

UKRAINE

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PART 1 PATENTS

§1.01 SUMMARY

[A] Kinds of Patents

- National patent

[B] Duration of Patents

- 20 years from the filing date

[C] Patentable / Not Patentable

- The requirements are novelty, inventive step and industrial applicability.
- Not patentable are plant varieties and animal breeds; methods for treatment of the human or animal body; processes of the reproduction of plants and animals that are biological in its basis; discoveries, scientific theories and mathematical methods; methods of intellectual, economical and commercial activities; rules for physical exercise, games, contests, auctions; computer programs; methods of presentation of information.

[D] Novelty

- Absolute novelty is required.
- A grace period of 6 months preceding the filing/priority date applies.

[E] Filing Requirements and Application Procedure

- Filing language: Any
- Language of translation: Ukrainian
- Time limit for filing translation: 2 months from the filing date
- A patent is granted after substantive examination of the application.

[F] Specific Aspects of Regional Patents

- Not applicable in this jurisdiction.

[G] Specific Aspects of International Patent Applications (PCT)

- Time limit for entering National Phase: 31 months from the priority date
- Time limit for filing translation: 31 months from the priority date (extendable with 2 months).

[H] Governmental Websites

- <https://ukrpatent.org/en> (Ukrainian Intellectual Property Institute)
- <https://sis.ukrpatent.org/en/search/simple/> (Register)

§1.02 DETAILED INFORMATION

[A] Conventions and Legislation

[1] Conventions

- Paris Convention (International Union) 1883–1967;
- Convention Establishing the World Intellectual Property Organization (WIPO Convention) 1967;
- Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents 1961;
- Patent Cooperation Treaty (PCT) 1970;
- Strasbourg Agreement Concerning the International Patent Classification (IPC Union) 1971;
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (Budapest Union) 1977;
- UPOV Convention, 1961–1991;
- WTO TRIPS Agreement, 1994;
- Patent Law Treaty (PLT) 2000; and
- Ukraine – European Union Association Agreement, effective of 1 September 2017.

[2] Laws

- Chapter 39 of Part IV of the Civil Code of Ukraine, effective since 1 January 2004;
- Chapter 14 of the Commercial Code of Ukraine;
- Law No. 3687-XII ‘On the Protection of Rights to Inventions and Utility models’, effective since 1 July 1994;
- Law No. 703-IX ‘On the Creation of the National Intellectual Property Office (NIPO)’, dated 16 June 2020; and
- Law No. 816-IX ‘On Amendments to Certain Legislative Acts Concerning the Reform of Patent Law’, effective since 16 August 2020.

[B] Kinds of Patents

- National patent.

[C] Duration of Patents

Twenty years from the filing date of the application.

[1] Patent term extension / Supplementary protection certificate

Supplementary Protection Certificate can be granted.

The owner of a patent for an invention, the object of which is a medicinal product, animal protection product, plant protection product, has the right to extend the validity of intellectual property rights if the application for permission of the competent authority to introduce a medicinal product, animal protection product, plant protection products in civil circulation in Ukraine was filed within one year from the date of submission of such an application for the first time in any country.

The period of supplementary protection is equal to the period between the date of filing the application with the Office and the date of receipt by the patent holder of the first permit of the competent authority, reduced by five years.

[D] Requirements for Renewal

Annuity fees are to be paid counted from the filing date. However, the annuity fees for the years before the grant of the patent are to be paid during the four months after the date of publication of the patent. Subsequent maintenance fees are paid annually counted from the filing date, during the four months before the due date. There is a grace period of one year after the missed term for payment of the annuity fee. During the grace period, the annual fee is increased by 50%. As to the possibility of restoring a lapsed patent due to non-payment of the renewal fee, see ‘Restoration after unintentional lapse’.

[E] Patentable / Not Patentable

Provided the requirements for patentability are met, a patent may be obtained for a product (in particular: a device; a system of devices; a construction; a substance; a microorganism strain, a culture of cells of plants or animals or other biological material including a transgenic plant and transgenic animal), process (methods of: producing; processing; transformation of substances, energy, data; measurement, technological process). To be patentable an invention must be new, involve an inventive step and be susceptible of industrial application. An invention should be considered to be new if it does not form part of the state of the art. An invention shall be considered as involving an inventive step if it is not obvious to a person skilled in the art, i.e., it is not obvious in the light of the state of the art. An invention shall be considered as susceptible of industrial application if it can be used in industry or other sphere of activity.

Not patentable are plant varieties and animal breeds; processes of the reproduction of plants and animals that are biological in its basis and do not belong to non-biological and microbiological processes:

- methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practiced on the human or animal body; this provision shall not apply to products, in particular substances or compositions, for use in any of these methods;
- and the simple discovery of one of its elements or one of its products, including the sequence or partial sequence of a human gene, cannot be patented; whereas these principles are in line with the criteria of patentability proper to patent law, whereby a mere discovery cannot be patented;
- processes for cloning human beings; processes for modifying the germ line genetic identity of human beings; use of human embryos for industrial or commercial purposes; processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit to man or animal, and also animals resulting from such processes;
- the human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene, cannot constitute patentable inventions;
- topographies of integrated circuits; results of design constructing; discoveries, scientific theories and mathematical methods; methods of intellectual, economical and commercial (planning, financing, supply, accounting, credit, forecasting, valuation, etc.) activity; rules for the exercise, games, contests, auctions; projects and plans of constructions, buildings, areas; legends (road signs, routes, codes, fonts, etc.), schedules and instructions; computer programs; methods of presentation of information (e.g., in form of tables, charts, diagrams,

acoustic signals, pronunciation of words, visual demonstrations, books, audio and video discs).

Plant varieties are not patentable as invention, but they may be protected by registration under the Law of Ukraine ‘On protection of Rights to Plant Varieties’. The corresponding law protecting animal breeds is not yet adopted.

[1] Chemical compositions

Chemical compositions are patentable.

[2] Pharmaceuticals

Pharmaceuticals are patentable. New forms of existing pharmaceuticals, including salts, esters, ethers, compositions, combinations and other derivatives, polymorphs, metabolites, pure forms, particle sizes, isomers, are not patentable if they can be considered to be clearly apparent from the prior art, i.e., if they do not differ significantly in efficiency.

[3] Second use

A second medical (as well as non-medical) use, including first, second, further use, is patentable, in the form of a claim as a compound/process for use.

[4] Treatment of the human body

Treatment of the human body is not patentable.

[5] Biological materials

An element isolated from the human body or otherwise produced by means of a technical process, including the sequence or partial sequence of a gene, may constitute a patentable invention, even if the structure of that element is identical to that of a natural element. Also biological material which is isolated from its natural environment or produced by means of a technical process may be the subject of an invention even if it previously occurred in nature. Inventions which concern plants or animals shall be patentable if the technical feasibility of the invention is not confined to a particular plant or animal variety.

[6] Plant varieties

Not patentable as invention, but as a separate subject-matter under the Law of Ukraine ‘On protection of Rights to Plant Varieties’.

[7] Software-related inventions

Computer programs as such cannot be patented as inventions, but may be protected by copyright as a literary work.

[8] Business methods

Rules and methods of economic or commercial activity are non-patentable.

[9] Immoral inventions or inventions contrary to public order

Inventions contrary to public interests, humanity or morality are non-patentable.

[10] Semiconductors

Topographies of integrated circuits are not patentable. A spatial geometric arrangement (fixed on a material carrier) of all the components of an integrated circuit and the connections between them may be protected under the Law of Ukraine ‘On the Protection of Rights to Topographies of Integrated Circuits’. A topography of IC shall meet protectability requirements if it is original.

A topography of IC shall be considered as original if it is not created by direct copying of another topography of IC i.e., it has distinctions that provide it with new peculiarities and if it had not been known in the field of microelectronics before the date of filing of an application or before the date of its first use. A topography of IC shall be considered as original until the proof of the contrary is provided. A grace period is two years. A topography of IC shall not be considered as original if the application for its registration is filed after two years from the date of its first use.

[F] Novelty

An invention shall be considered to be new if it does not form part of the state of the art. For the purpose of determining the novelty of claimed invention, the state of the art is deemed to comprise any kind of information made available to the public anywhere in the world before the filing or priority date (absolute novelty requirement). The state of the art also includes a content of any patent application in Ukraine (including an international application, in which Ukraine is designated) in the wording, in which this application has been primarily filed, provided that its filing date (if the priority has been claimed, the priority date) is earlier and that the application is published (before or after). The contents of earlier applications as mentioned above are taken into consideration when determining the novelty of an invention, and not when determining inventive step thereof. The whole contents of earlier applications are to be considered in determining the novelty.

[1] Grace period

The recognition of an invention as a patentable one does not depend on the disclosure of information about the invention by an inventor or by a person which has received such information directly or indirectly from an inventor within six months before the filing/priority date of the application. The burden of proof in this respect is on the person, who is interested in using this provision.

[G] Ownership and related rights*[1] Applicant*

The inventor, the employer of the inventor, or his/her legal successor, (individual, legal entity), the joint inventors. Foreign individuals and legal entities may apply for and obtain protection on the basis of international treaties to which Ukraine is a party. An inventor shall submit to the employer a written report on the created employee's invention with the description that discloses the subject-matter of the invention quite clearly and completely. An employer shall file the application for obtaining a patent or transfer the right to obtain a patent to another person, or make a decision on reservation of an employee's invention as confidential information within four months from the date of receipt of the report from the inventor. Within this period, the employer shall conclude with the inventor a written agreement defining the amount and conditions of payment of a remuneration to the inventor (or its successor) according to the economical value of the invention and (or) another benefit that may be derived by the employer. If an employer fails to comply with mentioned term of four months the right to obtain a patent shall be transferred to an employee. In this case, preference for acquisition of a license shall be given to the employer. The period for reservation of an employee's invention as confidential information by an employer or an employer's successor under the condition of its non-use shall not exceed four months. Otherwise the right for obtaining a patent for an employee's invention shall be transferred to an inventor or an inventor's successor in title.

[2] Assignment

If an assignee applies for a patent, proof of his/her right to apply (deed of assignment) need not to be filed when filing the application.

If, after filing, the applicant assigns his/her right to be granted a patent to another person, the request for recordation of change of applicant should be submitted to the Office. The request should contain: an indication to the effect that a recordation of change of applicant is requested; consent of the new applicant; the name and address of the applicant and the new applicant; and the name of a State of the new applicant. The request should be signed by both the applicant and the new applicant, no legalization is required.

After registration of a patent, an assignment contract must be registered with the Office. The effective date of the assignment is the date of its State registration.

After grant of a patent, no legalization is required for the assignment contract in general. In case a party has signed a document 'by Power of Attorney' notarization is required. A person who has signed a document should have authority for this action. Patent number and invention title must be indicated in the assignment. An assignment contract should be signed after the registration date.

The request for registration of an assignment contract could be filed by any party to the contract and should be accompanied by original copy of the contract or notarized extract from the contract, two simple (uncertified) copies of said contract, and power of attorney in case the request is filed by the representative of requesting party.

[3] Licenses

Voluntary exclusive and non-exclusive licenses under a patent may be granted. License agreement is not a subject to obligatory registration in Ukraine. A party to the agreement shall have the right to register the license in the State Register of Inventions (same conditions as for assignment).

The following clauses should be obligatory and included in the license agreement in order to be registered:

- (1) parties of the license agreement;
- (2) subject-matter of the license agreement;
- (3) patent number;
- (4) name of the invention;
- (5) the rights of use granted;
- (6) type of the license (exclusive, non-exclusive);
- (7) the term of the license agreement;
- (8) territory of the license agreement;
- (9) address of the parties of the license agreement.

Compulsory licenses may be granted in the following cases.

(A) Non-working cases

If a patented invention is not or not sufficiently worked in Ukraine without justified and legitimate reasons within three years from grant or a date when the use of the patented invention has been suspended, any person who desires to use the invention and is able to use it, but who did not succeed in concluding a license agreement with the patentee may apply to the Court for the grant of a non-exclusive compulsory license. The decision granting the license will establish the limits and the period of use of the invention, the royalties to be paid and the mode of payment. The patent owner's right to grant licenses to the third parties should not be limited.

(B) Dependent patents

The patent owner that has an earlier priority is obliged to grant a license to the patent owner who cannot execute his/her patented invention without violating the earlier patent, provided that the later patent has better technical and economic indices or aimed for another goal. In this case, cross licensing is available.

