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Olesko N. A.
Lviv Polytechnic National University

REGULATORY AND LEGAL SUPPORT FOR THE DEVELOPMENT OF UKRAINIAN AND AMERICAN INNOVATION ECOSYSTEMS: PUBLIC AND ADMINISTRATIVE ASPECT

The article analyses the regulatory and legal support for the development of innovation ecosystems in Ukraine and leading countries of the world, in particular, in the United States of America. The study reveals the important role of effective legal regulation in supporting innovation activity, ensuring interaction between science, business and government, as well as in the protection of intellectual property. It is established that the Ukrainian regulatory framework, despite its volume, is characterised by fragmentation, partial obsolescence and an insufficient level of connection with practice and adaptability, which is especially noticeable in the face of modern challenges caused by the war and the needs of post-war reconstruction. Attention is drawn to the lack of economically profitable and established mechanisms for the commercialisation of intellectual property by universities, which slows down the implementation of science-intensive developments. Instead, the successful experience of the United States was analysed, where such legislative acts as the Bay-Dole Act and the Stevenson-Wydler Act promote technology transfer and innovative entrepreneurship, and strong antitrust legislation supports competition. The comparative analysis made it possible to identify key positive and negative aspects of the current regulatory legal acts of both countries. Based on the data obtained, reasoned recommendations were developed for improving Ukrainian legislation. The proposed areas include systematisation and harmonisation of the legal field, encouragement of intellectual property commercialisation, adaptation to the needs of small and medium-sized innovative businesses, as well as strengthening institutional support. It was emphasised that effective and modern legislative support is significant for the development of Ukraine's innovation ecosystem, its economic growth and increasing competitiveness on the global stage. The results of the study can be used to form a state innovation policy and strategic planning for the development of innovation ecosystems in Ukraine.

Key words: *innovation policy, legislation, public mechanisms, innovation ecosystem, regulatory framework.*

Formulation of the problem. The key catalyst for economic growth, increasing the competitiveness of the economy and ensuring sustainable development for any state is the development of innovation ecosystems. Regulation of innovation activity encourages interaction between science, business, state and society. Also, it guarantees the protection of intellectual property, the reby determining the effectiveness of the functioning of such ecosystems and correlating the quality and consistency of the regulatory and legal framework of the state.

Analysing the regulatory and legal framework of innovation activity in Ukraine reveals a comprehensive system of legislative acts and strategies designed to support this development. However, this framework also exhibits fragmentation, duplication of functions, and insufficient flexibility and adaptability. A large number of regulatory and legal acts and documents are partially outdated and do not fully meet modern challenges such as military operations, and taking into account the post-war recovery of the Ukrainian economy, and this is manifested in the lack of adequate public mechanisms, namely the commercialisation of intellectual property by universities and the entry into the market of knowledge-intensive products and services, which the reby slows down the development of the Ukrainian economy.

The United States of America is one of the leading countries in the world with a developed innovation ecosystem, and a key element in ensuring this development is the high efficiency and effectiveness of the legislative framework that promotes leadership in a global sense. The laws of the United States of America foster a favourable environment by encouraging cooperation between the academic and business sectors, the reby facilitating the transformation of knowledge and technologies and supporting market competition.

Accordingly, the re is a critical need for an urgent analysis and comparative assessment of the legislative framework of Ukraine and the United States of America, taking into account the further adaptation of Ukrainian legislation, taking into account international experience and the military situation in Ukraine, which ensure the development of innovative activity at different levels. The insufficient adaptation of Ukrainian legislation to modern realities creates significant obstacles to the development of the country's innovative potential, which necessitates the identification of key shortcomings of the current regulatory legal framework of Ukraine and the development of recommendations for its improvement, taking into account international experience, for example, the United States.

The relevance of the study is due to several factors:

- Innovative development is the basis of economic progress and a determining factor in the growth of the country's competitiveness at the international level, especially in globalisation processes and in the context of global challenges and rapid technological changes.
- In the post-war recovery, modernisation and development of an effective, efficient innovation ecosystem are strategically crucial for ensuring sustainable economic growth and integration into the world economy. The fragmentary and partially outdated regulatory framework of Ukraine in this area requires revision and updating.
- A comparative analysis of the regulatory framework of the United States of America will allow us to identify effective mechanisms of legal regulation that can be implemented in Ukrainian practice to stimulate further innovative activities, commercialisation of scientific developments and support such entrepreneurship.

