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COPYRIGHT PROTECTION OF THE RESULTS OF CREATIVITY OF FANS OF LITERATURE AND ART MASTERPIECES

Paper is devoted to the research of the current state of copyright protection of the results of the creativity of fans of works of literature and art. It was established that under the conditions of modern dynamic development of intellectual activity, new specific objects arose, which are the result of the creative activity of the fans. It

is determined that these objects are cosplay, fan art, fanfiction. The doctrinal approaches and experience of foreign countries are analyzed. Characterization of cosplay as a type of creativity of fans of works of literature and art is given. Its legal nature is determined. Cosplay was studied as a parody and as a derivative work. The peculiarities of using fair use are stated. Definition of the character is given. Features of use of stock character are considered. Legal nature of fan art is defined as a kind of creative work of fans of works of literature and art is considered. Main features of fan art are given. Fan-art cases were revealed without any copyright infringement. The approaches of creation of fan-art on the basis of works of literature and art are analyzed. The legal nature of the fanfiction and its general features are investigated. The case of converting a fanfic into an original work is considered. The analysis of the assignment of fanfiction to the parody and derivative work is carried out. The non-permanent affiliation of fanfiction to a parody is indicated. The main sites of cosplay, fan art, fanfiction in Ukraine are investigated. The author analyzes cases of copyright infringement by the works of fans of works of literature and art. The most widespread results of works of fans of works of literature and art are defined: cosplay, fan art, fanfiction. The absence of any special rules of law regarding the peculiarities of the legal regime of cosplay, fan art, fanfiction is indicated. These objects are considered in three aspects: derivative work, parody, violation of author's rights. Examples of assigning objects to one or another sphere are given. American legislation on this field is analyzed. The definition of concepts is formulated: cosplay, fan art, fanfiction. The expediency of fixing the concepts at the legislative level is determined.

On the basis of the study, a provision was developed to improve the copyright protection of the results of the creativity of fans of literature and artmasterpieces.

Keywords: objects of copyright, work, legal regime of objects of copyright, creativity of fans, cosplay, fan art, fanfiction.

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