(C) National defence cases

The Government may authorize the use of a patented invention without the consent of the owner of the patent, if this would be required in the interest of the national defence, provided that remuneration is paid to the owner of the patent comparable to a normal remuneration for a license. Disputes concerning the amount of the remuneration are to be settled by the Court.

License of right

The owner of a patent may request the Office to publish a notice to the effect that he/she undertakes to grant a right to use the patented invention to any interested party; such notice can be withdrawn in case the patent owner has not received any offer to execute a license agreement. The annual maintenance fees for a patent in respect of which such notice has been published shall be reduced by 50% commencing with the year following the year in which the notice was published. A person who wishes to use the invention in respect of which such notice has been published must agree upon remuneration with the owner of the patent. Disputes relating to the terms of the contract are to be settled by the Court.

[4] Pledge and Seizure

An invention can be pledged on the basis of a pledge agreement. A pledge agreement can be voluntarily registered in the State Register of Encumbrance of Chattels upon filing an application. Registered pledge has a priority over not registered one. In case of a pledge agreement, the pledger can use the invention unless the pledge agreement does not provide to the contrary. Assignment of the invention is possible only upon consent of the pledgee.

Seizure of inventions can be performed upon the decision of the relevant state authorities (such as Department of State Executive Service, police authorities etc.) the seizure is subject to registration in the State Registry of Encumbrance of Chattels. The seizure of inventions is performed according to procedure that applies to any movable properties.

The laws of Ukraine do not prescribe the procedure of registering any documents related to pledge and seizure with the Office.

[H] Filing Requirements*[1] Obligation to file first with national office*

Ukrainian applicants may file abroad a corresponding application after three months from filing of first application with the national Office. However, if necessary, the Office may authorize the filing of an application abroad before expiration of said period upon the request.

Filing abroad in accordance with the Patent Cooperation Treaty of an invention shall not be allowed without prior filing of the first application with the national Office if all applicants are Ukrainian (legal entity or individuals).

[2] Minimum requirements for obtaining filing date / Provisional applications

The filing date shall be considered to be the date of receipt by the Office of the application containing a request for grant, information about an applicant and its address, a material which may be considered as a specification with drawings if there is a reference to them in the specification, a part of the material which may be considered as claims.

[3] Request for grant

The request for grant should be made on a printed request form prescribed by the Office (or free form) in the Ukrainian language and must contain name and address of the applicant, full name and address of the inventor(s) and title of the invention. The request should be signed by the applicant or on his/her behalf by his/her duly authorized representative.

[4] Appointment of Representative

Applicants not residing or established in Ukraine must appoint as representative a patent attorney registered with the Office. Appointment of the representative may be filed with the Office in a power of attorney (general power of attorney is acceptable).

[5] Power of Attorney / Designation of inventor / Other documents

Power of attorney must be signed by the applicant; no notarization and legalization required (bilingual form is acceptable). The power of attorney is to be filed with request for grant or during two months after receiving an appropriate official notification.

Name and address (only for Ukrainian resident for national applications) of the inventor and his residence should be indicated in the application. The inventor may request not to be mentioned.

[6] Priority

Convention priority is to be claimed on filing the application or within three months from the filing date. The priority term under the Paris Convention is twelve months. As to the possibility of restoring priority right, see 'Restoration after unintentional lapse'. No priority may be claimed from an application for which an earlier priority has been claimed already.

A priority document certified by the competent authority must be filed within three months from the filing date.

This term may be extended with two months in case of force majeure, provided that the corresponding fee is paid.

A (non-certified) translation into Ukrainian may be requested by the Office. In general, filing of its translation is not required. If required, a translation should be filed within two months from the date of the invitation.

No exhibition priority is available.

[7] Allowable language(s) upon filing / Language(s) of procedure

Upon filing, the request part of the application, including the name and address of the applicant, should be filed in Ukrainian. The specification part of the application including drawings (if any) and claims may, for the purposes of the filing date, be filed in any language. A translation into Ukrainian of any part of the application that is not in Ukrainian should be filed with the Office during two months from the filing date. The translation need not be certified.

The language of procedure is Ukrainian.

[8] Description

The description must disclose the invention in sufficient details for it to be carried out. The description shall first state the title of the invention and shall contain the following parts:

- the technical field(s) to which the invention relates;
- the background art known to the applicant with reference to the sources of information about the analogues of the invention;
- the summary of the invention in which the essential features of the invention, technical problem, as well as technical result that can be obtained due to the invention should be demonstrated in the brief description of drawings (if any);
- the description of an invention shall be presented in the defined order and shall disclose the subject-matter of an invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.

[9] Claims

The following claims are allowed:

- product (device, apparatus, composition, chemical compound, etc.) claim;
- process (method) claim.

Claims shall disclose the subject-matter of an invention, shall be based on the description and shall be clearly and concisely represented in the defined order. Both single and multiple claims are acceptable. The claims should contain a preamble reflecting the purpose of the invention and a body including the features of the invention. The body may (not obligatory) consist of a pre-characterizing part and a characterizing part. The claims must define the essence of the invention and be completely supported by the description. More than one independent claim may be included, provided that the requirement of unity of invention is met.

There is no limitation to the number of independent claims. One independent claim should characterize only one invention. Alternative features may be used both in independent and dependent claims. An independent claim should be one sentence.

Dependent claims referring to the preceding independent claim are allowed. A claim with multiple dependency is allowed. A dependent claim may contain additional and/or detailing features, said detailing features developing the features of characterizing and/or pre-characterizing

part of the independent claim. A feature of a dependent claim should not replace or exclude a feature of an independent claim. There is no limitation to the number of dependent claims.

For each claim exceeding three claims, a claim fee is to be paid.

[10] Abstract

The abstract is prepared only for information purposes. It may not be taken into consideration for other purpose, in particular for interpreting invention claims and determining the state of the art.

[11] Drawings

Drawings shall be presented where they are necessary for understanding of the claimed invention. The drawings must be fit to be photographically reproduced. Text is not allowed in drawings, except, where absolutely necessary, for a few brief legends, such as ‘water’, ‘steam’, ‘open’, ‘closed’, ‘section on line A-B’, and the like etc. (in Ukrainian). The figures of the drawings are to be numbered consecutively. Photos shall be presented only as an addition to the drawings. List of sequences also may be filed.

[12] Payment of fees

The document confirming the payment of the filing fee is to be filed on the filing date or within two months from the filing date. This term may be extended up to six months, provided the corresponding fee is paid.

[I] Application Procedure

[1] Filing Authority

Currently the Ukrainian Intellectual Property Institute, which is to be transformed into the National Intellectual Property Office, in accordance with Law No. 703-IX on the creation of the National Intellectual Property Office (NIPO), dated 16 June 2020.

[2] Online filing

Online filing is available. In order to use online filing, a special agreement with the Office is required.

[3] Formal examination

Formal examination of a patent application will start after the setting of the filing date by the Office. During the formal examination, an application will be examined as to compliance of application materials with the formal requirements. Furthermore, evident incompliance of an invention's group with the unity of the inventions requirement is checked up. In addition, during the formal examination, an application will be examined for the purpose to verify if a subject matter does not belong to non-patentable or excluded from the patentability subject matter.

If the formal requirements are not met, an applicant will be informed and given two months to correct the defects concerned (extension of this term may be requested on payment of the required fee). If an applicant fails to correct the defects and to submit the corrected or lacking documents in time, the application shall be deemed withdrawn.

If the unity of the invention's requirement is evidently not met, an applicant will be invited within two months to indicate which of the inventions claimed should be examined; if applicant does not within said term indicate which invention should be examined, the examination shall be carried out only in respect of the invention claimed first.

The applicant may, at his/her own initiative, amend or correct the application.

[4] Search

During substantive examination a novelty search shall be carried out. The Office does not provide a search report usually.

After an application for the invention has been published any person may submit a request for search on the basis of the claims, taking into account the description and available drawings.

[5] Obligation to submit prior art, corresponding foreign search results and/or application numbers

There is no obligation to submit corresponding foreign search results and application numbers to the Office. However, during substantive examination, the Office may request the applicant to file additional specification materials (document of the state of the art and other necessary documents) when this is necessary for the purpose of the examination.

[6] Substantive examination

There is a deferred examination system. This implies that substantive examination of patent applications (i.e., the examination as to novelty, inventive step and industrial applicability) will take place only on explicit request of the applicant or third party. The request for substantive examination may be made on filing the application or at any time within three years from the filing date. This term is extendible with six months. The request may also be made by any third party after the publication of a patent application; in this case, the Office will inform the applicant that such request by a third party has been made. If no request for substantive examination has been made, the application shall be deemed to have been withdrawn.

Substantive examination determines the conformity of an invention with the requirements of patentability (novelty, inventive step and industrial applicability). During the substantive examination, the Office may request the applicant to file additional materials (documents of the state of the art and other necessary documents) and/or to amend the claims, when this is necessary for the purpose of the examination. Within two months from the official action concerned (which term may be extended on request), the applicant must file the additional materials. Any such additional materials or amendments made in reply to an official action may not enter 'new matter'. However, the applicant may file any amendments with payment of prescribed fees at any time but before payment of granting fees. If an official action is not duly replied to within the two-month period (or within the extended period, if extension was obtained in time), the application shall be deemed to have been withdrawn.

If the invention is found not patentable, the grant of a patent shall be refused. Before a Decision of Refusal, the Office shall send a notification of examination results inviting an applicant to analyse the examiner's arguments. The response to the notification shall be presented to the Office within two months from the notification. If the response is not persuasive, another official action or a decision of refusal may be issued.

[7] Accelerated examination / grant

Accelerated examination of a patent application is possible by filing a petition on accelerated processing and paying a fee therefor.

No PPH agreements apply.

[8] Amendments and corrections

Amendments and corrections which do not enter ‘new matter’ can be included into the application before the payment of granting fees. The change of the applicant in case of changing the applicant's name, merger and/or assignment of right can be made before Decision or Refusal is made by the Office. The amendments are deemed to enter ‘new matter’ in case they add ‘new matter’ features to the claims. The correction of obvious and clerical errors in the application can be made before Decision or Refusal is made by the Office.

The Office shall rectify obvious and clerical errors therein after granting of a patent.

[9] Third party observations

Within six months from the date of publication of the application for the invention, any person may submit a reasoned objection to the application. The objection is filed on the following grounds: the claimed invention shall not be regarded as inventions and/or shall not be granted in respect of exceptions to patentability; the invention does not meet the conditions of patentability.

The objection shall be submitted together with a copy thereof, which the examiner shall immediately send to the applicant. The applicant may notify the examiner of his attitude to the objection within two months from the date of its receipt. The applicant may refute the objection and leave the application unchanged, amend or withdraw the application.

The submitted objection shall be considered within the grounds set forth therein and taking into account the applicant's response in the event of its submission within the prescribed period.

The results of the objection are reflected in the substantiated conclusion of the examination of the application. A copy of the decision of the Office together with a substantiated conclusion shall be sent to the person who filed the objection.

[10] Grant

The average processing time from filing to grant is three years. If it is found during the substantive examination that the claimed invention is patentable, a decision to grant the patent shall be made. A fee is due on registration, after payment of which the particulars of the grant will be published in the Official Bulletin, the patent entered in the Register and letters patent issued.

[11] Opposition / Re-examination

Any person may submit to the Chamber of Appeals a substantiated request for invalidation of a patent in whole or in part, on the grounds of non-compliance of the invention with the patentability conditions.

An application for invalidation of a patent may be filed with the Chamber of Appeals within nine months from the date of publication of the registration of the patent.

[12] Appeal

An appeal against the Decision of the Office may be filed with the Chamber of Appeals of the Office within two months from the appropriate Decision. The decision of the Chamber may be appealed in Court. Also an applicant has a right to apply to the court without filing of appeal to the Chamber of Appeals.

[13] Unity of invention

An application may relate only to one invention or to a group of inventions so linked as to form a single inventive concept. Unity of the invention requirement is met if the claims contain a group of claim categories:

- one of which is for producing the other, for example, an apparatus or a substance and a method for producing the whole apparatus or substance or a part thereof;
- one of which is for carrying out the other, for example, a method and an apparatus for realizing the method in the whole or the step thereof;
- one of which is for using the other, for example, a method and a substance for use in the method;
- a method or an apparatus and a part thereof;
- embodiments of an invention ensuring achievement of the same technical effect.

Divisional applications may be filed following an office action stating that a group of the inventions does not meet the unity of the invention requirement.

[14] Divisional applications / Continuation applications

Divisional applications may be filed before the date of receipt of the decision of the Office on the application.