The subject of the study is public and institutional mechanisms for supporting innovative activity through the interaction of legal, economic and organizational relationships that arise during the functioning and development of innovative systems, namely, the specifics of the regulatory and legal support for the ir activities in Ukraine and the United States of America. A comparative analysis of the regulatory and legal documents of the two countries that regulate such innovative activity in terms of technology transfer, protection of intellectual property rights, the antitrust regulation system, scientific activity, commercialization of knowledgeintensive research and innovative entrepreneurship has been carried out.

Analysis of recent research and publications. Ukrainian and foreign scientists study this topic in different aspects. The Ukrainian scientific school, in this case, uses different criteria for research and elements for the formation of a holistic innovation ecosystem as a subsystem of economic growth. It is worth noting that the se issues are also actively studied in academic institutions and research centres. It is important to note that the scientific activity of the National Academy of Sciences of Ukraine (NAS of Ukraine) occupies a special place: research into the development of innovative activity, the formation of state policy and legal aspects, and intellectual property.

T. V. Pisarenko, O. M. Kovalenko, and T. K. Kvasha [1] study innovative activity, commercialisation of knowledge-intensive innovations, and scientific and technical activity. S. M. Makhnusha, O. O. Mitsura, O. M. Olefirenko, N. Yu. Myroschenko, T. R. Menshinin [2] focus on the formation of a system for the commercialisation of innovative products with the development of legal relations between the subjects of the innovation ecosystem.

S. O. Perminova, N. I. Sytnyk, M. O. Chuprina [3] investigate innovative entrepreneurship and the stimulation of such activity as a key element of the evolution of the innovation ecosystem, capable of becoming dominant in the development of the ecosystem as a whole.

M. P. Butko and O. V. Popelo analyse in the ir work the commercialisation of the results of scientific and technical activity in the context of integration processes [4].

Analysing this issue at the international level, the re are a large number of researchers who are actively working on the legislative support for the development of the innovation ecosystem.

Christopher Freeman [5] and Bengt-Oke Lundvall [6] are the first to study innovation systems and have become fundamental for understanding the interaction for the creation and dissemination of innovations.

Richard Nelson [7] and Sidney Winter [8] are fundamental to the evolution of the the ory of economic change for the development of innovation.

Philippe Aghion [9] and Peter Howitt [10] are central to the development of the dynamics of innovation and growth in long-term growth from an economic perspective.

Henry Chesbrough [11] is the author of the concept of open innovation regarding collaboration with external partners for innovation.

Mariana Mazzucato's work [12] focuses on the role of public institutions in creating markets and stimulating innovation, with the state playing an

active role in developing regulatory conditions.

The purpose of the article. Conducting a comprehensive analysis of the regulatory framework for stimulating and developing innovation systems in Ukraine and the USA to identify key problems and advantages of current legislative acts, as well as developing recommendations for improving Ukrainian legislation to stimulate innovative development further and increase the competitiveness of the economy.

Presentation of the main material. The development of innovation ecosystems depends on an effective regulatory framework, which is key to regulating the behaviour and decision-making of all participants in the innovation process. The analysis of regulatory acts of states will allow us to identify the strong and weak aspects of legal regulation, the reby enabling us to improve and adapt. The re is need to provide provisions of the regulatory documents of two countries (table 1).

In Ukraine, various regulatory legal acts are in force that regulate the studied area.

The key laws and legal acts are:

Law of Ukraine "On Innovation Activity", which has been in effect since 2002 with the current version dated 03/31/2023, which defines the legal, economic and organisational principles of state regulation of innovation activity in Ukraine, establishes forms of state stimulation of innovation processes and is aimed at supporting the development of the Ukrainian eco-nomy through innovation. According to this Law, state support is received by business entities of all forms of ownership that implement innovation projects in Ukraine, and enterprises of all forms of ownership that have the status of innovation [13].

