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Civil law remedies for the protection of digital rights

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Relevance of the research topic.

Modern social systems are rapidly changing under the influence of digitalization, which covers all spheres of social relations. Digital transformation has affected traditional institutions of society, changing the foundations of the public and private spheres, the functioning of the state, law and the economy. The coming decade sets large-scale tasks for the state and society related to cardinal changes: «we have to carry out the digital transformation of the entire country, all of Russia, introduce artificial intelligence technologies and big data analysis everywhere¹».

At the same time, digitalization processes not only improve socio-economic instruments and public-law interaction in society but also generate civilizational challenges and legal risks. Above all, the modern state faces challenges in ensuring the rights, freedoms and legitimate interests of legal subjects in new relations mediated by digital technologies.

The key legal risks are associated with the development of a fundamentally new space of digital interaction, the emergence of digital institutions, digital assets, etc. All this necessitates a comprehensive legal policy of the state in the sphere of forming a legal space adequate to these changes, improving legal technique and anticipatory law-making. Moreover, a key strategic (doctrinal and legal) priority for improving the mechanism of legal regulation is ensuring the national vector of development of the digital economy and the protection of the rights and freedoms of citizens in the digital space of interaction².

The widespread introduction of digital technologies actualizes the issue of adapting existing legal institutions to the specifics of regulating new social relations. In this aspect, research in the field of legal regulation of the circulation and protection

¹ On the Digital Transformation of Russia [Electronic resource] // TASS. URL: <https://tass.ru/ekonomika/10172635> (accessed: 22.07.2025).

² On the Strategy for Scientific and Technological Development of the Russian Federation: Decree of the President of the Russian Federation No. 145 of 28.02.2024 // Collection of Legislation of the Russian Federation. 2024. No. 10, Art. 1373; On the National Development Goals of the Russian Federation for the Period up to 2030 and for the Perspective up to 2036: Decree of the President of the Russian Federation No. 309 of 07.05.2024 // Rossiyskaya Gazeta. 2024. No. 100.

of digital rights of civil circulation subjects is of not only theoretical and legal but also practical significance.

Thus, the development of innovative technologies has led to the emergence of a new object of civil rights – digital rights, which include digital financial assets, utilitarian digital rights and hybrid digital rights (Article 141.1 of the Civil Code of the Russian Federation)³. By including them in the system of objects of civil rights, the legislator indicated the need to form a special legal regime for digital rights; however, the very fact of legal recognition of these objects does not remove fundamental theoretical and practical problems associated with their legal nature and, most importantly, with the mechanisms of protection.

The relevance of forming legal regulation adequate to new realities was confirmed in the Resolution of the Constitutional Court of the Russian Federation No. 2-P of 20 January 2026, in which the Court stated that the rapid development of technologies and related legal relations is in a stage of continuous formation, which, on the one hand, requires the legislator to find adequate mechanisms of legal regulation and, on the other, naturally generates legal uncertainty and the absence of a uniform understanding of the civil-law regime of new objects in judicial practice; at the same time, the incompleteness of legal regulation cannot serve as grounds for refusing judicial protection of rights⁴. The above Resolution not only confirms the existing problem of legal uncertainty but also sets the direction for its resolution, pointing to the need to create consistent and non-contradictory legal regulation of digital expressions of value. The Constitutional Court of the Russian Federation indicated the admissibility of establishing reasonable restrictions by the legislator on the circulation of digital assets but confirmed the unconditional obligation of the state to guarantee the protection of lawfully acquired rights. Although this Resolution was issued in

³ Civil Code of the Russian Federation (Part One) No. 51-FZ of 30.11.1994 (as amended on 10.06.2026) // Rossiyskaya Gazeta. 1994. No. 238–239.

⁴ On the Case Concerning the Verification of the Constitutionality of Part 6 of Article 14 of the Federal Law «On Digital Financial Assets, Digital Currency and on Amendments to Certain Legislative Acts of the Russian Federation» in Connection with the Complaint of Citizen Dmitry Igorevich Timchenko: Resolution of the Constitutional Court of the Russian Federation No. 2-P of 20.01.2026 // Rossiyskaya Gazeta. 2026. No. 21.

connection with a case on cryptocurrency, its legal positions are significant for the entire sphere of digital assets and set the vector for further development of legislation and law enforcement practice in terms of ensuring judicial protection of rights, including digital rights.

Implementing the legal positions of the Constitutional Court of the Russian Federation, the legislator adopted Federal Law No. 282-FZ «On Digital Currencies and Digital Rights», which entered into force on 1 September 2026, with the exception of certain provisions for which other dates of entry into force are established⁵. This law for the first time comprehensively regulated relations arising from the organization of accounting and circulation of digital currencies and foreign digital instruments, as well as from the mining of digital currencies; relations arising from the placement, organization of circulation, accounting and circulation of digital rights; the activities of the information system operator, the organization carrying out the exchange of digital currencies, the digital depository, as well as the activities of a broker, manager, management company, trade organizer, clearing organization related to the organization of circulation of digital currencies and digital rights. However, its adoption did not eliminate the insufficient certainty of the mechanism of civil-law protection of the digital right itself. Despite significant progress in legislative regulation, the problem of protecting digital rights remains unresolved, which confirms the relevance of this study.

