

DOI: 10.25108/2304-1730-1749.iolr.2026.82.11-17  
UDC: 347.77

**Subject and Object Composition of Intellectual Property Infringements:  
A Legal Analysis**

**Abstract:** This article presents a legal analysis of the subject and object composition of intellectual property infringements. Intellectual property law is a key institution in the modern legal system that ensures the legal protection of creative and innovative activity. The article examines the subject composition in terms of categories of persons involved in infringements and their corresponding liability. The object composition encompasses legally protected intellectual property objects and their legal characteristics. The interrelationship between the subject and object composition plays a crucial role in the legal assessment of infringements. The analysis refers to the relevant legislation of the Republic of Azerbaijan as well as international practice. The findings demonstrate that a systematic study of these components contributes to the improvement of law enforcement practice and the effective protection of intellectual property rights.

**Keywords:** intellectual property, infringement, subject composition, object composition, legal analysis, copyright, industrial property.

Intellectual property law has emerged within the modern legal system as a specialized field of law aimed at the protection of the results of creative activity and has come to encompass a broad range of social relations. The acceleration of scientific and technological progress, the development of digital technologies, and the globalization of information exchange have significantly increased the legal importance of intellectual property objects, while simultaneously expanding the scale and legal complexity of intellectual property infringements. In this context, the legal nature of intellectual property infringements - particularly the scholarly analysis of their subject and object composition - acquires topical relevance and substantial theoretical and practical significance.

In legal doctrine, the concept of an intellectual property infringement is defined as an unlawful act or omission carried out without the consent of the right holder in relation to objects protected by intellectual property rights. Such infringements directly affect the structural elements of legal relations and result in the violation of the rights and obligations of the parties involved. The emergence of legal liability requires the presence of the elements of the infringement, namely the subject, the object, and the subjective and objective elements. Within this framework, the subject and object composition plays a decisive role in the legal qualification of intellectual property infringements [10, p. 32].

The subject composition of intellectual property infringements refers to the range of persons participating in the infringement. This includes, first and foremost, the holders of intellectual property rights. A right holder may be a natural person, a legal entity, or, in certain cases, the state. In the field of copyright, the subjects are predominantly natural persons engaged in creative activity, whereas in relation to industrial property objects, right holders are more commonly legal entities.

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This distinction affects both the legal regime governing the subject composition and the assessment of infringement cases.

Persons acting as infringing subjects may also be classified into various categories. In addition to those who directly commit the infringement, persons who facilitate the infringement, act as intermediaries, or derive benefit from the infringement may also be included within the subject composition. For example, individuals or entities involved in the production, distribution, advertising, or sale of counterfeit goods may bear legal responsibility as subjects of intellectual property infringement. This approach is widely applied in modern legal systems in order to ensure effective protection of intellectual property rights.

One of the key characteristics of the subject composition in intellectual property infringements is the legal assessment of the infringer's fault. The existence of fault serves as a fundamental criterion for the application of civil, administrative, and criminal liability. In certain cases, the infringer's lack of awareness of the existence of intellectual property rights does not exclude liability, although it may affect the type and extent of liability imposed. This demonstrates that the subject composition constitutes a complex legal category involving not only formal legal status but also psychological elements [8, p. 240].

The object composition of intellectual property infringements expresses the legal value against which the infringement is directed. This value consists of intangible objects protected by intellectual property rights. Copyright works, related rights, inventions, utility models, industrial designs, trademarks, geographical indications, and trade secrets constitute the principal types of intellectual property objects. Each of these objects possesses a distinct legal regime, and these specific features must be taken into account when assessing infringement cases [11, p. 347].

A fundamental characteristic of the object composition is its intangible nature. Intellectual property objects are protected by law regardless of their physical embodiment. For instance, ownership of the material carrier of a work does not imply the acquisition of copyright in that work. This principle plays a significant role in identifying the object of the infringement and constitutes one of the key criteria distinguishing intellectual property law from property law.

Determining the object composition in intellectual property infringements is of decisive importance for the legal qualification of the infringement. A copyright infringement does not produce the same legal consequences as a trademark infringement and requires the application of different liability mechanisms. For this reason, the correct identification of the object of infringement represents one of the central issues in legal enforcement practice [12].

