of threats requires international coordination, which is not always possible with aggressor states. Third, the speed of the legal system's response may be slower than the pace of disinformation. Fourth, IP protection requires prior fixation and registration of objects. The novelty of the research lies in the synthesis of three previously isolated areas: strategic narrative theory, intellectual property law, and information security studies. This interdisciplinary approach can be used to define intellectual property law as a strategic element of ensuring national information sovereignty.

Conclusions

For centuries, Ukraine was deprived of the right to write and tell its history, and only today is it regaining the opportunity to formulate "stories about itself", offering the world a domestic view of the past and present. The "soft" legal instruments, the non-application of which does not entail restrictions on freedom of speech and the introduction of censorship, can become a promising tool for establishing Ukrainian strategic discourse through the recognition, protection and popularisation of intellectual property. The intellectual property mechanisms discussed in this Article are precisely such tools. They do not force people to believe in one story or another by force of law, but at the same time create a legal framework in which authentic narratives are given priority status and protection from exploitation.

The study identified several key generalisations that are both theoretically and practically significant for determination of the potential of intellectual property law in countering contemporary information threats. First, intellectual property law should be viewed not only as a tool for protecting the creative output of individual authors or organisations, but also as a broader protective mechanism capable of providing a strategic advantage in the narrative field. This involves creating a legal framework in which authentic national meanings receive official recognition and legitimisation, which significantly reduces the risks of their distortion, appropriation or exploitation by an aggressor.

Secondly, intellectual property rights instruments create opportunities for asymmetric responses to information interference. Instead of direct censorship or administrative bans, which are often interpreted as restrictions on freedom of speech, a civil law approach is applied. This can be used to classify illegal use or parasitism on counter-narratives as a violation of copyright or related rights, which moves the fight into the realm of legitimate legal procedures. This approach is more stable in democratic societies and creates extra opportunities for international advocacy and defending Ukraine's position.

Thirdly, an analysis of current Ukrainian legislation and international conventions has shown that the legal framework already has significant potential for protecting the narrative field. At the same time, a further challenge is to institutionalise practices aimed to register, protect and commercialise national intellectual products, including symbols, cultural codes, creative formats and information materials. Such steps will make it possible to create a comprehensive system of semiotic control, which is key in modern cognitive warfare.

Therefore, intellectual property rights should be considered a promising element of a national security strategy aimed to consolidate Ukrainian information sovereignty. The use of its instruments in combination with other measures to counter propaganda creates the basis for the formation of a stable narrative environment in which authentic meanings dominate and become the

foundation of the state's strategic discourse. Intellectual property law, although not designed for information warfare, offers an arsenal of protective tools suitable for this purpose. It is necessary to view it not in isolation, but in the context of the overall strategy of cultural and information policy and national security strategy.

Promising areas for further study include the application of intellectual property rights as an element of national security to protect Ukraine's information sovereignty, through the institutionalisation of practices for the registration, protection and commercialisation of national intellectual products, as well as the use of a civil law approach as an asymmetric response to information interference.

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Conflict of Interest

None.

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Інструменти інтелектуального права як проактивні засоби захисту наративного поля в контексті інформаційної війни та боротьби з пропагандою

Маріанна Присяжнюк
Аспірант
Бухарестський університет
050663, вул. Пандурі, 90, м. Бухарест, Румунія
https://orcid.org/0000-0001-6636-7620

Анотація
Досвід російсько-української війни засвідчує, що інформаційний, а також когнітивний простір є критичним виміром протистояння та агресії. Натомість стратегічні наративи є як ресурсом, так і об'єктом для атак. Стаття мала на меті виявити можливості права інтелектуальної власності як засобу асиметричної протидії інформаційним загрозам шляхом семіотичного контролю, утвердження автентичних смислів і забезпечення домінування національних наративів у наративному полі. Дослідження проведено з використанням методології, яка ґрунтується на догматичному аналізі нормативно-правових актів України та міжнародних конвенцій, системно-структурного та концептуального підходів до типології наративів, а також елементів міждисциплінарного аналізу у сфері безпеки й комунікацій та аналізу конкретних кейсів. За результатами дослідження запропоновано висновки щодо наративного поля, що є багаторівневою структурою стратегічних, регіональних і локальних наративів, кожен з яких може стати об'єктом захисту в правовому полі. Такий підхід може посилити традиційні інструменти протидії пропаганді (фактчекінг, стратегічні комунікації, санкції), які не можуть забезпечити політико-правову перевагу, водночас застосування механізмів інтелектуального права дає змогу легітимізувати національні контрнаративи й унеможливити в такий спосіб їх експлуатацію агресором. Проаналізовано національне законодавство й міжнародні механізми, які створюють підґрунтя для юридичного захисту автентичних смислів. Сформульовано висновок, що такий підхід має переваги відповідно до демократичних стандартів, оскільки IP-підхід не обмежує свободу слова, не фокусується на цензурі, натомість пропонує форми захисту для форми вираження змісту і прав автора. Відповідно інструменти інтелектуального права можуть бути застосовані як проактивний інструмент у контексті посилення інформаційної безпеки, адже посилюють стратегічний дискурс держави. Запропонований підхід у перспективі може стати основою формування політики захисту національних наративів і зміцнення інформаційного суверенітету

Ключові слова:
стратегічний дискурс; стратегічний наратив; наративне поле; правова охорона смислів; нематеріальні активи; правова легітимація; семіотичний контроль