An analysis of judicial practice in disputes related to the circulation of digital rights allows us to state the existence of a systemic problem – the absence of a uniform approach to qualifying their legal nature, which affects the choice of remedy. Thus, courts often classify cryptocurrency as digital rights in accordance with Article 141.1 of the Civil Code of the Russian Federation⁶ and, moreover, extend the property regime to digital rights⁷. The foregoing clearly indicates that judicial practice needs to develop

⁵ On Digital Currencies and Digital Rights: Federal Law No. 282-FZ of 04.08.2026 // Rossiyskaya Gazeta. 2026. No. 178–179.

⁶ In Case No. A73-9046/2024: Ruling of the Arbitration Court of Khabarovsk Krai of 18.05.2026. [Electronic resource] // ConsultantPlus (accessed 01.09.2026).

⁷ In Case No. 33–11316/2025: Ruling of the Rostov Regional Court of 28.07.2025. [Electronic resource] // ConsultantPlus (accessed 01.09.2026).

uniform approaches, which justifies the need for theoretical understanding of this problem and the development of a scientifically grounded model for the protection of digital rights.

At present, there is no theoretical, legal or sectoral uniformity in the understanding of digital rights and the remedies for their protection; a categorical and conceptual apparatus describing the content and directions of development of legal regulation of the latter has not been formed. The question arises as to whether the existing institutions of rights protection are sufficient to achieve this goal and whether new mechanisms and institutions need to be created.

In order to improve legal regulation in this sphere, comprehensive scientific research is needed that examines the legal nature of digital rights, their content, the correlation of digital rights with other digital objects, etc. Research in this area in civil-law science is currently fragmentary and unsystematic.

Ensuring the effective development of civil circulation, creating favorable conditions for its functioning and protecting the rights of its participants are among the main tasks of the state, as confirmed by the provisions of the Strategy for the Economic Security of the Russian Federation for the Period up to 2030⁸. Ensuring the implementation and protection of digital rights and legitimate interests of participants in civil circulation is essential for the development of the digital economy, the stability of entrepreneurial activity and civil circulation as a whole. Not yet sufficiently regulated, social relations are developing so dynamically that recently adopted legislative changes become outdated from the moment of their adoption.

On the basis of the foregoing prerequisites, the relevance of the study can be determined: on the one hand, there is a need to form a categorical and conceptual apparatus with regard to digital rights, to determine their features and to propose a theoretical model for their protection; on the other hand, there is a need to eliminate the fragmentary nature of existing scientific research on this phenomenon. The need for a study that includes a scientific justification for the application of remedies for

⁸ On the Strategy for Economic Security of the Russian Federation for the Period up to 2030: Decree of the President of the Russian Federation No. 208 of 13.05.2017 // Collection of Legislation of the Russian Federation. 2017. No. 20, Art. 2902.

digital rights and their implementation in specific forms is conditioned by the need of the state and society to create legal regulation in this sphere, which is one of the components of the sustainable development of the state.

Digital technologies and, in particular, digital rights are of significant interest to participants in civil circulation. This is evidenced by statistical data provided in the report of the Central Bank of the Russian Federation (hereinafter – the Bank of Russia) «Key Performance Indicators of Platform Services», published on 16 June 2026.⁹

As of the end of 2023, the CBR register included 78 operators of investment platforms, as of 31 March 2026 – 105; 10 operators of information systems in which digital financial assets (hereinafter – DFA) are issued, and as of 31 March 2026 – 19; as well as one DFA exchange operator, as of 31 March 2026 – two. On DFA issuance platforms, by the end of 2023 there were 252 active issues of digital assets and other rights with a total value of slightly less than 56.4 billion rubles. By the end of 2024, the number of public DFA issues reached 902 with a total value of 276 billion rubles; as of 31 March 2026 – 1,512 with a value of 1.38 trillion rubles.