The request for examination for divisional applications should be filed within three years from the filing date of the divisional application (extendible by six months).

Continuation applications are not applicable in this jurisdiction.

[15] Conversion

A patent application may be converted into a utility model application and vice versa until the date of receipt of the decision of the Office on the application. In case of conversion, the date of filing of the application and priority date shall be retained.

[16] Publication / Public File Inspection

Irrespective of the actual course of the procedure of grant, a patent application which has been accepted for further processing will be published after expiration of eighteen months from the filing date (or from the priority date if the priority is claimed). This publication implies the publication of information relating to the application (including the claims) in the Official Bulletin, and the laying open for public inspection of the entire file of the application. The applicant may request an earlier publication of the application. After publication of the application, a provisional protection is started.

After the application is published, any person may inspect the file (including prosecution history) and can order a copy of the application.

[17] Withdrawal to prevent publication

Publication of the application will not take place if before the publication the application has been withdrawn or recognized withdrawn.

[J] Nullity and Revocation

A patent can be nullified through court actions, or by submitting a request with the Chamber of Appeal within nine months from the registration date (see under ‘Opposition’).

A patent can be nullified during the entire lifetime through court actions on the following grounds:

- (1) the invention does not meet the patentability conditions;
- (2) the claims of the patent as granted contain features that did not appear, as on the date of filing, in the description and in the claims (if the application contained such claims on the date of filing);
- (3) the patent application was filed with infringement of rights of a third person;
- (4) the patent application has been filed abroad by a Ukrainian resident without filing an application at the Ukrainian Office first.

Partial nullification is possible.

The patent owner can cancel a patent either by filing an appropriate request or by non-payment of the maintenance fee.

[K] Use Requirement

If a patented invention is not or not sufficiently worked in Ukraine without justified and legitimate reasons within three years from the grant date or within three years from the last use, any person who desires to use the invention and is able to use it, but who did not succeed in concluding a license agreement with the patentee may apply to the court for the grant of a compulsory license. A patented invention shall be deemed used in a product or a process, if the product contains, and the process involves each feature of the invention stated in an independent claim of the invention, or a feature equivalent to it.

[L] Marking

The Law prescribes the right of the patent holder to indicate the patent details on the product and / or packaging produced with the use thereof. However, patent marking is not mandatory. The marked products may have implications for awarding compensation in case of past infringement.

Since the patent marking is not mandatory, there is no penalty for non-marking. False marking is prohibited on the basis of the Consumers' Rights Protection Law and the laws of protection against unfair competition.

[M] Infringement

The scope of protection conferred by a patent is determined by the independent claims; the specification and drawings may serve only to interpret the claims. The full effect of a patent starts when the particulars of the grant are published.

[1] Infringing acts / Non-infringing acts

According to the laws of Ukraine any acts that violate the rights of a patent holder, are considered infringement of rights to patent.

The following acts done by a third party without the consent of the owner of the patent are deemed patent infringement:

- (1) in the case of a patented product, the manufacture, use, offer for sale as well as through the Internet, sale or other form of commercialization or storage for that purpose of the patented invention;
- (2) in the case of a patented process, the use of the patented process or offer, the patented process for use, if the infringer knows that the use of the patented process is forbidden without authorization of the patent owner or such circumstance is obvious.

Infringement actions are to be brought before the competent court or in case of an unfair competition case before the Antimonopoly Committee of Ukraine.

The following are not deemed infringement:

- (a) use of a patented invention in construction or during the use of a foreign country vehicle that temporarily or accidentally entered the territory of Ukraine, provided that the patented invention is used exclusively for needs of such vehicle;
- (b) use of a patented invention without commercial purpose;
- (c) use of a patented invention for scientific research and experimental purposes only;
- (d) use of a patented invention in cases of emergency (such as a natural disaster, catastrophe, epidemic etc.), provided that the owner subsequently is paid an equitable compensation;
- (e) the importation of the product manufactured with the use of the patented work if the aim thereof is the research in the framework of preparation for the obtainment of the marketing authorization for the pharmaceutical product (Bolar provision);
- (f) the production of the patented product or the pharmaceutical product with the use thereof, if such is carried out for the purpose of the exportation of the product or the pharmaceutical product to third countries; this exception applies during the supplementary protection term prescribed by the Law with regard to pharmaceutical products.

Parallel import does not constitute infringement.

[2] Prior user rights

A person who before the filing date or priority date has used a patented invention in own interests, with commercial purpose and in good faith or has carried out a considerable and serious preparation for such use retains a right to a free of charge continuation of this use or to the use of a patented invention as this was contemplated by said preparation (right to prior use).

The right to prior use may be transferred or passed to another person only together with an enterprise or business practice or with that part of an enterprise or business practice where a patented invention applied for has been used or a considerable and serious preparation to such a use has been carried out.

[3] Remedies

There is a provisional protection during the period between publication of the application and publication of the grant. Said provisional protection shall be within the scope of the published claims of the application; after grant of the patent for use of the invention during the period

between publication of the application (or serving of a notification as referred to, if applicable) and grant, a reasonable monetary compensation must be paid, which in principle is to be determined by agreement of the parties concerned (if the application is rejected and no patent granted, the provisional protection shall be deemed non-existent). Available remedies include the following:

- (a) injunction;
- (b) award of damages or compensation;
- (c) confiscation of infringing products and devices for its manufacture;
- (d) destruction of infringing articles;
- (e) order for performance of specific actions or order to refrain from performance of specific actions;
- (f) other remedies.

Costs depend on the amount of claims. As to the official fees for damages, see ‘Table of official fees’.

A civil patent enforcement procedure may be described as follows:

- (a) a patent owner collects evidence of infringement;
- (b) a complaint is prepared, filed and sent to the defendant;
- (c) formal consideration of the complaint by the judge. If the complaint meets the formal requirements, the judge brings a court action and set the court hearing. Simultaneously, the judge requests from parties the necessary documents and proposes the defendant to file a statement of defence;
- (d) at the first hearing the court clarifies the circumstances of the case, asks the parties to deliver all their arguments and provide all evidence, and decides whether additional evidence is required and whether other persons or expert opinions are required;
- (e) the cases at the first instance court are usually decided by one judge. Nevertheless, a court may consider that the case should be decided by a jury;
- (f) conciliatory procedure and amicable agreement (if any);
- (g) legal positions of the parties are presented during the hearing; the court puts its questions and studies available evidence;
- (h) at the end of the hearing the court retires for passing a decision, and the substantive part of said decision is announced before the parties leave; the said substantive part states if the claim is rejected or met in full or in part. The full text of the court decision mentioning the facts, results of investigation and motives of the decision will be sent to the parties within two working days from the date of its preparation. This is the final stage of consideration of the case in the First Instance Court;
- (i) during twenty days term from the date on which the full text of the court decision is prepared, any of the parties may appeal against the said court decision with the court of appeal. In case no appeal has been filed within said one term, the decision of the court of first instance comes into force and may be enforced through the Department of State Executive Service;
- (j) appeal procedure is shorter than one in the court of first instance, and most cases are decided in one-three hearings within two months from the date of filing the appeal. An appeal is considered by three judges. The resolution of the court of appeal comes into force on the moment when it is adopted;
- (k) within twenty days, the resolution of the court of appeal may be appealed with the court of cassation instance. The procedure usually takes one court hearing and the decision comes into force the moment when it is adopted.

The instance of appeal (j) and the instance of cassation (k) may cancel the decisions of lower instances, and either adopt a new court decision or return the case to a lower instance for further consideration. An important feature is the following: the consideration of the court of

cassation is limited to the defined case and to the facts established by the courts of lower instances, and to that evidence which is provided within the case. New evidence can be provided only in the Court of Appeals and only when there are reasonable grounds for non-submission thereof earlier.

[4] Penal provisions

Administrative liability for the unauthorized use, and/or unlawful usurpation of authorship to a patented invention, and/or any other infringement of rights to a patented invention, is envisaged by the Code of Ukraine on Administrative Offences. The Code provides for imposing a fine together with confiscation of goods unlawfully manufactured, and confiscation of material and equipment used for unlawful manufacturing.

The criminal liability for infringement of patent rights to invention is established by the Criminal Code of Ukraine that provides for a fine or up to two years of correction works, or up to six years of imprisonment.

In case of gross violation, the executive officers of the legal persons can also be debarred from holding the executive positions, and/or be debarred from performing specific business operations for up to three years.

[5] Enforcement and Customs

An owner of a patented invention can file a request for entering his/her intellectual property rights into the Customs Register of Intellectual Property Objects. The customs authorities suspend the release of the goods manufactured with the use of a patented invention included into the Customs Register. Upon suspension of the suspected shipment, the Customs authorities notify the right owner respectively. Upon notification, the right owner can collect samples of suspected goods, make photos thereof, and perform examination to confirm the fact of infringement of his intellectual property rights. In case the fact of infringement is confirmed, the right owner can file a suit against the importer/exporter of goods, destroy the counterfeit goods under a simplified procedure or initiate other enforcement actions (including criminal / administrative action).

The seizure of infringing goods at the border by the customs authorities is possible upon the decision of the court on application of preliminary measures and filing a claim to the court, on the ground of infringement of rights to patent.

Additionally, the suspended goods with unauthorized use of a patent can be destroyed on the border, subject to consent of the owner of shipment or without such consent after ten days from the customs notification on suspension. The patent holder shall bare all expenses related to the destruction, unless the shipment owner and the patent holder agree on the contrary.

The costs connected with storage of the goods at the warehouse are charged from the second day since placing them at the warehouse.

[N] Restoration after unintentional lapse

If during the examination procedure, the applicant would not have observed the term due to justifiable circumstances he/she may apply for reinstatement of the application on payment of the reinstatement fee and furnishing of evidence of the circumstances concerned. Restoration of failure to meet a time limit is possible within six months from expiration of the missed term. Restoration of a lapsed patent due to non-payment of an annuity fee is not applicable, as a grace period of 12 months is available.

Restoration of priority right is possible by filing the application together with the request for restoration of priority right within two months from the twelve-month priority term.

Provided that a PCT application and a request for restoration is filed at the Receiving Office in this jurisdiction within fourteen months from the priority date, restoration of priority right under Rule 26*bis*.3 in the international phase of the PCT application may be possible. If a priority right for a PCT application was restored by the Receiving Office, this may be recognized under Rule 49*ter*.1 PCT for the national phase application in this jurisdiction. Also a review of negative decision on the request for restoration by the Receiving Office may be requested in the national phase.

Furthermore, if a PCT application was filed within fourteen months from the priority date, but no request for restoration of priority right was filed at the Receiving Office, a request for restoration of priority right under Rule 49*ter*.2 PCT may be filed at the Designated Office within one month from the applicable time limit for the entry into the national phase.

[O] Specific Aspects of Regional Patents

[1] Filing Authority

Not applicable in this jurisdiction.

[2] Appointment of Representative

Not applicable in this jurisdiction.

[3] Validation

Not applicable in this jurisdiction.

[4] Authentic text

Not applicable in this jurisdiction.

[5] Amendments and corrections

Not applicable in this jurisdiction.

[6] Publication

Not applicable in this jurisdiction.

[7] Provisional protection

Not applicable in this jurisdiction.

[8] Simultaneous protection

Not applicable in this jurisdiction.

[9] Conversion

Not applicable in this jurisdiction.

[10] Payment of fees

Not applicable in this jurisdiction.

[P] Specific Aspects of International Patent Applications (PCT)

Ukraine is a member of the Patent Cooperation Treaty (PCT) of 1970 since 25 December 1991.

[1] Receiving Office

The Ukrainian Intellectual Property Institute, which is to be transformed into the National Intellectual Property Office, acts as the Receiving Office under the PCT for nationals and residents of Ukraine.

[2] International Searching Authority

For the international applications filed through the Ukrainian Intellectual Property Institute / National Intellectual Property Office as the Receiving Office, the competent International Searching Authorities are the Russian Patent Office, the European Patent Office, and the Ukrainian Intellectual Property Institute / National Intellectual Property Office.

[3] International Preliminary Examining Authority

For the international applications filed through the Ukrainian Intellectual Property Institute / National Intellectual Property Office as the Receiving Office, the competent International Preliminary Examining Authorities are Ukrainian Intellectual Property Institute / National Intellectual Property Office, the Russian Patent Office and the European Patent Office (note that the European Patent Office is competent only if the international search has been performed by that Office).