The interrelationship between the subject and object composition deepens the legal nature of intellectual property infringements. The legal status of the subject is often determined by the legal regime applicable to the object. For example, in copyright infringement cases, whether the subject is engaged in creative activity may be relevant, whereas in the field of industrial property this criterion is of secondary importance. This interdependence illustrates the complex nature of intellectual property law [10, p. 420].

The analysis of the subject and object composition of intellectual property infringements also plays an important role in the selection of appropriate legal protection mechanisms. While the violation of the right holder's subjective rights necessitates the application of civil-law remedies, harm to public interests may trigger administrative or criminal liability. In this regard, the subject and object composition serve as key criteria for determining the direction of legal protection.

In the contemporary digital environment, the increase in intellectual property infringements has led to more complex forms of subject and object composition. Internet platforms, intermediary services, and automated systems have expanded the range of infringing subjects and rendered the object composition more dynamic in nature. Under these conditions, the need to refine traditional legal approaches becomes evident.

In conclusion, the subject and object composition of intellectual property infringements constitute fundamental elements underlying the legal nature of such infringements. Their accurate determination is of decisive importance for the application of legal liability, the selection of legal protection mechanisms, and the balanced regulation of legal relations. From a scholarly perspective, the conducted analysis demonstrates that a comprehensive and systematic examination of subject and object composition is a necessary condition for the development of intellectual property law and the improvement of legal enforcement practice.

Intellectual property law constitutes one of the key normative institutions within the modern legal system, ensuring the legal protection of creative and innovative activity. In the Republic of Azerbaijan, the protection of intellectual property rights is based on constitutional principles, specific legislative acts, and international obligations. The development of the information society, the widespread use of digital technologies, and the increasing economic value of intellectual products have expanded both the scale and the legal complexity of intellectual property infringements. In this regard, the legal analysis of the subject and object composition of intellectual property infringements is of particular scholarly and practical significance [8, p. 130].

In Azerbaijani legal doctrine, the concept of an intellectual property infringement is characterized as an unlawful act or omission committed without the consent of the right holder in respect of objects protected by intellectual property rights. Pursuant to Article 1096 of the Civil Code of the Republic of Azerbaijan, damage caused as a result of an unlawful act must be compensated, a provision that is likewise applicable to cases involving the infringement of intellectual property rights. For an infringement to give rise to legal liability, the existence of its constituent elements, including the subject and object composition, is required [2].

The subject composition of intellectual property infringements refers to the range of persons involved in the commission of the infringement. Under the Law of the Republic of Azerbaijan "On the Enforcement of Intellectual Property Rights and the Fight against Piracy," the subjects of intellectual property rights may include authors, right holders, successors in title, and persons who have acquired rights on a contractual basis. In the field of copyright, the primary subjects are natural persons who create works as a result of creative activity. At the same time, legal entities may also act as subjects of intellectual property rights [5].

The category of infringing subjects is not limited solely to persons who directly commit the unlawful act. Azerbaijani legislation allows for the imposition of liability on persons who facilitate the infringement, create conditions for its commission, or derive commercial benefit from it. In particular, in the digital environment, owners of internet resources, intermediary platforms, and distributors may, in certain circumstances, be recognized as infringing subjects. This approach is consistent with international practice and serves to ensure the effective protection of intellectual property rights.

An essential element of the subject composition is the fault of the infringing subject. Article 165 of the Criminal Code of the Republic of Azerbaijan establishes criminal liability for the infringement of copyright and related rights, with the existence of fault serving as a mandatory condi-

tion for the application of such liability. In the sphere of civil liability, the form of fault is significant in determining the amount of compensation. This demonstrates that the subject composition is connected not only with formal legal status but also with the subjective psychological attitude of the infringer [3].

The object composition of intellectual property infringements reflects the legal value against which the infringement is directed. According to the Law of the Republic of Azerbaijan “On Copyright and Related Rights,” works of science, literature, and art constitute objects of copyright protection. At the same time, the Laws “On Patents” and “On Trademarks and Geographical Indications” define the legal regimes applicable to industrial property objects. Each of these objects represents an independent object of intellectual property law and requires a specific legal approach when assessing infringement cases [4].

A defining characteristic of intellectual property objects is their intangible nature. Pursuant to Article 124 of the Civil Code of the Republic of Azerbaijan, intangible assets may constitute objects of civil law relations. This provision ensures the legal protection of intellectual property objects regardless of their material embodiment. Accordingly, the determination of the object composition is of decisive importance for the legal qualification of intellectual property infringements [2].