Summarizing the foregoing, it seems reasonable to identify aspects that together predetermine the relevance and timeliness of this dissertation research. Thus, the normative-legal aspect lies in the fact that the legislator, having recognized digital rights as an independent object of civil rights, did not provide for corresponding changes in the system of remedies – with the active development of legislative regulation of the circulation and accounting of digital rights, legislation on their protection remains unchanged. This imbalance in legal regulation raises the question of the applicability of traditional remedies to new objects of civil circulation and necessitates theoretical understanding of this issue. The socio-economic aspect is conditioned by the rapid growth of digital rights circulation, confirmed by official statistical data and their increasing role in the country's economy. Ensuring proper protection of the rights of participants in digital circulation is not only a guarantee of stability of civil circulation, but also a strategic task of the state aimed at creating

⁹ Key Performance Indicators of Platform Services [Electronic resource] // Official Website of the Bank of Russia. 2026. URL: <https://www.cbr.ru/statistics/ifr/> (accessed: 16.06.2026).

favorable conditions for the development of the digital economy and attracting investment. The scientific aspect is expressed in the absence of a unified doctrinal approach to determining the legal nature of digital rights and insufficient development in civil law science of the doctrine of remedies for their protection. The debatability of fundamental questions about the correlation of digital rights with traditional objects, about the possibility of applying to them remedies known to civil law requires systematic scientific understanding and the development of theoretical provisions capable of forming the basis for improving legislation and judicial practice.

The above aspects together confirm the need to develop and substantiate a model of civil law protection of digital rights of participants in civil circulation in the Russian Federation, which constitutes the purpose of this dissertation research.

Degree of elaboration of the scientific problem.

Despite the rapidly growing interest in the problems of the impact of digital technologies on the development of social relations, as well as in improving current legislation regulating relations of participants in civil circulation mediated by digital technologies, fundamental and comprehensive legal studies of these problems are only at the stage of formation and development.

The problematic of protecting digital rights is formed at the intersection of several scientific directions: the general theory of protection of civil rights, the civilistic doctrine of objects of civil rights, and the emerging legal regulation of digital rights.

The first direction is connected with the general theoretical and civilistic development of the concept of protection of civil rights, its forms and remedies. In the works of S. S. Alekseev, Yu. N. Andreev, Yu. G. Basin, S. N. Bratus, E. V. Vavilin, A. P. Vershinin, V. V. Vitryansky, V. P. Griбанov, E. V. Izmailova, O. A. Krasavchikov, D. N. Latypov, N. S. Malein, A. V. Milkov, E. V. Mikhailova, N. V. Ostapyuk, B. I. Puginsky, M. A. Rozhkova, G. Ya. Stoyakin, D. M. Chechot, the concept, forms and remedies of protection, and the mechanism of civil-law protection are disclosed. However, these works are mainly oriented toward traditional objects of civil rights and do not take into account the specifics of digital rights, which creates the need for a special study.

The second direction is devoted to the doctrine of digital rights as objects of civil rights. E. N. Abramova, A. S. Biryukov, A. A. Volos, A. V. Gabov, B. M. Gongalo, L. G. Efimova, O. A. Zhdanova, M. A. Iontsev, V. A. Laptev, A. S. Mogranyan, L. A. Novoselova, M. A. Rozhkova, E. Yu. Rudenko, A. I. Savelyev, L. V. Sannikova, N. A. Svalova, E. A. Sukhanov, Yu. S. Kharitonova, Zh. Yu. Yuzefovich consider digital rights as independent objects of civil rights requiring a special legal regime, or critically assess the expansion of the category of digital rights and propose a more cautious approach to their integration into the system of objects of civil rights. These studies create the basis for understanding the object of protection but do not fully resolve the question of special remedies.

The third direction includes works directly devoted to the protection of digital rights, as well as the protection of the rights of participants in circulation in the context of digitalization. N. S. Bocharova, L. Yu. Vasilevskaya, T. V. Deryugina, V. V. Zaitsev, O. V. Zaitsev, O. F. Zasemkova, D. N. Karkhalev, N. M. Kovyazina, Yu. G. Leskova, D. V. Lorents, D. A. Pavlova, V. F. Popondopulo, D. A. Fedorov, E. S. Tsvetkova, Zh. Yu. Yuzefovich analyze individual civil-law remedies for digital rights, including recognition of the right, vindication, restoration of the situation that existed before the violation of the right, compensation for losses, as well as organizational and legal means of protecting the rights of participants in circulation in the context of digitalization. At the same time, a unified system of special remedies for digital rights has not been proposed in these works.

The fourth direction is represented by dissertation research. A. A. Kartskhiya, K. A. Mefodyeva, D. A. Pavlova, E. P. Rusakova and other authors have made a significant contribution to the development of civil-law regulation of digital technologies, digital data and digital rights. However, a comprehensive study of the protection of digital rights of participants in civil circulation with a focus on special remedies has not been conducted to date.

The fifth direction unites foreign studies. The works of M. K. Bhandari, J. Coccoli, P. Daugherty, P. De Filippi, Y. Gao, R. Holden, Kim Yong-tae, Lee Gyu-cheol, Lee Sung-yup, L. Lehot, Y. Luo, A. Malani, P. Mell, M. Qin, R. Sadykhov,

A. Wright, D. Yaga examine issues of digital human rights, regulation of tokens, stablecoins, blockchain arbitration and protection of digital assets. These studies are important for comparative legal analysis but cannot be mechanically transferred to the Russian legal system.