[4] National phase / Regional phase

In order to effect timely entering of the Ukrainian national phase, the Request for Grant should be submitted to the Office by the appointed agent within thirty-one months from the filing/priority date.

The Ukrainian translation of the application materials should be filed within thirty-one months from the filing/priority date. The said period shall be extended for no more than two months, provided that the relevant request has been filed before the expiry of the period and the respective fee for filing of a request has been paid.

In case the national phase in Ukraine is not entered in time due to the circumstances beyond the applicant's control, it is possible to file a request for reinstatement of the missed term pursuant to PCT Rule 49.6.

Power of attorney signed by the applicant is required upon the national phase entry.

The average processing time from entering the national phase to grant is two years.

[5] Payment of fees

Within thirty-one months from the priority date, the national filing fee must be paid. The said period shall be extended for no more than two months, provided that the relevant request has been filed before the expiry of the period and the respective fee for filing of a request has been paid. Failure to pay makes the application void in respect of Ukraine.

[Q] Fees

Any action on which the fee is stipulated is effected by the Office only after payment of the corresponding fee. Evidence of payment of the prescribed fees should be submitted to the Office.

A small entity fee reduction is possible: if all owners (applicants) are inventors all fees are reduced by 90% (except for the granting fee).

It is possible to get a refund only for the action which is not carried out by the Office by the date of the refund request. In practice, this means that a refund may be obtained only for examination fee and only before issuing a Notification of starting examination on merits. In any other cases if money has been paid to the Office, it is practically impossible to get it back.

If some overpayment takes place, the redundant sum may be returned. A special fee and a request are required for returning of paid fees.

[1] Table of official fees

Fees are indicated in Ukrainian national currency (UAH).

Filing of an application	1,600.00
Additional fee for each claim over 3	160.00
Additional fee for every 50 sheets of description and drawings over the first 100 sheets of the application	800.00
Filing of a request for substantive examination for each independent claim	6,000.00
Granting fee	USD 100.00*
Filing an appeal on the Decision of the Office to the Chamber of Appeals	6,800.00
Filing a request for recordal into the Letters Patent	1,600.00
Filing a request for amendments to an application ¹	1,600.00
– for each additional independent claim ¹	6,000.00
– for each additional dependent claim ¹	160.00
Filing a request for term extension for filing of a request for substantive examination (only one extension is allowed) :	
– for 1–3 months	800.00
– for 3–6 months	1,600.00
Filing a request for term extension for filing a response to an official action (only one extension is allowed):	
– for 1–3 months	800.00
– for 3–6 months	1,600.00

Filing a request for reinstatement of a missed term:	
for filing of a request for the substantive examination (only one extension is allowed):	
– 1–6 months after the missed term	800.00
– 6–12 months after the missed term	1,600.00
for filing a response to the official action (only one extension is allowed):	
– 1–3 months after the missed term	800.00

* Payment of grant/registration fees is governed by the Decree of the Cabinet of Minister of Ukraine ‘On the State Duty’ of 21 January 1993, last revised on 12 June 2019. The Decree sets the respective amounts of the grant fees in USD.

¹ If filed after Decision to Grant, these fees increase by 100%, if filed after Final Refusal these fees increase by 200%

Payment of Annuities (per each year):

Year	1–2	3	4	5
	600.00	800.00	1,000.00	1,200.00

6	7	8	9–14	15–20	21–25
1,400.00	1,600.00	1,800.00	4,200.00	7,600.00	30,400.00

In case of late payment, annual fee is increased by 50% and may be paid during twelve months from the missed term.

[R] Transitional Provisions

Not applicable in this jurisdiction.

[S] Specific Patent Issues

Not applicable in this jurisdiction.

[T] Governmental Websites

- <https://ukrpatent.org/en> (Ukrainian Intellectual Property Institute)
- <https://sis.ukrpatent.org/en/search/simple/> (Register)

PART 2 TRADEMARKS

§2.01 SUMMARY

[A] Duration of Registration

- 10 years from the filing date; indefinitely renewable for same periods.

[B] Registrable / Not Registrable

- Registrable is any sign capable of distinguishing goods/services in trade of one person from those of another.
- A mark may be comprised of any combination of signs including words, personal names, letters, numerals, figurative elements, colours or combination of colours, configuration of goods or their packing, or combinations of these signs. Sound marks are registrable. Taste marks are not registrable. There is no relevant legislation as to the registrability of fragrance marks.

[C] Application Procedure

- Trademarks are registered after formal examination and substantive examination of the application.

[D] Governmental Websites

- <https://ukrpatent.org/en> (Ukrainian Intellectual Property Institute)
- <https://sis.ukrpatent.org/en/search/simple/> (Register)

§2.02 DETAILED INFORMATION

[A] Conventions and Legislation

[1] Conventions

- Madrid Agreement Concerning the International Registration of Marks 1891–1967;
- Protocol Relating to Madrid Agreement Concerning the International Registration of Marks of 1989;
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Union) 1957–1977;
- Paris Convention (International Union) 1883–1967;
- Nairobi Treaty on the Protection of the Olympic Symbol 1981;
- WTO TRIPS Agreement 1994;
- Convention Establishing the World Intellectual Property Organization (WIPO Convention) 1967;
- Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents 1961;
- Trademark Law Treaty (TLT) 1994;
- Singapore Treaty on the Law of Trademarks (STLT) 2006; and
- Ukraine – European Union Association Agreement, effective of 1 September 2017.

[2] Laws

- Chapter 44 of Part IV of the Civil Code of Ukraine, in force since 1 January 2004;
- Chapter 16 of the Commercial Code of Ukraine;
- Law No. 3689-XII ‘On the Protection of Rights to Marks for Goods and Services’, in force since 1 July, 1994; and
- Law No. 703-IX ‘On the Creation of the National Intellectual Property Office (NIPO)’, dated 16 June 2020.

[B] Duration of Registration

Ten years from the date of filing the application; indefinitely renewable for further ten-year periods.

[C] Requirements for Renewal

Trademarks can be renewed every ten years from the filing date. The renewal fee must be paid within the last six months before the expiration of the registration. A grace period of six months is allowed for late payment of a renewal fee on payment of a 50% surcharge. As to the possibility of restoring a lapsed trademark due to non-payment of the renewal fee, see ‘Restoration after unintentional lapse’.

[D] Registrable / Not Registrable

Legal protection is granted to a trademark, which does not contradict public order, principles of humanity and morality, and is not subject to the grounds for the refusal of the legal protection as established by the Ukrainian law.

A trademark may be any sign or any combination of signs. Such signs may be, among others, words, including personal names, letters, numerals, pictorial elements, colours and combinations of colours, configuration of goods or their packing.

According to the Ukrainian law, protection is granted to the following trademarks:

- word trademarks in the form of words or combinations of letters;
- figurative trademarks in the form of graphic compositions represented in any form on a plane;
- three-dimensional figures or their compositions;
- combinations of the above-mentioned trademarks.

Such trademarks may be represented in colour or in combination of colours. The sound trademarks are registered only if it is technically possible to enter them in the State Trademark Register of Ukraine in the form of notes and thus make information on their registration available to public.

Non-traditional marks including, but not limited to sound marks are registered in Ukraine. Neither relevant legislation nor sufficient practice regarding olfactory marks exists. Taste marks are not registrable.

Legal protection is not granted in Ukraine to designations that represent or imitate:

- state armorial bearings, flags, and other State emblems (symbols);
- official names of States;
- symbols and abbreviated or full names of international intergovernmental organizations;
- official signs and hallmarks indicating control and warranty, assay marks, seals;
- awards and other decorations.

Such symbols may be included into a trademark as elements that are not protected, provided that the consent of the relevant authorized body or the proprietors of the signs was obtained.

Trademarks containing Communist or Nazi symbols cannot be registered as trademarks.

Furthermore, the object of the sign can not be the names and pseudonyms of persons who occupied managerial positions in the communist party (as Secretary of the District Committee and above), the higher bodies of government and management of the USSR, the Ukrainian SSR, other Union or autonomous Soviet republics (except for cases of development of Ukrainian science and culture), who worked in the Soviet public safety, the names of the USSR, the Ukrainian SSR, other Union Soviet republics and their derivatives, names associated with the activities of the Communist Party, the establishment of Soviet power in Ukraine or in certain administrative-territorial units, prosecution of the struggle for independence Ukraine in the twentieth century.

Legal protection is not granted to designations that:

- are usually devoid of any distinctive character and have not obtained such a character as a result of their use;
- consist exclusively of signs which are common in modern language or used in good faith and in well-established trade practices for the goods and services concerned;
- consist exclusively of signs or data that are descriptive while using for goods and services defined in the application or with respect to them, in particular signs or data that indicate kind, quality, composition, quantity, properties, purposes, value of goods and services, the place and time of manufacturing or sale of goods or rendering of services;
- are liable to mislead as to goods, services, including their properties, quality and origin;
- are liable to mislead as to the person that produces a good or renders a service;
- consist exclusively of signs that constitute commonly used symbols and terms;
- solely reflect the form caused by the natural state of goods, or by the necessity to obtain a specific technical result, or the form that imparts a significant value to a good;

- reproduce the name of a plant variety registered or applied for registration in Ukraine or which has been granted legal protection in accordance with an international treaty of Ukraine before the date of filing an application for a trademark containing such a designation, and if the declared designation concerns a plant variety of the same or related species;
- contain geographical indications (including for alcohols and alcoholic beverages), registered or applied for registration in Ukraine or which are granted legal protection in accordance with an international agreement of Ukraine before the filing date of trademark containing such an indication (if priority is claimed – before the priority date) regarding the same or related goods if the use of the claimed designation uses the reputation of the geographical indication and / or the claimed designation is misleading as to the special quality, characteristics and true origin of the goods.

Such signs (except signs which are liable to mislead consumers, reproduce the name of a plant variety and contain geographical indications) may be used in a mark as elements that are not protected if these signs are not dominative in the image of the trademark.

The above designations (except signs which are liable to mislead consumers, reproduce the name of a plant variety and contain geographical indications) may be granted legal protection if they have acquired distinctive character as a result of their use before the filing date of application.

Legal protection will not be granted to designations if they are identical or misleadingly similar to such an extent that they can be confused with:

- trademarks that were earlier registered or filed for the registration in Ukraine on behalf of another person for identical or similar goods and services;
- trademarks of other persons if these trademarks are protected without registration according to the international agreements to which Ukraine is a party, in particular the marks recognized as well-known marks according to Article 6*bis* of the Paris Convention for the Protection of Industrial Property;
- trade names (company or firm names) that are known in Ukraine and belong to other persons who have acquired the right to the said names before the date of filing the application with respect to identical or similar goods and services;
- conformity marks (certification marks) that have been registered in the established order;
- trademarks used by another person in a foreign country, if the application is filed by an agent or representative of such person within the meaning of Article 6 of the Paris Convention without the permission of such person and there is no evidence to justify such submission, if an opposition is filed by such person.

The designations which are similar with the earlier rights for similar or identical trademarks may be registered as trademarks if the owner of the previously registered / acquired right agrees to such a registration and there is no possibility of misleading consumers.

Legal protection will not be granted to designations if they reproduce:

- industrial designs, the rights to which in Ukraine belong to other persons;
- titles of scientific, literary and artistic works known in Ukraine or quotations and characters from the said works as well as the artistic works and their fragments without the consent of copyright holders or their legal successors;
- surnames, first names, pseudonyms and their derivatives, portraits and facsimiles of persons known in Ukraine without their consent.

According to the Law of Ukraine ‘On ensuring the functioning of the Ukrainian language as the state language’, as an exception a trademark may be used in the form in which it is registered, even if it is in a foreign language.

[1] Colour marks

A colour or a combination of colours is registrable.

[2] Three-dimensional marks

Three-dimensional marks are registrable.

[3] Collective marks

Collective marks can be registered. A collective mark is defined as a mark of a union, business association, concern or other voluntary association of enterprises being capable of distinguishing goods manufactured or commercialized by it having common characteristics as to quality or otherwise. When filing an application for the registration of a collective mark it is imperative to submit a by-law of the collective mark containing the rules concerning the use of the collective mark. These rules must indicate the name of association being entitled to register the mark in its name, and the list of enterprises being entitled to use the mark, the purpose of registration of the mark, a list of goods and description of their common characteristics (relating to quality or otherwise), the conditions for the use of the mark, the principles in which the use of the mark will be controlled, and the sanctions for violation of the rules. The names of the enterprises being entitled to use the mark and an extract from the rules relating to the common characteristics of the goods for which the mark is registered will be mentioned in the publication of the registration of the collective mark in the Bulletin. The owner of the registration must inform the Office about any amendment of the rules. Any interested person may apply to the competent Court for the (total or partial) cancellation of registration of the collective mark if it is used in relation to goods not having common qualitative or other common characteristics.