The Law of Ukraine "On the Special Regime of Innovation Activities of Technology Parks", which has been in force since 1999, with the current version dated December 5, 2012. The law defines the terminology, the special regime of innovation activities to which special state financing and targeted subsidies can be attributed, for 15 years since 2006 [14].

The Law of Ukraine "On Scientific and Scientific-Technical Activities" defines the main principles of work in the field of scientific and scientific-technical activities, creates conditions for the implementation of scientific and scientific-technical activities, meeting the needs of society and the state in technological development through the interaction of education, science, business and government since 2016 and in the current version No. 848-VIII dated April 9, 2025 [15].

National Economic Strategy for the Period until 2030 dated March 3, 2021 No. 179, approved by the resolution of the Cabinet of Ministers of Ukraine, defines the priorities and the state approach for the development of innovation ecosystems, the transformation of ideas into innovative products and services to increase the level of innovation of the national economy [16]. The Strategy for the Development of the Sphere of Innovation Activity for the Period Until 2030 is of great importance in this matter. It defines the main directions of the development of innovation activity. It is worth noting that the Strategy was approved by the order of the Cabinet of Ministers of Ukraine dated July 10, 2019, No. 526-r [17].

The Law of Ukraine "On Amendments to the Budget Code of Ukraine" dated April 11, 2023 No. 3035-IX provides for the provision of opportunities for state scientific institutions, state universities, academies and institutes to include in the special fund of the organisation's budget revenues from the contribution of intangible assets, the exclusive property rights to which belong to business entities, to the authorised capital of business companies [18].

The Resolution of the Cabinet of Ministers of Ukraine "Some Issues of Determining Medium-Term Priority Areas of Innovation Activity at the Sectoral Level" dated July 5, 2024, No. 787, is considered a key document that determines medium-term priorities of innovation activity at the sectoral level. This resolution also establishes development areas that should be taken into account when forming investment projects, scientific research, development, and when forming government orders and programs [19].

The Decree of the President of Ukraine "On the Sustainable Development Goals of Ukraine for the Period up to 2030" approved on September 30, 2019, No. 722 defines sustainable development goals for the development of projects to ensure the balance of economic, social, and environmental dimensions of the sustainable development of Ukraine [20].

The Law of Ukraine "On State Support for Investment Projects with Significant Investments" No. 1116-IX, as amended on December 11, 2024, provides state support for large investment projects above 12 million euros or more, through the introduction of tax benefits and state guarantees for strategic investors. This law is focused on large companies, without taking into account the needs of small and medium-sized enterprises, startups [21].

Regulatory and legal support for the development of innovative activity is also provided by the Strategy for the Digital Development of Innovative Activity of Ukraine (WINWIN) for the Period until 2030, with an approved operational plan of measures for its

implementation in 2025–2027 [22].

For Ukraine, it is urgent to create favourable conditions for the development of innovation ecosystems, which is achieved through a system of public mechanisms, namely, streamlining the regulatory framework, developing effective technology transfer tools, and implementing scientific research results into production. It is urgent to bring the regulatory documents that directly or indirectly regulate state management of the innovation sphere into line with the conditions of war and future reconstruction, because effective legislative support is a key factor in a favourable and effective innovation ecosystem in Ukraine as a factor of economic growth.

In this paper, we will also consider the regulatory support for the development of innovation ecosystems in the United States and Ukraine.

The United States of America (USA) has a practical regulatory framework that stimulates the development of innovation activity, which also contributes to the high rating of the USA in various ratings of the development and effectiveness of the innovation ecosystem and innovations in particular. In the United States, federal laws, policies, and special programs regulate this area of activity, which together provide an excellent basis for public mechanisms for managing innovation policy at the federal and state levels.

The Bay-Dole Act, in effect since 1980, allows universities, SMEs, and non-governmental organisations to obtain and protect property rights to inventions arising from research funded by the federal government [23].

The Stevenson-Wilder Technology Innovation Act, also in effect since 1980, promotes the development of technological innovations in industry to improve the economic, environmental, and social well-being of the country, through technological development and the activities of industrial techno-logy centres [24].