Thus, despite a significant number of works devoted to digital rights and their protection, the doctrine lacks a comprehensive study of the system of special remedies for digital rights that takes into account current Russian legislation, judicial practice and foreign experience.

The purpose and objectives of the research.

The purpose of the dissertation research is to develop and substantiate a model of civil law protection of digital rights of participants in civil circulation in the Russian Federation.

Achieving this purpose presupposes solving the following **objectives**:

1. to identify the main approaches to understanding the legal nature of digital rights in foreign legal orders;
2. to disclose the concept and legal nature of digital rights in the Russian Federation, as well as to determine the specifics of protecting the property rights included in the content of a digital right;
3. to define the concept of protection of digital rights and identify its features;
4. to establish the forms of protection of digital rights and determine the specifics of their implementation;
5. to disclose the content of the remedy for digital rights, assess the sufficiency of existing remedies and substantiate, as an appropriate remedy for digital rights, the making (amendment) of a record in the information system.

Object and subject of the research.

The object of the research is social relations emerging in the sphere of exercise (realization), circulation and civil law protection of digital rights as objects of civil rights.

The subject of the research is the legal norms of national (domestic) and foreign legislation regulating the circulation of digital rights, as well as their protection in the Russian Federation and abroad.

Theoretical and methodological basis of the research.

The theoretical basis of the research consists of the works of Russian and foreign scholars in the field of general theory of law and state, civil law, as well as the emerging legal regulation of digital rights.

In the field of general theory of law and state, the author relied on the works of S. S. Alekseev, A. V. Malko, N. I. Matuzov and other researchers who disclose the concept of legal means, the mechanism of legal regulation and the protection of subjective rights.

The civil law basis of the research is formed by the works of pre-revolutionary, Soviet and modern scholars. The pre-revolutionary classics whose works were used in the research include K. N. Annenkov, E. V. Vaskovsky, V. M. Gordon. In the Soviet period, issues of protection of civil rights were developed by S. S. Alekseev, Yu. G. Basin, M. I. Braginsky, S. N. Bratus, O. A. Krasavchikov, N. S. Malein, B. I. Puginsky, G. Ya. Stoyakin, D. M. Chechot. In modern civil-law science, the theoretical basis of the research is formed by the works of Yu. N. Andreev, D. Kh. Valeev, V. V. Vitryansky, V. V. Zaitsev, O. V. Zaitsev, E. V. Izmailova, T. I. Illarionova, A. A. Kot, N. S. Kuznetsova, D. N. Latypov, A. V. Milkov, E. V. Mikhailova, N. V. Ostapyuk, M. A. Rozhkova, A. B. Stepin, M. K. Suleimenov, A. I. Khabirov and others.

A separate group consists of studies of digital rights and digital assets: E. N. Abramova, N. S. Bocharova, L. Yu. Vasilevskaya, E. L. Vlasova, A. A. Volos, A. V. Gabov, B. M. Gongalo, L. G. Efimova, M. A. Iontsev, D. N. Karkhalev, E. A. Kirillova, N. M. Kovyazina, V. A. Laptev, Yu. G. Leskova, D. V. Lorents,

A. S. Mogranyan, L. A. Novoselova, D. A. Pavlova, V. F. Popondopulo, M. A. Rozhkova, E. Yu. Rudenko, A. I. Savelyev, L. V. Sannikova, N. A. Svalova, E. A. Sukhanov, E. V. Talapina, Yu. S. Kharitonova, E. S. Tsvetkova, Zh. Yu. Yuzefovich and others.

The foreign theoretical basis of the research consists of the works of J. Coccoli, P. De Filippi, A. Wright, Y. Gao, R. Holden, A. Malani, L. Lehot, P. Daugherty, Y. Luo, P. Mell, D. Yaga, M. Qin, R. Sadykhov, M. K. Bhandari, Lee Sung-yup, Kim Yong-tae, Lee Gyu-cheol.

Thus, the theoretical basis of the research includes a wide range of modern Russian and foreign studies devoted to both general issues of protection of civil rights and the special problems of digital rights and digital assets.

The methodological basis of the research. The work uses universal, general scientific and special techniques, principles and methods of cognition. Among the universal methods, the following should be highlighted: the systemic approach used for a comprehensive examination of digital rights as an element of the civil law system, their interrelation with traditional institutions of civil law, as well as in developing proposals for improving legislation; dialectical-materialist methodology used to study the contradictory process of digital transformation of social relations, the nature and content of digital rights, including to identify contradictions and trends in their legal regulation. The dialectical method was used to identify and resolve the following contradiction: a digital right is intangible, but acts as an object of property circulation and is subject to protection, while it exists as a formal record in an information system, but its loss entails real property losses. The dialectical approach allowed not only to state this contradiction, but also to find its resolution in the construction of "entering (changing) a record in the information system" as a remedy that takes into account both the intangible nature of the object and the need to bring formal legitimation into conformity with the actual legal state of the digital right.