[4] Certification / guarantee marks

Not applicable in this jurisdiction.

[5] Associated marks

Not applicable in this jurisdiction.

[6] Series of marks

Not applicable in this jurisdiction.

[7] Other marks

Non-traditional marks including, but not limited to sound marks are registered in Ukraine. Neither relevant legislation nor sufficient practice regarding olfactory marks exists. Taste marks are not registrable.

[E] Ownership and related rights

[1] Applicant

A mark can be registered in the name of either a natural person or a legal entity whether residing in Ukraine or coming from outside of Ukraine.

[2] Establishment of rights “first-to-file / first-to-use”

Ukraine has a ‘first-to-file’ system.

[3] Assignment

A trademark owner has the right to transfer his property rights in a trademark based on an assignment agreement. An assignment must be registered with the Office. The effective date of the assignment is the date of its State registration.

Requirements for registration:

- (1) one original assignment agreement (deed) or a notarized extract from an agreement;
- (2) the powers of attorney, signed by assignor or/and assignee;
- (3) notarization and legalization of assignment deed and power of attorney is not required.

Assignment for part of the goods or services for which the trademark is registered is possible.

A pending application can be assigned at the examination stage (i.e., before the registration of the mark). A partial assignment to an application shall be recorded only provided that the Ukrainian Intellectual Property Institute has set up the procedure for dividing the application. A request for making changes in the application may be accepted before payment of the official registration fees related to the respective trademark mentioned in such request. If the request is filed after the payment of the official registration fees, then the request is treated as a request for introducing changes in the State Trademark Register of Ukraine.

[4] Licenses and Registered Users

Voluntary exclusive and non-exclusive licenses may be granted. Subject of a license agreement can be trademark registration(s) only, and not trademark application(s). License agreement is not subject to obligatory registration. The parties can record the license agreement with the Office (optional registration).

The following clauses must be included in the license agreement so that it is recorded with:

- (1) details of the parties to the license agreement (full names, addresses);
- (2) subject of the license agreement;
- (3) registration number(s) of the licensed trademarks;
- (4) a list of goods and services with indication of Classes of the Nice Classification, with respect to which the trademark is licensed;
- (5) scope of licensed rights;
- (6) type of the license (exclusive, non-exclusive);
- (7) the term of the license agreement;
- (8) territory of the license agreement;
- (9) provision on the quality of licensed goods and services, saying that such quality shall not be worse than quality of goods and services of the trademark owner and the latter shall control fulfilment of this provision.

[5] Pledge and Seizure

A mark can be pledged on the basis of a pledge agreement. A pledge agreement can be voluntarily registered in the State Register of Encumbrance of Chattels upon filing an application. Registered pledge has priority over a not registered one. In case of a pledge agreement, a pledger can use and dispose of the mark, unless otherwise is provided by the agreement. Assignment of the mark is possible only upon consent of the pledgee.

Seizure of trademarks can be performed upon the decision of the relevant state authorities (such as Department of State Executive Service, police authorities etc.). The seizure is subject to registration in the State Registry of Encumbrance of Chattels. The seizure of trademarks is performed according to procedure that applies to any movable properties.

The laws of Ukraine do not prescribe the procedure of registering any documents related to pledge and seizure with the Office.

[F] Filing Requirements*[1] Request for registration*

Each application for registration of a mark may relate to one mark only.

Application, on prescribed form, in the Ukrainian language containing the following:

- request for the registration of a mark;
- name and address of the applicant in the language of origin and a transcription (transliteration) of the same in Ukrainian Cyrillic characters;
- an image of the mark being claimed as a trademark and a description thereof;
- a list of goods and services for which a mark should be registered, classified according to the current edition of the International Classification of goods and services under the Nice Agreement;
- 5 typographic prints of the mark and 10 typographic prints for the mark in colour (8 cm x 8 cm);
- Convention priority cases: Convention priority may be claimed at filing of the application or within six months after filing.

[2] Classification

The classification applicable in Ukraine is the current edition of the International Classification of Goods and Services under the Nice Agreement.

A list of goods and/or services for which the mark should be registered, classified according to the Nice classification, should be submitted.

[3] Multi-class applications

Multi-class applications are allowed. For each additional class over one an extra fee must be paid.

[4] Appointment of Representative

Foreign and other persons residing or having a permanent location outside of Ukraine shall exercise their rights in the relations with the Office through representatives duly registered

under the Provisions regarding Representatives on Matters of Intellectual Property, approved by the Cabinet of Ministers of Ukraine.

[5] Power of Attorney

A power of attorney is to be issued by the applicant and signed by the authorized person with indication of his name and position in the company and sealed (in case the applicant uses a seal). The date and place of the signature should be indicated as well. The date of signing of the power of attorney must be no later than the application filing date. Neither notarization nor legalization is required. Otherwise, if the power of attorney is issued by way of substitution, it should be notarized. The power of attorney can be submitted within two months from the filing date or within two months from the date of receipt of the Official notification to submit the power of attorney.

[6] Priority

Convention priority may be claimed on filing the application or within three months after filing. A priority document (a certified copy of the first (home) application) is to be filed within three months from filing of the application.

The priority of a mark, which was used in the exhibit shown at official or officially recognized international exhibitions at the territory of a Member State of the Paris Convention for the Protection of Industrial Property, may be determined by the date of opening the exhibition, provided that the application is filed within six months from the said date.

[7] Graphical representations

Black & white trademark: 5 prints of the mark (8 cm x 8 cm).

Colour trademark: 10 prints of the mark (8 cm x 8 cm).

[G] Application Procedure

[1] Filing Authority

Currently the Ukrainian Intellectual Property Institute, which is to be transformed into the National Intellectual Property Office, in accordance with Law No. 703-IX on the creation of the National Intellectual Property Office (NIPO), dated 16 June 2020.

[2] Online filing

Online filing is available. In order to use online filing, a special agreement with the Office is required.

[3] Search

A search as to previous trademark rights is performed as part of the substantive examination procedure. The Ukrainian Intellectual Property Institute uses its own database including pending applications, as well as external information sources and relevant official publications.

[4] Examination

The Office has the status of scientific and technical examination and consists of formal and substantive examination. Formal examination is to ensure conformity of the application materials with formal requirements of the Law of Ukraine on Protection of Rights to Marks for Goods and Services concerning correctness of preparing of the application, payment of an official fee, existence of all required additional documents and correspondence of claimed list of goods and services to the current edition of the International Classification of Goods and Services. If the application materials do not meet the above requirements, the applicant is immediately notified in the form of an Examiner's Inquiry, a response to which should be submitted within two months from the date of receipt of the Inquiry. This term can be extended once for a maximum period of six months on the assumption of payment corresponding official fee.

In the course of the substantive examination, the claimed mark is examined on the conformity with the absolute and relative grounds for grant. If there are reasons to consider that the claimed mark does not meet fully or partially the requirements for grant, the Ukrainian Intellectual Property Institute sends the applicant a provisional refusal in registration with the proposition to give a motivated response to support the registration of the mark. The response should be provided within two months from the date of receipt of the refusal. The term can be extended once for a maximum period of six months on the assumption of payment corresponding official fee. If required, the applicant has the right to request a copy of the materials of cited applications within one month from the date of receipt of the refusal.

After completion of the examination, a decision of registration or decision about refusal of registration of the trademark is passed (depending upon the results of the examination). The applicant may file an Appeal to the court or the Chamber of Appeals against the decision on the application within two months from the date of its receipt. The right to file an Appeal is considered to be lost after payment of the State fee for granting of a Certificate of registration.

The applicant has the right to divide the application into two or more applications (divisional applications) by dividing the goods and services listed in the application so that each of the divisional applications does not contain the goods and services that relate to the goods and services listed in the other divisional applications. The division of the application should be accomplished by the applicant's request on making relevant changes in the application and the divisional application (applications), provided that the respective fees are paid for filing the request and the application. The date of filing the divisional application shall be the same as the date of filing of the divided application. The priority date of the divisional application stays the same as the priority date of the divided application if there is a reason for that.

[5] Registration

Once examination is completed and the mark found to be registrable, the Office issues its decision. The applicant has three months from the date of receipt of the decision to pay the official registration and publication fees.

[6] Opposition / Observations

Any person has a right to submit to the Office an opposition to the application or international registration in respect to the unconformity of the mark presented in the application with the requirements of granting the legal protection according to the present Law. An opposition should be filed within three months from the date of publication in the Bulletin of information on the application or the international registration of a trademark or the territorial extension of an international registration in Ukraine.

This implies that such oppositions may be filed based on both absolute and relative grounds. Submission of the opposition is subject to the payment of the respective fee. The examiner must send a copy of such opposition to the applicant, who has two months for national applications and three months for international registrations from the date of receipt of the opposition to file a response with counterarguments. The results of the consideration of the oppositions will be reflected in the final decision on the application.

The person who filed an opposition may appeal the final decision on the application to the Chamber of Appeals within two months from the date of receipt of a copy of the relevant decision.

[7] Appeal

The final decision of the Office may be appealed to the Chamber of Appeals or a court within two months of the date of receipt of the decision. Decisions of the Chamber of Appeals may be appealed to the courts within two months of the date of receipt of the decision.

[8] Alteration after Registration

Errors in the particulars entered in the Register of the Trademarks may be corrected on the initiative of the trademark owner or the Office.

Corrections which may be entered in the Register of the Trademarks are the following: corrections regarding the address of the trademark owner, identity of the trademark owner and legal form of the trademark owner. Amendment of individual elements of a registered trademark is not allowed. However, if a mistake is made by an employee of the Office during registration of a trademark, such employee, based on a request of an owner of the registered trademark, shall make appropriate corrections in the Register of the Trademarks at his/her own expense.

[9] Publication / Public File Inspection

On the basis of the decision on registration of a mark and provided that the documents confirming payment of the State fee for granting a certificate and the fee for publication on granting a certificate are available, data concerning granting a certificate are published in the Bulletin.

[H] Nullity and Revocation

Owners of identical or similar marks registered or applied for in respect of similar goods and owners of similar marks being protected in Ukraine without registration but under international agreements to which Ukraine is a party (such as a mark recognized to be well known in Ukraine) may apply for invalidation of a third party's registration of the mark; the same applies to owners of trade names being similar to the contested mark and used for similar goods, to the owners of appellations of origin being protected in Ukraine (unless they are incorporated into a trademark as unprotected elements in the name of a person being entitled to use it), and to owners of other prior rights.

Invalidation on absolute grounds

The mark can be invalidated if it belongs to any of the following categories:

- Signs lacking distinctive character or containing only the elements: signs generally used as designations of goods of a particular kind; signs that constitute generally used symbols and expressions; signs which are descriptive for the use with respect to goods, namely used to define the kind, quality, quantity, characteristics, indication, price, or place or

time of production of the goods or sale of the same or other characteristics of the goods and / or services; signs being the shape of goods which is exclusively or mostly defined by a natural state of the goods or necessity of obtaining technical result, or which provides considerable value to the goods (unless such signs are unprotected elements which do not have dominant position in a mark).

- Signs depicting or imitating armorial bearings, flags and State emblems; official State names; emblems, abbreviations, and full names of international intergovernmental organizations; official signs and hallmarks indicating control and warranty, stamps; medals and other decorations (unless such signs are unprotected elements of the mark and there is a consent of the competent authority or owners of such signs).
- Signs being contrary to the public order, principles of humanity or morality.
- Signs depicting the plant variety name, registered or filed for registration in Ukraine or which obtained legal protection under the relevant international agreement provided that the applied sign concerns the same or corresponding plant variety type.
- Signs containing geographical indications which are registered or filed for registration in Ukraine or which obtained legal protection under the relevant international agreement, provided that the use of the applied sign involves the use of the geographical indication's reputation and / or the applied signs is misleading as to the particular quality, characteristic or the actual origin of the goods.

The signs indicated above may be applied for registration if they have gained distinctiveness as result of their use prior to the filing date.

- Signs being capable of misleading consumers with regard to the goods and/or services, for instance, as regards their characteristics, quality or origin; signs being capable to mislead with regard to the producer of the goods and/or services.