The interrelationship between the subject and object composition further complicates the legal nature of intellectual property infringements. The legal regime applicable to the object often determines the scope of the rights and obligations of the subject. For instance, in cases of copyright infringement, the author’s personal non-property rights are afforded particular protection, whereas in relation to industrial property objects, economic interests tend to prevail. This distinction is also reflected in the choice of legal remedies [6].

The correct determination of the subject and object composition of intellectual property infringements enhances the effectiveness of legal protection mechanisms. Azerbaijani legislation allows for the parallel application of civil, administrative, and criminal remedies, thereby ensuring comprehensive protection of intellectual property rights.

In conclusion, the subject and object composition of intellectual property infringements constitute fundamental elements forming the legal basis of such infringements. The legislation of the Republic of Azerbaijan provides a sufficiently broad normative framework for regulating these elements. Scholarly analysis demonstrates that a systematic examination of subject and object composition is of significant importance for the development of intellectual property law and the improvement of legal enforcement practice.

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*The article was submitted: 2026 February 25*

*Accepted for publication: 2026 March 18*

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DOI: 10.25108/2304-1730-1749.iolr.2026.82.11-17

UOT: 347.77

### Əqli mülkiyyət pozuntularının subyekt və obyekt tərkibi: hüquqi təhlil

**Xülasə:** Məqalə əqli mülkiyyət pozuntularının subyekt və obyekt tərkibinin hüquqi təhlilini təqdim edir. Əqli mülkiyyət hüququ müasir hüquq sistemində yaradıcılıq və innovasiya fəaliyyətinin hüquqi qorunmasını təmin edən mühüm institutlardan biridir. Məqalədə subyekt tərkibi hüquq pozuntusunda iştirak edən şəxslərin kateqoriyaları və onların məsuliyyəti aspektində araşdırılır. Obyekt tərkibi isə hüquqi qorunan əqli mülkiyyət obyektlərini və onların hüquqi xüsusiyyətlərini əhatə edir. Subyekt və obyekt tərkibi arasındakı qarşılıqlı əlaqə pozuntuların hüquqi qiymətləndirilməsində mühüm rol oynayır. Məqalədə Azərbaycan Respublikasının müvafiq qanunvericilik aktlarına və beynəlxalq təcrübəyə istinad edilərək hüquqi analiz aparılmışdır.

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Nəticələr göstərir ki, bu tərkib elementlərinin sistemli araşdırılması hüquq tətbiqetmə praktikasının təkmilləşdirilməsinə və əqli mülkiyyət hüquqlarının effektiv qorunmasına xidmət edir.

**Açar sözlər:** əqli mülkiyyət, pozuntu, subyekt tərkibi, obyekt tərkibi, hüquqi təhlil, müəlliflik hüququ, sənaye mülkiyyəti.

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*Məqalə daxil olmuşdur: 25 fevral 2026-cı il*

*Çapa qəbul edilmişdir: 18 mart 2026-cı il*

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DOI: 10.25108/2304-1730-1749.iolr.2026.82.11-17  
УДК: 347.77

**Субъектный и объектный состав нарушений интеллектуальной собственности: правовой анализ**

**Аннотация:** Дается правовой анализ субъектного и объектного состава нарушений интеллектуальной собственности. Право интеллектуальной собственности является одним из ключевых институтов современной правовой системы, обеспечивающим правовую охрану творческой и инновационной деятельности. В статье субъектный состав рассматривается с точки зрения категорий лиц, участвующих в правонарушениях, и их соответствующей ответственности. Объектный состав охватывает охраняемые законом объекты интеллектуальной собственности и их правовые характеристики. Взаимосвязь субъектного и объектного состава играет важную роль в правовой квалификации нарушений. Анализ основывается на действующем законодательстве Азербайджанской Республики, а также на международной практике. Результаты исследования показывают, что системное изучение данных компонентов способствует совершенствованию правоприменительной практики и эффективной защите прав интеллектуальной собственности.

**Ключевые слова:** интеллектуальная собственность, нарушение, субъектный состав, объектный состав, правовой анализ, авторское право, промышленная собственность.

*Дата поступления: 25 февраля 2026 г.*

*Дата принятия в печать: 18 марта 2026 г.*

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