The general scientific methods used in the research include methods of induction and deduction, analysis and synthesis, as well as the method of analogy, used to identify trends, patterns and specifics of the transformation of law and legal activity

under the influence of the introduction of digital technologies, the state and features of legal regulation in the field of protection of the rights of participants in civil circulation, the identification and description of legal risks and threats in the system of civil law relations and legal and other problems, as well as in the formation of author's scientific definitions and classifications.

The specific scientific methods used include the comparative legal method, which was used to compare Russian and foreign experience in regulating digital rights in the framework of solving the task of identifying the legal nature of digital rights in foreign legal orders. The historical-legal method was used to study the evolution of remedies for civil rights, from Roman private law to modern times. The method of legal modeling was used to develop proposals for improving remedies for digital rights, including the introduction of a new remedy – entering (changing) a record in the information system.

The study also used special legal methods, which include the formal-legal method, which allowed for the analysis of legal constructions, identification of gaps and conflicts in legal regulation, as well as the normative-legal method, which was used to study the regulatory impact of individual legal norms and legal complexes on social relations related to the use of digital technologies and algorithmic tools.

The information base of the research comprised:

- legislation and other acts of the Russian Federation, in particular the Constitution of the Russian Federation, federal laws, acts of the President and the Government of the Russian Federation, and acts of federal executive bodies; the civil legislation of the Russian Federation in force;
- doctrinal and policy-conceptual legal acts of the Russian Federation (concepts, strategies, etc.) that set out the priorities of the economic and social development of Russian society and the strategic directions for ensuring Russia's national security;
- legislation and official documents of foreign states (Singapore, the People's Republic of China, and a number of other states);
- judicial practice in the application of civil legislation in the Russian Federation, and acts of interpretation and application of law contained in judicial decisions of the

Supreme Court of the Russian Federation, the Supreme Arbitration Court of the Russian Federation, arbitration courts, and courts of general jurisdiction of the Russian Federation.

The information base of the dissertation research also included a wide range of literary sources, comprising monographs, scholarly articles, dissertations and author's abstracts, conference proceedings, foreign literature, as well as electronic information resources.

Validity and reliability of the research results.

The scientific validity and reliability of the obtained results are ensured by the use of a representative set of sources corresponding to the purpose, objectives and methodology of the research, as well as by a systemic analysis of doctrinal approaches, critical understanding of scientific works and generalization of judicial practice of courts of various instances.

The scientific novelty of the research is determined by the following:

- a concept of digital rights as a complex legal phenomenon is developed and substantiated, considered in the unity of three interrelated projections – public-law, legislative and technical-legal. It is proved that the legislative and technical-legal projections are in inseparable unity: a property right named in the law as digital exists in circulation exclusively in the form of a legitimating record in an information system, and therefore the protection of such a right is impossible without protecting the record itself. This unity predetermines the need for a special remedy for the protection of digital rights;

- it is proved that digital rights have a dual legal nature, manifested in the distinction between the digital right itself (as a record in an information system having legitimating significance) and the property rights (obligatory, corporate and other) included in its content. On the basis of the identified duality, a model of legal regulation of the protection of digital rights is substantiated, presupposing a combination of traditional remedies (for the protection of included rights) and a special remedy (for the protection of the digital right itself as a legitimating record);

- an author's definition of the protection of digital rights of participants in civil circulation is formulated, reflecting the specifics of this object: protection of digital rights is proposed to be understood as the activity of an authorized subject or authorized bodies, carried out in the form established by law with the use of remedies provided by law, with the mandatory participation of professional participants in circulation (operator of an information system or digital depository) possessing the technical ability to enter (change) a record in the information system, aimed at eliminating the discrepancy between formal legitimation and the actual legal state of the digital right;
- it is established that the protection of digital rights is carried out in classical forms (jurisdictional and non-jurisdictional) with features conditioned by the nature of digital rights. It is substantiated that a promising direction for the development of forms of protection of digital rights is digital arbitration, blockchain arbitration and arbitration proceedings using artificial intelligence technologies, which, despite their organic adaptation to the features of digital rights, have not received normative consolidation in the Russian legal order and cannot be considered as independent forms of protection;
- the insufficiency of traditional remedies for the protection of digital rights themselves is proved due to their intangible nature, absence of individually defined characteristics, existence exclusively in the form of a legitimating record in an information system, algorithmic order of implementation and authentication of the authorized person by means of an access key to the identifier address;
- the introduction into civil legislation of a new remedy for the protection of digital rights – entering (changing) a record in the information system – is substantiated, the content of which consists in bringing the record of the digital right into conformity with the actual state of the digital right by entering a corrective record by a professional participant in circulation (operator of the information system or digital depository) on the basis of a judicial act that has entered into legal force. It is proved that the application of this remedy is possible both in the case of unlawful entry of a record on the write-off (credit, etc.) of digital rights into the information system, and in the case of entering into the information system a record on the encumbrance of a digital right in the absence of a legal basis;

– proposals have been developed for improving civil legislation, in particular by supplementing Art. 141.1 of the Civil Code of the Russian Federation with provisions on the right of the holder of a digital right to enter (change) a record in the information system on the basis of a judicial act that has entered into legal force (para. 4), as well as on the protection of a bona fide purchaser of a digital right (para. 5). Proposals have been developed for reforming civil legislation aimed at creating an integral regime of digital rights.