Invalidation on relative grounds

The mark can be invalidated if it is in conflict with third parties' prior rights, namely:

- Signs being identical or similar to the grade of confusion or association to marks with earlier priority registered or applied for in Ukraine for the same or similar goods or services by another person.
- Signs being identical or similar to the grade of confusion or association to the marks of other persons with earlier priority being protected in Ukraine as well known in relation to similar and/or corresponding goods and/or services.
- Signs being identical or similar to the grade of confusion or association to the marks of other persons with earlier priority being protected in Ukraine as well known in relation to non-similar goods and /or services provided that such a use may lead to a relation of the mark used to the owner of well known mark and may be harmful for the interests thereof.
- Signs being identical or similar to the grade of confusion or association, to trade names, known in Ukraine and belonging to other persons whose rights in these names in relation to the same or similar goods or services arose before priority date of the application for registration of the mark.
- Signs being identical or similar to the grade of confusion or association, to the other person's trademark used in another country if the subject application is filed by the agent or representative in the light of article 6 septies of the Paris Convention, without authorization, the absence of the proof of such a filing's justification, if the trademark owner objects thereto.
- Signs being identical or similar to the grade of confusion or association to registered certification marks.
- Signs reproducing industrial designs belonging to other persons in Ukraine.

- Signs reproducing names known in Ukraine of works of science, literature and art or quotations and characters from them, works of art and fragments from them without consent of the copyrights owner or their legal successors.
- Signs reproducing surnames, names, pseudonyms and their derivatives, portraits and facsimiles of people known in Ukraine without their consent.

A mark can also be invalidated on the following grounds:

- if a trademark registration contains elements of the image and a list of goods and services, which were absent in the filed application;
- if a mark is registered as a result of filing an application in violation of rights of other persons (e.g., filing a trademark application by an agent or representative of a person having exclusive right in such designation in a Member State of the Paris Convention without permission of a true owner; violation of copyrights).

Invalidation action against the registration of a mark may be filed with the court by any interested party within three years from the date when such a party learnt or could learn about registration or filing for registration of such a mark. Generally, such term is calculated from the publication of the registration of the mark in the Bulletin.

A mark can be cancelled on the following grounds:

- voluntary cancellation upon an appropriate request of the owner of the trademark;
- failure to pay the renewal fee;
- in case a mark has turned into a generally used term for indication of certain goods or services (provided that there is a court decision in this regard);
- non-use of a mark.

Cancellation of a registered mark at the initiative of third person is possible through court proceedings only.

[I] Use Requirement

[1] Before registration

There is no use requirement before registration.

[2] After registration

In Ukraine, a trademark registration becomes vulnerable to cancellation for non-use after five years from the publication date. The use is obligatory and non-use may result in early termination of a trademark registration. The use of a mark is to be made by the owner of the registration or by a licensee or by any other person under control of the trademark owner. The proper use of a mark is putting it on any goods for which the mark is registered, packaging containing the goods, sign associated with it, label, stripe, tag or other object attached to the goods, storing of such goods with the said mark with the purpose of offering for sale; offering for sale, sale import, export; using the trademark during offering and providing any service for which the mark is registered; using of it in business documentation or in advertising and the Internet.

If a registered mark is not used without justifiable reasons, its registration may be cancelled partially or completely: any interested party may bring a court action for cancellation of the registration of a mark on the ground that it was not used within five years preceding the date when the action was brought. Evidence submitted by the owner of the registration relating to the fact that the non-use was caused by circumstances beyond his/her control may be taken

into account when making the decision as a result of consideration of cancellation action. The burden of proof of the use of a trademark lies with the trademark owner.

[J] Marking

The Law prescribes the trademark owner's right to apply the marking 'R' in the circle, on the products and/or the packaging, upon the trademark registration in Ukraine. At the same time, such marking is not mandatory. However, marked products may have implications for awarding compensation in case of past infringement.

Possible marking: '®', 'TM', Trade Mark, Registered Trade Mark.

Since marking is not mandatory, there is no penalty for non-marking. False marking is prohibited on the basis of the Consumers' Rights Protection Law and Competition Protection Law.

[K] Infringement

Trademark registration confers exclusive proprietary rights.

[1] Infringing acts / Non-infringing acts

The following acts done or prepared without the consent of the owner of the registration of a mark are deemed mark infringement: use of trademark, or similar designation, for goods or services which are identical or similar to those in aspect of which the trademark is registered, if such use would result in a likelihood of confusion, or association between the marks.

The following actions are not considered infringement:

- (a) execution of the rights, which accrued before the date of filing the application;
- (b) exhaustion of trademark rights;
- (c) the use in the course of the trade of the signs that concern the type, features, quality, quantity, application, value, geographical origin, time of production or service rendering, or other characteristics of the goods or services in case of absence of any infringement of the other persons' trademark rights;
- (d) the use in the course of the trade of the signs required for indication of the goods or services application for instance as supplementary equipment or spare parts, provided that such a use conforms to the fair trade practice;
- (e) non-commercial use;
- (f) use in news and comments on news;
- (g) bona fide use of the name or address;
- (h) the use of the signs in a comparative advertising strictly for distinguishing the goods or services with the aim of their fair presentation, provided that such a use conforms to the fair trade practice and the legal requirements on protection against unfair competition;
- (i) the use of the signs in a comparative advertising in a strict accordance to the advertising laws and the laws on protection against unfair competition as well as in conformity to the fair trade practice.

Parallel import does not constitute infringement.

[2] Remedies

- (a) injunction;

- (b) award of damages or compensation;
- (c) confiscation of infringing products and devices for its manufacture;
- (d) destruction of infringing articles or removal illegally used mark from articles, packaging etc.;
- (e) order for performance of specific actions or order to refrain from performance of specific actions;
- (f) other remedies.

Costs depend on the amount of claims. As to the official fees for damages, see ‘Table of official fees’.

[3] Penal provisions

Infringement can be considered an administrative or criminal offence (if on a large scale).

[4] Enforcement and Customs

A trademark owner can file a request for entering his/her trademark into the Customs Register. The customs authorities suspend the release of the goods presumably bearing the mark included into the Customs Register and notify the trademark owner of importation/exportation of such goods into Ukraine. The trademark owner can collect samples, make photos and provide examinations regarding the referred goods. The trademark owner can file a suit against the importer/exporter, destroy the counterfeit goods under simplified procedure or initiate other enforcement actions on the ground of importing/exporting infringing products into Ukraine.

The seizure of infringing goods at the border by the customs authorities is possible upon the decision of the court on application of preliminary measures and filing a claim to the court, on the ground of infringement of rights to trademark.

Additionally, the suspended goods with unauthorized use of a trademark can be destroyed at the border, subject to consent of the owner of shipment, or without such consent after ten days from the customs notification on suspension. The trademark owner shall bare all expenses related to the destruction, unless the shipment owner and the trademark owner agree on the contrary.

The costs connected with storage of the goods at the warehouse are charged from the second day since placing them at the warehouse.

Otherwise, the shipment owner can remove the trademark from the goods and/or their packaging (upon request of the trademark owner), at the border, after that the goods can be imported to Ukraine.

[L] Well-known and Reputed Marks

Protection of well-known trademarks in Ukraine is provided after such a mark is recognized as well known by the Office or the court. A trademark can be recognized well known regardless of registration thereof in Ukraine. So that a mark recognized well known, it should be known among the relevant sector of consumers regarding the specific goods or services, which has to be documented.

[M] Trademarks and Trade Names

Commercial designations and Trade names (company and firm names) are protected in Ukraine without registration. The protection is granted to the trade names from the date of their first

use within Ukraine. Conflicts (collisions) between trademarks and trade names are resolved based on the principle of seniority of rights (i.e., in case the trademark is registered prior to the date of first use of a trade name in Ukraine, the rights to trademark shall prevail, and vice versa).

[N] Trademarks and Domain Names

Unauthorized use of a mark in the domain name with respect to identical or similar goods or services constitutes trademark infringement.

Second-level private domain names in the UA Domain (like ‘trademark.ua’) shall be delegated exclusively if the spelling of the corresponding domain name in full or in its second-level component (before the ‘.’ character but not including it) coincides with the mark, with regard to which the corresponding registrant has the rights of its use on the territory of Ukraine.

In case of conflict between the trademark owner and the owner of the domain name, the rights to trademark prevail (i.e., the trademark registration entails the trademark owner to prohibit the use of a mark by the other persons, including the use in domain names. At the same time, the domain name registration does not entail the owner of domain name to prohibit the registration of trademark with the use of designation identical to the domain name).

[O] Trademarks and Appellations of Origin / Trademarks and Geographical Indications

The laws of Ukraine provide for the procedure of registration of geographical indications.

According to the Association Agreement between Ukraine and the European Union, Ukraine automatically grants protection to the list of the registered EU geographical indications for the agricultural products and foodstuffs, wines, aromatized wines and spirit drinks.

If a registered geographical indication is contained in a filed trademark application or in the corresponding trademark registration certificate, this is a basis for refusing to grant the trademark or the basis for cancellation the relevant trademark registration.

For instance, signs shall not be registered as trademarks if they contain geographical indications which are registered or filed for registration in Ukraine or which obtained legal protection under the relevant international agreement, provided that the use of the applied sign involves the use of the geographical indication’s reputation and/or the applied sign is misleading as to the particular quality, characteristic or the actual origin of the goods. The said signs may be used only as non-protected elements of marks of the persons who have the right to use the said indications.

At the same time, the geographical indications cannot obtain legal protection (be registered) in Ukraine if they are identical or misleading similar to trademark. This rule applies if, considering the reputation of fame of the trademark, the registration of respective geographical indication may confuse the consumers as to the source of the goods.

There is no specific infringement exemption for entities entitled to use the geographical indication, in case of existence of identical registered trademark. However, the entities entitled to use the geographical indication can oppose the conflicting trademark registration by filing claim to the court.

The use of an unregistered geographical indication is permitted only if the name of the country of origin is clearly and distinctly indicated on the label.

[P] Restoration after unintentional lapse

If during the prosecution the applicant has missed a term due to justifiable circumstances, he may apply to the Office for reinstatement of the missed term subject to payment of the

reinstatement fee; the application for reinstatement can be filed within six months from the date of expiration of the term.

Restoration of a trademark lapsed due to a missed renewal term is not applicable, as a grace period of six months is available.

If the applicant fails to submit the additional materials within the term determined, the application shall be deemed to have been withdrawn, of which the notification shall be sent to the applicant.

[Q] Specific Aspects of Regional Trademark Registration

Not applicable in this jurisdiction.

[R] Specific Aspects of International Trademark Registration

Ukraine is both a party to the Madrid Agreement Concerning International Registration of Marks (since 21 September 1992) and the Protocol thereto (since 29 December 2000). Consequently, protection of marks in Ukraine may be obtained by those applicants who are entitled to the benefits of the Madrid Agreement and the Protocol to the Madrid Agreement through filing an international trademark application designating Ukraine.

The period of examination in relation to Ukrainian designations of International marks is limited to twelve months, and this period starts running from the notification date.

International applications designating Ukraine are examined according to national law, and may be opposed in the same manner.

[S] Fees

No small entity fee reduction is possible.

[1] Table of official fees

The fees for trademark registrations below are indicated in Ukrainian national currency (UAH).

Filing an application for registration of a trademark:	
– in one class	4,000.00
– in one class in case of online filing	3,200.00
– each additional class over one	4,000.00
– in one class in case of online filing	3,200.00
– additional fee if the trademark is in colour	1,000.00
Fee for registration and issuance of a certificate for trademark:	
– publication fee for each class	600.00
– additional fee if the trademark is in colour	200.00
– registration fee	USD 200.00*
Renewal fee:	
– in one class	12,000.00
– each additional class over one	1,200.00

Surcharge for payment within six months from the due date	50% of the amount
Fee for filing of:	
– opposition against granting the legal protection of trademark	2,000.00
– opposition to the Chamber of Appeals against the decision of the Office regarding trademark registration	3,400.00

* Payment of the registration fees is governed by the Decree of the Cabinet of Minister of Ukraine ‘On the State Duty’ of 21 January 1993, last revised on 12 June 2019. The Decree sets the respective amounts of the registration fees in USD.

[T] Transitional Provisions

Not applicable in this jurisdiction.

[U] Specific Trademark Issues

Not applicable in this jurisdiction.

[V] Governmental Websites

- <https://ukrpatent.org/en> (Ukrainian Intellectual Property Institute)
- <https://sis.ukrpatent.org/en/search/simple/> (Register)

PART 3 UTILITY MODELS

§3.01 SUMMARY

[A] Duration of Registration

- 10 years from the filing date.