The Sherman Act, the first antitrust law in the United States [25], and the Clayton Act [26] are key elements of US antitrust law and promote competition.

Despite considerable achievements, the American innovation system faces specific difficulties and challenges, including the dynamic development of the environment and globalisation, local policies of other countries, and the ft. It is also necessary to take into account the increased competition from different countries that are actively investing in innovative developments.

The United States has a robust regulatory framework that facilitates the birth and development of effective innovation ecosystems. Still, to maintain leadership in the field of innovation, the United States of America must constantly improve its regulatory framework and adapt to modern challenges, which are very often caused by the development of technologies and innovations. Also, the regulatory system must ensure the protection of property rights for inventions and protect the consumer from poor-quality technologies and innovations (for example, Purdue Pharma). This is the biggest problem – on the one hand, to promote the development of innovations and reduce all barriers to the development and entry into the market of new technologies, and on the other hand, to ensure the safety of consumers from the negative consequences of consuming innovative products. A notable example is the development of AI-based products, which contribute to economic growth and labour productivity, yet also pose a risk to life on Earth.

The systematicity of legislation in Ukraine is more fragmented, with overlapping functions, while in the USA it covers all areas of innovation and in the USA universities are allowed to own intellectual property with subsequent commercialization, unlike

Table 1

Key provisions of the regulatory documents of Ukraine and the United States

Country	Main laws / strategies / acts	Key provisions
Ukraine	Law “On Innovation Activity”	Aimed at supporting innovation, partially outdated
	Law “On Special Regime of Innovation Activity of Technology Parks”	Contains a regime of support for technology parks, does not meet modern challenges
	Law “On Scientific and Scientific-Technical Activity”	Creates conditions for interaction of science, business and government
	WINWIN Digital Development Strategy	A comprehensive strategy for the development of innovations
USA	Bay-Dole Act	Gives universities the right to own research results
	Stevenson-Wydler Act	Promotes technological innovations in SMEs

in Ukraine. In the two countries, institutional support is available through national institutions, tax incentives, lending, support for startups / clusters are available and are adapted to the conditions.

The analysis of the regulatory framework for supporting, stimulating and regulating innovation ecosystems in Ukraine and the USA shows us the importance of continuous improvement and efficiency of such regulation and effectiveness of innovation infrastructure (table 2).

For example, we will analyse the legal support for the functioning of certain infrastructure elements of the innovation ecosystem: science parks, industrial parks, technology parks, accelerators, and incubators.

In Ukraine, the activities of science parks are determined by the Laws of Ukraine "On Scientific and Scientific-Technical Activity" [15] and "On Science Parks" [27] to implement the results of scientific activity in production.

Industrial parks operate following the Law of Ukraine "On Industrial Parks" [28], which provides for the development and increase of the competitiveness of the territory, the activation of investment activity.

Technological parks (technoparks) operate based on the Law of Ukraine "On the Special Regime of Innovation Activity of Technology Parks" [29], which creates special conditions for such activity. Still, it should be noted that the law contains outdated norms and has not been updated for a long time.

There is no separate legislation on the functioning of accelerators and incubators in Ukraine. Typically, the ir activities are conducted through higher education institutions, which provide grants, programs, and opportunities for cooperation with international platforms. In 2025, a network of startup schools, incubators, and accelerators began operating with the assistance and support of the Ministry of Education and Science of Ukraine [30].

In the United States of America, the activities of science parks and technoparks are carried out based on the Stevenson-Weidler Act [24] on technological innovations, which has been in force since 1980, and the Technology Transfer Commercialisation Act [31]. Industrial parks operate with the support of a development agency. Incubators and accelerators operate by the Stevenson-Weidler Act [24] and the Bay-Dole Act [23].