Provisions that are submitted for defense and have a scientific novelty:

1. It is substantiated that digital rights represent a complex legal category that can be considered in three interrelated projections reflecting various aspects of its essence and predetermining the specifics of its civil law protection: the public-law projection is formed by international and national declarative norms, norms-principles and norms-goals establishing fundamental human rights in the digital environment (the right to informational self-determination, the right to be forgotten, the right to disconnect, the right to digital heritage, etc.) and setting guidelines for national regulation, creating constitutional-legal prerequisites for the circulation of digital rights; the legislative projection covers property rights existing in the form of a record in an information system and circulating according to its rules (digital financial assets, utilitarian digital rights, hybrid digital rights), which forms the immediate object of civil law protection; the technical-legal projection characterizes digital rights as a method of fixing and certifying these rights by means of unique digital codes in an information system, ensuring the legitimation of the holder of the digital right and the possibility of disposing of the right, which within the framework of the civil legislation of the Russian Federation predetermines the need for a special remedy that takes into account this technical-legal specificity.

The provision submitted for defense corresponds to paragraphs 1, 30 of the passport of scientific specialty 5.1.3. "Private Law (Civil Law) Sciences".

2. It is revealed that digital rights as objects of civil circulation have a dual legal nature, which is manifested in the distinction between the digital right itself (as a record in an information system having legitimating significance) and property rights

(obligatory, corporate and other) included in its content. This duality predetermines the differentiation of remedies: protection of the digital right itself is aimed at restoring the record in the information system, while protection of the rights included in it is carried out by traditional obligatory, corporate and other remedies. Accordingly, the model of legal regulation of the protection of digital rights presupposes a combination of traditional remedies (for the protection of rights included in the digital right) and a special remedy (for the protection of the digital right itself).

The provision submitted for defense corresponds to paragraphs 5, 30 of the passport of scientific specialty 5.1.3. "Private Law (Civil Law) Sciences".

3. It is established that protection of digital rights of participants in civil circulation should be understood as the activity of an authorized subject or authorized bodies, carried out in the form established by law with the use of remedies provided by law, with the participation of professional participants in circulation possessing the technical ability to enter (change) a record in the information system, aimed at eliminating the discrepancy between formal legitimation and the actual legal state of the digital right by entering such a record (change) into the information system.

Protection of digital rights is characterized by the following features: the object of influence is a legitimating record in the information system, bringing which into conformity with the actual state of the digital right is a condition for restoring the violated right; the participation of a professional participant in circulation – the operator of the information system or digital depository – possessing the exclusive technical ability to enter (change) a record in the information system, without which the restoration of the digital right itself is impossible; the mediation of the execution of a judicial act – the execution of a court decision on the protection of a digital right requires the operator or digital depository to perform technical actions to enter a corrective record; the technical-legal nature of protection – the protection of digital rights is carried out within the framework of the algorithmic order established by the rules of the information system, and is mediated by it.

The provision submitted for defense corresponds to paragraphs 10 and 30 of the passport of scientific specialty 5.1.3. "Private Law (Civil Law) Sciences".

4. It is determined that the protection of digital rights of participants in civil circulation can be carried out in jurisdictional form: within the framework of judicial protection in arbitration courts and courts of general jurisdiction, as well as extrajudicial protection (arbitration institutions, etc.); by applying to a competent state body exercising control and supervision in a certain sphere of social relations for the protection of a violated digital right arising as a result of violation by participants in civil circulation of current legislation (administrative jurisdictional form of protection of digital rights). The non-jurisdictional form of protection of digital rights is represented by self-defense, the application of which is limited by the technical impossibility of independently entering a record (change) into the information system by the person whose rights are violated, and therefore in the current legal order self-defense is reduced to unilateral refusal of the contract. A promising direction for the development of the non-jurisdictional form of protection of digital rights is digital arbitration, blockchain arbitration and arbitration proceedings using artificial intelligence technologies. These forms, despite their organic adaptation to the features of digital rights (digital environment of existence, algorithmic order of implementation, authentication through an access key), have not received normative consolidation in the Russian legal order, but have the potential for integration into the system of forms of protection of digital rights.