[B] Registrable / Not Registrable

- The requirements are novelty and industrial applicability.
- Not registrable are plant varieties and animal breeds; methods for treatment of the human or animal body; processes of the reproduction of plants and animals that are biological in its basis; discoveries, scientific theories and mathematical methods; methods of intellectual, economical, and commercial activity; rules for exercise, games, contests, auctions; computer programs; methods of presentation of information.

[C] Novelty

- Absolute novelty is required.
- A grace period of 6 months preceding the filing/priority date applies.

[D] Filing Requirements and Application Procedure

- Filing language: any
- Language of translation: Ukrainian
- Time limit for filing of translation: 2 months from the filing date
- A utility model is registered after formal examination.

[E] Governmental Websites

- <https://ukrpatent.org/en> (Ukrainian Intellectual Property Institute)
- <https://sis.ukrpatent.org/en/search/simple/> (Register)

§3.02 DETAILED INFORMATION

[A] Conventions and Legislation

[1] Conventions

- Paris Convention (International Union) 1883–1967;
- Convention Establishing the World Intellectual Property Organization (WIPO Convention) 1967;
- Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents 1961;
- Patent Cooperation Treaty (PCT) 1970;
- Strasbourg Agreement Concerning the International Patent Classification (IPC Union) 1971;
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (Budapest Union) 1977;
- UPOV Convention, 1961 – 1991;
- WTO TRIPS Agreement, 1994;
- Patent Law Treaty (PLT) 2000; and
- Ukraine – European Union Association Agreement, effective of 1 September 2017.

[2] Laws

- Chapter 39 of Part IV of the Civil Code of Ukraine, effective since 1 January 2004;
- Chapter 14 of the Commercial Code of Ukraine;
- Law No. 3687-XII ‘On the Protection of Rights to Inventions and Utility models’, effective since 1 July 1994;
- Law No. 703-IX ‘On the Creation of the National Intellectual Property Office (NIPO)’, dated 16 June 2020; and
- Law No. 816-IX ‘On Amendments to Certain Legislative Acts Concerning the Reform of Patent Law’, effective since 16 August 2020.

[B] Duration of Registration

Ten years from the filing date of the application. If the utility model is registered under a divisional application, the term shall be counted from the filing date of the parent application.

[C] Requirements for Renewal

Annuity fees are to be paid counted from the filing date. However, the annuity fees of the years before registration of the utility model are to be paid during the four months after the date of publication of the utility model. Subsequent maintenance fees are paid annually counted from the filing date, during the four months before the due date. There is a grace period of one year for payment of the annuity fee. During the grace period, the annual fee is increased by 50%. As to the possibility of restoring a lapsed utility model due to non-payment of the annuity fee, see ‘Restoration after unintentional lapse’.

[D] Registrable / Not Registrable

A utility model may be obtained for a device; a system of devices; a construction; a substance; a microorganism strain, a culture of cells of plants or animals or other biological material including a transgenic plant and transgenic animal, or a process (methods of: producing; processing; transformation of substances, energy, data; measurement; a technological process). To be registrable, a utility model must be new and be susceptible of industrial application. Utility model shall be considered to be new if it does not form part of the state of the art. Utility model shall be considered as susceptible of industrial application if it can be used in industry or other sphere of activity.

Not registrable are plant varieties and animal breeds; processes of the reproduction of plants and animals that are biological in its basis and do not belong to non-biological and microbiological processes;

methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practiced on the human or animal body;

processes for cloning human beings; processes for modifying the germ line genetic identity of human beings; use of human embryos for industrial or commercial purposes; processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit to man or animal, and also animals resulting from such processes;

topographies of integrated circuits; results of design constructing; discoveries, scientific theories and mathematical methods; methods of intellectual, economical, and commercial (planning, financing, supply, accounting, credit, forecasting, valuation, etc.) activity; rules for the exercise, games, contests, auctions; projects and plans of constructions, buildings, areas; legends (road signs, routes, codes, fonts, etc.), schedules and instructions; computer programs; methods of presentation of information (e.g., in form of tables, charts, diagrams, acoustic signals, pronunciation of words, visual demonstrations, books, audio and video discs).

[E] Novelty

Utility model shall be considered to be new if it does not form part of the state of the art. For the purpose of determining the novelty of claimed utility model, the state of the art is deemed to comprise any kind of information made available to the public anywhere in the world before the filing or priority date (absolute novelty requirement). The state of the art also includes a content of any patent application in Ukraine (including an international application, in which Ukraine is designated) in the wording, in which this application has been primarily filed, provided that its filing date (if the priority has been claimed, the priority date) is earlier and that the application is published (before or after). The contents of earlier applications as mentioned above are taken into consideration when determining the novelty of a utility model. The whole contents of earlier applications are to be considered in determining the novelty.

[1] Grace period

The recognition of a utility model as a registrable one does not depend on the disclosure of information about the utility model by an inventor or by a person which has received such information directly or indirectly from an inventor within six months before the date of filing/priority of the application. The burden of proof in this respect is on the person, who is interested in using this provision.

[F] Ownership and related rights*[1] Applicant*

The inventor, the employer of the inventor, or his/her legal successor (individual, legal entity), the joint inventors. Foreign individuals and legal entities may for and obtain protection on the basis of international treaties to which Ukraine is a party. An inventor shall submit to the employer a written report on the invented employee's utility model with the description that discloses the subject-matter of the utility model quite clearly and completely. An employer shall file the application for obtaining a utility model or transfer the right to obtain a utility model to another person, or make a decision on reservation of an employee's utility model as confidential information within four months from the date of receipt of the report from the inventor. Within this period, the employer shall conclude with the inventor a written agreement defining the amount and conditions of payment of a remuneration to the inventor (or its successor) according to the economical value of the utility model and (or) another benefit that may be derived by the employer. If an employer fails to comply with mentioned term of four months the right to obtain a utility model shall be transferred to an employee. In this case, preference for acquisition of a license shall be given to the employer. The period for reservation of an employee's utility model as confidential information by an employer or an employer's successor under the condition of its non-use shall not exceed four months. Otherwise, the right for obtaining a utility model for an employee's invention shall be transferred to an inventor or an inventor's successor in title.

[2] Assignment

If an assignee applies for a utility model, proof of his/her right to apply (deed of assignment) need not to be filed when filing the application.

If, after filing, the applicant assigns his/her right to be registered a utility model to another person, the request for recordation of change of applicant should be submitted to the Office. The request should contain: an indication to the effect that a recordation of change of applicant is requested; consent of the new applicant; the name and address of the applicant and the new applicant; and the name of a State of the new applicant. The request should be signed by both the applicant and the new applicant. Legalization is not required.

After registration of a utility model, an assignment contract must be registered with the Office. The effective date of the assignment is the date of its State registration.

After registration, no legalization is required for the assignment contract in general. In case when a party has signed a document 'by Power of Attorney', notarization is required. A person who has signed a document should have authority for this action. Utility model number and its title must be indicated in the assignment. An assignment should be signed after the registration date.

The request for registration of an assignment contract could be filed by any party to the contract and should be accompanied by original copy of the contract or notarized extract from the contract, two simple (uncertified) copies of said contract, and power of attorney in case the request is filed by the representative of requesting party.

[3] Licenses

Voluntary exclusive and non-exclusive licenses under a utility model may be granted. License agreement is not subject to obligatory registration in Ukraine. A party to the agreement shall have the right to register the license in the State Register of Utility Models (same conditions as for assignment).

The following clauses should be obligatory and included in the license agreement in order to be registered:

- (1) parties of the license agreement;
- (2) subject-matter of the license agreement;
- (3) utility model number;
- (4) name of the utility model;
- (5) the rights of use granted;
- (6) type of the license (exclusive, non-exclusive);
- (7) the term of the license agreement;
- (8) territory of the license agreement;
- (9) addresses of the parties of the license agreement.

Compulsory licenses may be granted in the following cases.

(A) Non-working cases

If a utility model is not or not sufficiently worked in Ukraine without justified and legitimate reasons within three years from registration or a date when the use of the utility model has been suspended, any person who desires to use the utility model and is able to use it, but who did not succeed in concluding a license agreement with the owner may apply to the Court for the grant of a non-exclusive compulsory license. The decision granting the license will establish the limits and the period of use of the utility model, the royalties to be paid and the mode of payment. The utility model owner's right to grant licenses to the third parties should not be limited.

(B) Dependent utility models

The utility model owner that has an earlier priority is obliged to grant a license to the utility model owner who cannot execute his/her registered utility model without violating the earlier utility model, provided that the later utility model has better technical and economic indices or aimed for another goal. In this case, cross licensing is available.

(C) National defence cases

The Government may authorize the use of a registered utility model without the consent of the owner of the utility model, if this would be required in the interest of the national defence, provided that remuneration is paid to the owner of the utility model comparable to a normal remuneration for a license. Disputes concerning the amount of the remuneration are to be settled by the Court.

License of right

The owner of a utility model may request the Office to publish a notice to the effect that he/she undertakes to grant a right to use the registered utility model to any interested party; such notice can be withdrawn in case the utility model owner has not received any offer to execute a license agreement. The annual maintenance fees for a utility model in respect of which such notice has been published shall be reduced by 50% commencing with the year following the year in which the notice was published. A person who wishes to use the utility model in respect of which such notice has been published must agree upon remuneration with the owner of the utility model. Disputes relating to the terms of the contract are to be settled by the Court.

[4] Pledge and Seizure

A utility model can be pledged on the basis of a pledge agreement. A pledge agreement can be voluntarily registered in the State Register of Encumbrance of Chattels upon filing an application. Registered pledge has a priority over not registered one. In case of a pledge agreement, the pledger can use the utility model and/or assign it without approval of the pledgee in case the pledge agreement does not provide to the contrary.

Assignment of the utility model is possible only upon consent of the pledgee.

Seizure of utility models can be performed upon the decision of the relevant state authorities (such as Department of State Executive Service, police authorities etc.) the seizure is subject to registration in the State Registry of Encumbrance of Chattels. The seizure of utility models is performed according to procedure that applies to any movable properties.

The laws of Ukraine do not prescribe the procedure of registering any documents related to pledge and seizure with the Office.

[G] Filing Requirements

[1] Obligation to file first with national office

Ukrainian applicants may file abroad a corresponding application after three months from filing of first application with the national Office. However, if necessary, the Office may authorize the filing of an application abroad before expiration of said period upon the request.

Filing abroad in accordance with the Patent Cooperation Treaty of a utility model shall not be allowed without prior filing of the first application with the national Office if all applicants are Ukrainian (legal entity or individuals).

[2] Minimum requirements for obtaining filing date

The filing date shall be considered to be the date of receipt by the Office of the application containing a request for registration, information about an applicant and its address, a material which may be considered as a specification with drawings if there is a reference to them in the specification, a part of the material which may be considered as claims.

[3] Request for registration

The request for registration should be made on a printed request form prescribed by the Office (or free form) in Ukrainian language and must contain name and address of the applicant, full name and address of the inventor(s) and title of the utility model. The request should be signed by the applicant or on his/her behalf by his/her duly authorized representative.

[4] Appointment of Representative

Applicants not residing or established in Ukraine must appoint as representative a patent attorney registered with the Office. Appointment of the representative may be filed with the Office in a power of attorney (general power of attorney is acceptable).

[5] Power of Attorney / Designation of creator / Other documents

Power of attorney must be signed by applicant. No notarization and legalization required (bilingual form is acceptable). The power of attorney is to be filed with request for registration or during two months after receiving an appropriate official notification.

Name and address (only for Ukrainian resident for national applications) of the inventor and his residence should be indicated in the application. The inventor may request not to be mentioned.

[6] Priority

Convention priority is to be claimed on filing the application or within three months from the filing date. The priority term under the Paris Convention is twelve months. No priority may be claimed from an application for which an earlier priority has been claimed already. As to the possibility of restoring priority right, see ‘Restoration after unintentional lapse’.

A priority document certified by the competent authority must be filed within three months from the filing date. This term may be extended for two months in case of force majeure, provided that the corresponding fee is paid.

A (non-certified) translation into Ukrainian may be requested by the Office. In general, filing of a translation is not required. If required, a translation should be filed within two months from the date of the invitation.

No exhibition priority is available.

[7] Allowable language(s) upon filing / Language(s) of procedure

Upon filing, the request part of the application, including the name and address of the applicant, should be filed in Ukrainian. The specification part of the application including drawings (if any) and claims may, for the purposes of the filing date, be filed in any language. A translation into Ukrainian of any part of the application that is not in Ukrainian should be filed with the Office during two months from the filing date. The translation need not be certified.