The main vectors of development and efficiency improvement are:

- Systematicity and harmonization of legislation, through the elimination of duplicate functions, the formation of a single, understandable and adaptive regulatory and legal update.
- Updating outdated legislation to reflect the conditions and standards of the war and post-war periods.
- Commercialization of intellectual property, introducing effective tools that allow research institutions and universities to manage and commercialize science-intensive developments and research.
- Adaptation to the needs of SMEs and startups, creating special programs, benefits aimed at supporting the ir development, driving innovation.
- Strengthening institutional support by ensuring the ir effective operation, adaptation to new challenges and conditions.
- Effective and modern legislation is a necessary element for improving the innovation ecosystem of Ukraine, further economic growth, and strengthening competitiveness in the international arena.

Conclusions. Ukraine has an extensive system of regulatory and legal acts that regulate the innovation, research, and scientific and technical sectors. Current legislation, regulatory and legal acts, and strategies that adapt to challenges and provide for effective innovation activity in the war and post-war periods demonstrate the state's desire to effectively regulate the innovation ecosystem. Being fragmented, Ukrainian legislation duplicates functions and the re is a lack of public mechanisms for managing intellectual property, universities, and further commercialization, which hinders the development of know-ledge-intensive innovations. In contrast, in the USA, we analyze and draw conclusions about the high effectiveness of the regulatory and legal framework, which is a key element of the place in the world innovation rankings. US

Table 2

Analysis of the effectiveness of innovation infrastructure

Infrastructure type	Ukraine	USA	Offer
Science Parks	low	high	Increased funding and commercialization
Industrial Parks	developing	system support	Increased business engagement
Technology Parks	limited-low	high	Legislative Update
Accelerators/ Incubators	limited-low	system support	Strengthening structured and systemic impact

legislation creates a favorable environment for the development of technological innovations, encouraging cooperation between universities and the business environment, ensuring a high level of conferences. Rapid implementation of scientific developments and commercialization occurs due to the ability of universities to implement the m. Note that even the US is constantly adapting the regulatory framework for the purpose of continuous improvement.

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Олесько Н. А. НОРМАТИВНО-ПРАВОВЕ ЗАБЕЗПЕЧЕННЯ РОЗВИТКУ УКРАЇНСЬКИХ ТА АМЕРИКАНСЬКИХ ІННОВАЦІЙНИХ ЕКОСИСТЕМ: ПУБЛІЧНО-УПРАВЛІНСЬКИЙ АСПЕКТ

У статті проаналізовано нормативно-правове забезпечення розбудови інноваційних екосистем в Україні та провідних державах світу, зокрема, у Сполучених Штатах Америки. Дослідження розкриває важливу роль ефективного правового регулювання у підтримці інноваційної діяльності, забезпеченні взаємодії між наукою, бізнесом та владою, а також у охороні інтелектуальної власності. Встановлено, що українська нормативна база, попри її об'єм, характеризується фрагментарністю, частковою застарілістю та недостатнім рівнем зв'язком із практикою та адаптивністю, що особливо відчутно за сучасних викликів, спричинених війною та потребами повоєнної відбудови. Звернено увагу на відсутність економічно вигідних та усталених механізмів комерціалізації інтелектуальної власності університетами, що уповільнює впровадження наукомістких розробок. Натомість, проаналізовано успішний досвід США, де такі законодавчі акти, як Закон Бея-Доула та Закон Стівенсона-Уайдлера, сприяють трансферу технологій та інноваційному підприємництву, а потужне антимонопольне законодавство підтримує конкуренцію. Порівняльний аналіз дав змогу визначити ключові позитивні та негативні аспекти чинних нормативно-правових актів обох країн. На основі отриманих даних розроблено аргументовані рекомендації щодо покращення українського законодавства. Запропоновані напрями включають систематизацію та гармонізацію правового поля, заохочення комерціалізації інтелектуальної власності, адаптацію до потреб малого та середнього інноваційного бізнесу, а також посилення інституційної підтримки. Наголошено, що ефективне та сучасне законодавче забезпечення є надзвичайно важливим для розвитку інноваційної екосистеми України, її економічного зростання та підвищення конкурентоспроможності на світовій арені. Результати дослідження можуть бути використані для формування державної інноваційної політики та стратегічного планування розбудови інноваційних екосистем в Україні.

Ключові слова: *інноваційна політика, законодавство, публічні механізми, інноваційна екосистема, нормативно-правова база.*