The provision submitted for defense corresponds to paragraphs 10 and 30 of the passport of scientific specialty 5.1.3. "Private Law (Civil Law) Sciences".

5. The introduction into civil legislation of a new remedy for the protection of digital rights – entering (changing) a record in the information system – is substantiated. The content of this remedy consists in entering into the information system or changing in the information system the corresponding record of the digital right, carried out by the operator of the information system or digital depository on the basis of a judicial act that has entered into legal force, issued upon the claim of the person whose right is violated, filed in the case of unlawful entry into the information system of a record on the crediting, write-off of a digital right or other record provided by law, or unlawful change of such a record in the information system.

The inclusion of this remedy in the system of protection of digital rights will fill the existing gap, since traditional remedies do not ensure the restoration of the violated digital right due to the specifics of the digital right as an object of civil circulation (its intangible nature, mediation by a legitimating record in the information system, algorithmic (determined by the rules of the information system) order of implementation and authentication of the authorized person by means of an access key ensuring the possibility of disposing of the digital right according to the rules of the information system).

The provision submitted for defense corresponds to paragraphs 10 and 30 of the passport of scientific specialty 5.1.3. "Private Law (Civil Law) Sciences".

Theoretical and practical significance of the research.

The theoretical significance of the research lies in the fact that the formulated conclusions supplement and develop the ideas existing in civil-law science about the legal nature of digital rights as objects of civil circulation and about the remedies for their protection. The work substantiates the features of digital rights in the legislation of the Russian Federation and a number of foreign countries, proposes the author's definition of the protection of digital rights, and also develops the civility doctrine of remedies for such objects of civil circulation.

In the course of the research, theoretical ideas about the correlation of objects of civil rights have been expanded: the dual nature of digital rights has been substantiated, manifested in the distinction between the digital right itself (as a record in an information system having legitimating significance) and the property rights (obligational, corporate and other) included in its content; a model of legal regulation of the protection of digital rights has been developed, presupposing a combination of traditional remedies (for the protection of the included rights) and a special remedy (for the protection of the digital right itself as a legitimating record); the need has been substantiated for the introduction of a special remedy for digital rights themselves – the making (amendment) of a record in the information system.

Thus, the results of the research expand academic knowledge about the subject of the research and create a foundation for further scientific research on the

development of an optimal and effective model of the mechanism for protecting digital rights in the digital economy.

The practical significance of the research lies in the possibility of using its results to improve civil legislation and law enforcement practice in the sphere of protection of digital rights. The recommendations formulated on the basis of the scientific study of civil-law protection of digital rights can be used to develop civil-law norms, improve the efficiency of their application and improve law enforcement practice.

In the course of the research, specific recommendations have been given for introducing amendments and additions to the Civil Code of the Russian Federation, namely, it is proposed to supplement Article 141.1 of the Civil Code of the Russian Federation with paragraph 4 of the following content: «4. Unless otherwise established by this Code, in the case of unlawful making in the information system of a record of crediting, debiting of a digital right or other record provided by law, or unlawful amendment of such a record in the information system, the person whose right has been violated shall be entitled to demand the making in the information system or amendment in the information system of the corresponding record of the digital right in judicial proceedings.

The making (amendment) of such a record shall be carried out by the information system operator or the digital depository on the basis of a judicial act that has entered into legal force».

In addition, it is proposed to supplement Article 141.1 of the Civil Code of the Russian Federation with paragraph 5 of the following content: «5. If a digital right has been acquired from a person who had no right to alienate it, of which the acquirer did not know and should not have known (bona fide acquirer), the lawful holder of the digital right shall be entitled to demand the making (amendment) of a record in the information system only in cases where the digital right was lost by him against his will or the acquirer received it gratuitously».

On the basis of the conducted research, the dissertation proposes to consolidate the priority of information on rights of claim included in a digital right over information

on the same rights based on transactions made in written or other form, provided that the digital right arose earlier than such a transaction was made. This rule is proposed to be consolidated in Article 141.1 of the Civil Code of the Russian Federation or in special laws on digital financial assets and investment platforms.

The implementation of the proposed measures will make it possible to create an integral legal regime of digital rights, ensure the stability of their circulation and effective protection of the rights of their bona fide holders, which corresponds to the strategic tasks of developing the digital economy of the Russian Federation.

The results of this research can also be used in law-making activity – in preparing amendments to the Civil Code of the Russian Federation and special laws on digital rights; in law enforcement practice – to develop uniform approaches of courts to resolving disputes related to the violation of digital rights and to determine criteria for assessing the good faith of acquirers; in research activity – as a basis for further theoretical developments in the field of the legal regime of digital objects and remedies for their protection.

The results of the research can also be used in the educational process – in teaching courses on civil law, business law, digital law, as well as in special courses on the problems of protecting the rights of participants in digital circulation.

Approbation of the results of the research.

The dissertation was carried out and discussed at the Center for Economic Justice of the Institute of Public Service and Management of RANEPA under the President of the Russian Federation.

The final provisions of the work and proposals for improving current legislation were reported and discussed at five international and inter-university scientific and practical conferences and other scientific events, including: the International Scientific and Practical Conference «Digital Technologies and Law» (September 2022, Kazan), the International Scientific and Practical Conference «Development of Private Law and Civil Procedure: Continuity and Innovations» (October 2022, Minsk), the International Scientific Legal Forum in Memory of Professor V. K. Puchinsky «Comparative Legal Aspects of Civil Circulation Relations in the Modern World»

(October 2022, Moscow), the International Scientific and Practical Conference «Legal Aspects of Technology Transfer: The Path to the Country's Technological Sovereignty» [within the framework of] the VII Pacific Legal Forum «Turn to the East: Trends in Changes of Institutions of Law and State in the Era of Globalization and Digitalization» (October 2023, Vladivostok), the Inter-university Conference «State and Law in the Era of Digitalization: Problems of Theory and Practice» (December 2023, Vladivostok).

The list of author's publications.

The main conclusions and provisions of the dissertation research were published by the author in the following scientific journals included in the List of peer-reviewed scientific publications recommended by the Higher Attestation Commission under the Ministry of Science and Higher Education of the Russian Federation:

1. Karpova, Y. S. Law and Digital Technologies: Problems of Correlation / Y. S. Karpova // Law and Economics. – 2022. – No. 7. – P. 37–39.
2. Karpova, Y. S. Essence and Content of Categories Related to the Development of Digital Technologies / Y. S. Karpova // Law and Legislation. – 2022. – No. 7. – P. 103–106.
3. Karpova, Y. S. Impact of Digital Technologies on Decision-Making in Civil Procedure / Y. S. Karpova // Eurasian Law Journal. – 2022. – No. 9(172). – P. 94–95.
4. Karpova, Y. S. Dispute Resolution Using Blockchain Technology: The Kleros Experience / Yu. S. Karpova // Eurasian Law Journal. – 2023. – No. 5(180). – P. 203–205.
5. Karpova, Y. S. Correlation of Categories of the Institute for the Protection of Civil Rights – Forms and Means of Protection of Civil Rights / Y. S. Karpova // Eurasian Law Journal. – 2023. – No. 8(183). – P. 210–212.
6. Karpova, Y. S. Content of the Category “Means of Protection of Civil Rights” and Its Correlation with the Category “Remedy for the Protection of Civil Rights” / Y. S. Karpova // Eurasian Law Journal. – 2023. – No. 10(185). – P. 163–165.

7. Karpova, Y. S. Legal Regulation of the Protection of Digital Assets: The Example of a Social Network Account / Y. S. Karpova // *Legal Science*. – 2023. – No. 12. – P. 102–104.

8. Karpova, Y. S. Use of Digital Rights for Cross-Border Settlements: Analysis of Legislative Novelties / Y. S. Karpova // *Legal Policy and Legal Life*. – 2024. – No. 3. – P. 324–328.

Also, the conclusions and provisions of the dissertation research were published by the author in a journal indexed in the international scientometric database Scopus, and other publications:

9. Karpova, J. Remote Justice Procedures during the COVID-19 Pandemic in the Russian Federation / J. Karpova, O. Miroshnichenko. – DOI 10.1007/978-3-031-34256-1_15 // *Advances in Science Technology and Innovation*. – 2023. – Part F1589. – P. 83–88.

10. Karpova, Y. S. Digital Transformation of Methods of Notification of Participants in Civil Proceedings: Current State and Prospects / Y. S. Karpova // *Development of Private Law and Civil Procedure: Continuity and Innovations: Collection of Articles of Sections of Civil Procedure and Labor Law Based on the Materials of the International Scientific and Practical Conference Dedicated to the 100th Anniversary of the Department of Civil Law and Procedure of BSU, 19–20 October 2022, Minsk, Belarus / BSU, Faculty of Law, Dept. of Civil Procedure and Labor Law; [ed.: O. N. Romanova, I. N. Kolyadko]. – Minsk: BSU, 2023. – P. 65–73.*

11. Karpova, Y. S. Digitalization of the Judicial System in the Asia-Pacific Region: The Experience of China and Japan / Y. S. Karpova // *Comparative Legal Aspects of Civil Circulation Relations in the Modern World: Collection of Articles of the International Scientific Legal Forum in Memory of Professor V. K. Puchinsky, Moscow, 14 October 2022. – Moscow: Peoples' Friendship University of Russia (RUDN), 2022. – P. 128–134.*

The structure of the dissertation is determined by the purpose and objectives of the research. The dissertation consists of an introduction, three chapters uniting seven paragraphs, a conclusion, and a list of used sources and literature.