The language of procedure is Ukrainian.

[8] Description

The description must disclose the utility model in sufficient details for it to be carried out. The description shall first state the title of the utility model and shall contain the following parts:

- the technical field(s) to which the utility model relates;
- the background art known to the applicant with reference to the sources of information about the analogues of the utility model;
- the summary of the utility model in which the essential features of the utility model, technical problem, as well as technical result that can be obtained due to the utility model should be demonstrated in the brief description of drawings (if any);
- the description of a utility model shall be presented in the defined order and shall disclose the subject-matter of a utility model in a manner sufficiently clear and complete for the utility model to be carried out by a person skilled in the art.

[9] Claims

The following claims are allowed:

- device claim;
- process (method) claim.

Claims shall disclose the subject-matter of a utility model, shall be based on the description and shall be clearly and concisely represented in the defined order. The claims should contain a preamble reflecting the purpose of the utility model and a body including the features of the utility model. The body may (not obligatory) consist of a pre-characterizing part and a characterizing part. The claims must define the essence of the utility model and be completely supported by the description.

Only one independent claim may be included (requirement of unity for utility model). In case of two or more independent claims, the Office will propose to exclude additional independent claims. The applicant has the right to file divisional utility model applications for excluded claims before the decision on parent application.

Alternative features may be used both in independent and dependent claims. An independent claim should be one sentence. Product by process claim is applicable.

Dependent claims referring to the preceding independent claim are allowed. A claim with multiple dependency is allowed. A dependent claim may contain additional and/or detailing features, said detailing features developing the features of characterizing and/or pre-characterizing part of the independent claim. A feature of a dependent claim should not replace or exclude a feature of an independent claim. There is no limitation to the number of dependent claims.

[10] Abstract

The abstract is prepared only for information purposes. It may not be taken into consideration for other purpose, in particular for interpreting utility model claims and determining the state of the art.

[11] Drawings

Drawings shall be presented where they are necessary for understanding of the claimed utility model. The drawings must be fit to be photographically reproduced. Text is not allowed in drawings, except, where absolutely necessary, for a few brief legends, such as ‘water’, ‘steam’, ‘open’, ‘closed’, ‘section on line A-B’, and the like etc. (in Ukrainian). The figures of the drawings are to be numbered consecutively. Photos shall be presented only as an addition to the drawings.

[12] Payment of fees

The document confirming the payment of the filing fee is to be filed on the filing date or in the course of two months after the filing date. This term may be extended up to six months, provided the corresponding late fee is paid.

[H] Application Procedure

[1] Filing Authority

Currently the Ukrainian Intellectual Property Institute, which is to be transformed into the National Intellectual Property Office, in accordance with Law No. 703-IX on the creation of the National Intellectual Property Office (NIPO), dated 16 June 2020.

[2] Online filing

Online filing is available. In order to use online filing, a special agreement with the Office is required.

[3] Examination

Utility model applications are not subject to substantive examination, but examined as to formalities only.

Formal examination of a utility model application starts after the setting of the filing date by the Office. During the formal examination, an application examined as to compliance of application materials with the formal requirements. Furthermore, requirement of unity for utility model (only one independent claim is allowed) is checked up.

If the formal requirements are not met, an applicant has the right to reply to the official action within two months from the date of notification (or within the extended period, if extension was obtained in time). If an applicant fails to correct the defects and to submit the corrected or lacking documents in time, the application shall be deemed withdrawn.

If the requirement of unity for utility model is evidently not met, an applicant shall be invited within two months to indicate which of the utility models claimed should be examined; if applicant does not indicate which utility model should be examined within said term, the examination shall be carried out only in respect of the utility model claimed first.

The applicant may at his/her own initiative amend or correct the application.

Any person may submit to the Office a request for an examination of a utility model for compliance with the conditions of patentability. The conclusion prepared by the Office on the conformity of the utility model to the conditions of patentability shall be sent to the person who filed the request and to the patent owner. The conclusion of the Office may be brought by the person who filed the request, in proceedings at the court or the Chamber of Appeals in order to invalidate the rights to the utility model.

[4] Amendments and corrections

Amendments and corrections which do not enter ‘new matter’ can be included into the application before the payment of granting fees. The change of the applicant in case of changing the applicant's name, merger and/or assignment of right can be made before Decision or Refusal is made by the Office. The amendments are deemed to enter ‘new matter’ in case they add ‘new matter’ features to the claims. The correction of obvious and clerical errors in the application can be made before Decision or Refusal is made by the Office.

The Office shall rectify obvious and clerical errors therein after registration of the utility model.

[5] Registration

If in the examination as to form it is found that the formal requirements of the utility model are met and the utility model claimed is eligible for protection, a decision to register the utility model shall be made. On registration, a fee is due after payment of which the particulars of the registration will be published in the Official Bulletin, the utility model entered in the Register of Utility Models, and a letters patent issued.

[6] Accelerated registration

Not applicable in this jurisdiction.

[7] Opposition / Re-examination

Not applicable in this jurisdiction.

[8] Appeal

An appeal against the Decision of the Office may be filed with the Chamber of Appeals within two months from the receipt of the appropriate Decision. The decision of the Chamber may be appealed in Court.

[9] Unity of creation

Unity of the utility model requirement is met if the utility model contains one independent claim.

Divisional applications may be filed following an office action stating that the utility model does not meet the unity requirement.

[10] Divisional applications

Divisional applications may be filed before the date of receipt of the decision of the Office on the application.

[11] Branched-off applications

Not applicable in this jurisdiction.

[12] Conversion

A utility model application may be converted into a patent application prior to the date of receipt of the decision of the Office on the application. In case of conversion, the date of filing of the application and priority date shall be retained.

[13] Publication / Public File Inspection

A utility model application is not published. Publication is provided after registration.

[14] Withdrawal to prevent publication

An applicant can withdraw the application before payment of the registration and publication fees. After payment, the information about the registered utility model shall be published.

[I] Nullity and Revocation

A utility model can be nullified through court actions or submitting a request with the Chamber of Appeal.

A utility model can be nullified through a court action on the following grounds:

- (1) the utility model does not meet the registrability conditions;
- (2) the claims of the utility model as registered contain features that did not appear, as on the date of filing, in the description and in the claims (if the application contained such claims on the date of filing);

- (3) the utility model application was filed with infringement of the rights of a third person;
- (4) the utility model application has been filed abroad by a Ukrainian resident without filing an application at the national Office first.

Partial nullification is possible.

Additionally a utility model can be nullified on the ground of non-conformity with the registrability requirement by submitting a request with the Chamber of Appeal during the entire lifetime and even after its termination (with the possibility of further challenging of the Appeal Chamber decision in the court).

The utility model owner can cancel a utility model either by filing an appropriate request or by non-payment of the maintenance fee.

[J] Use Requirement

If a registered utility model is not or not sufficiently worked in Ukraine without justified and legitimate reasons within three years from registration date or within three years from the last use, any person who desires to use the utility model and is able to use it, but who did not succeed in concluding a license agreement with the owner may apply to the Court for the grant of a compulsory license. A utility model shall be deemed used in a product or a process, if the product contains, and the process involves each feature of the utility model stated in an independent claim of utility model, or a feature equivalent to it.

[K] Marking

The Law prescribes the right of the patent holder to indicate the utility model details on the product and / or packaging produced with the use thereof. However, patent marking is not mandatory. At the same time, the marked products may have implications for awarding compensation in case of past infringement.

Since marking is not mandatory, there is no penalty for non-marking. False marking is prohibited on the basis of the Consumers' Rights Protection Law and Protection against Unfair Competition Law.

[L] Infringement

[1] Infringing acts / Non-infringing acts

The following acts done by a third party without the consent of the owner of the utility model are deemed utility model infringement:

- (1) in the case of a registered product, the manufacture, use, offer for sale as well as through the Internet, sale or other form of commercialization or storage for that purpose of the registered creation;
- (2) in the case of a registered process, the use of the registered process or offer, the registered process for use, if the infringer knows that the use of the registered process is forbidden without authorization of the owner or such circumstance is obvious.

Infringement actions are to be brought before the competent Court or in case of an unfair competition case before the Antimonopoly Committee of Ukraine.

The following are not deemed infringement:

- (a) use of the utility model in construction of a foreign country vehicle or during the use of a foreign country vehicle that temporarily or accidentally entered the territory of Ukraine, provided that the patented invention is used exclusively for needs of such vehicle;
- (b) use without commercial purpose;
- (c) use for scientific research and experimental purposes only;
- (d) use in cases of emergency (such as a natural disaster, catastrophe, epidemic etc.), provided that the owner subsequently is paid an equitable compensation;
- (e) the importation of the product manufactured with the use of the utility model if the aim thereof is the research in the framework of preparation for the obtainment of the marketing authorization for the pharmaceutical product (Bolar provision).

Parallel import does not constitute infringement.

[2] Prior user rights

A person who before the filing date or priority date has used a registered utility model in own interests, with commercial purpose and in good faith or has carried out a considerable and serious preparation for such use retains a right to a free of charge continuation of this use or to the use of a registered utility model as this was contemplated by said preparation (right to prior use).

The right to prior use may be transferred or passed to another person only together with an enterprise or business practice or with that part of an enterprise or business practice where a registered utility model applied for has been used or a considerable and serious preparation to such a use has been carried out.

[3] Remedies

Available remedies include the following:

- (a) injunction;
- (b) award of damages;
- (c) confiscation of infringing products and devices for its manufacture;
- (d) destruction of infringing articles;
- (e) order for performance of specific actions or order to refrain from performance of specific actions;
- (f) other remedies.

Costs depend on the amount of claims. As to the official fees for damages, see 'Table of official fees'.

A civil utility model enforcement procedure may be described as follows:

- (a) a utility model owner collects evidence of infringement;
- (b) a complaint is prepared, filed and sent to the defendant;
- (c) formal consideration of the complaint by the judge. If the complaint meets the formal requirements the judge brings a court action and set the court hearing. Simultaneously, the judge requests from parties the necessary documents and proposes the defendant to file a statement of defence;
- (d) at the first hearing the court clarifies the circumstances of the case, asks the parties to deliver all their arguments and provide all evidence, and decides whether additional evidence is required and whether other persons or expert opinions are required;
- (e) the cases at the first instance court are usually decided by one judge. Nevertheless, a court may consider that the case should be decided by a jury;

- (f) conciliatory procedure and amicable agreement (if any);
- (g) legal positions of the parties are presented during the hearing; the court puts its questions and studies available evidence;
- (h) at the end of the hearing the court retires for passing a decision, and the substantive part of said decision is announced before the parties leave; the said substantive part states if the claim is rejected or met in full or in part. The full text of the court decision mentioning the facts, results of investigation and motives of the decision will be prepared by the court within five working days and sent to the parties. This is the final stage of consideration of the case in the first instance court;
- (i) during ten days term from the date on which the full text of the court decision is prepared, any of the parties may appeal against the said court decision with the court of appeal. In case no appeal has been filed within said one term, the decision of the court of first instance comes into force and may be enforced through the Department of State Executive Service;
- (j) appeal procedure is shorter than one in the court of first instance, and most cases are decided in one-three hearings within two months from the date of filing the appeal. An appeal is considered by three judges. The resolution of the court of appeal comes into force on the moment when it is adopted;
- (k) within one month, the resolution of the court of appeal may be appealed with the court of cassation instance. The procedure usually takes one court hearing and the decision comes into force the moment when it is adopted.

The instance of appeal (j) and the instance of cassation (k) may cancel the decisions of lower instances, and either adopt a new court decision or return the case to a lower instance for further consideration. An important feature is the following: the consideration of the court of cassation is limited to the facts established by the courts of lower instances, and to that evidence which is provided within the case. New evidence can be provided only in the court of appeal and only when there are reasonable grounds for non-submission thereof earlier.

[4] Penal provisions

Administrative liability for the unauthorized use, and/or unlawful usurpation of authorship to a registered utility model, and/or any other infringement of rights to a registered utility model, is envisaged by the Code of Ukraine on Administrative Offences. The Code provides for imposing the fine together with confiscation of goods unlawfully manufactured, and confiscation of material and equipment used for unlawful manufacturing.

The criminal liability for infringement of utility model rights is established by the Criminal Code of Ukraine that provides for a fine or up to two years of correction works, or up to six years of imprisonment.

In case of gross violation, the executive officers of the legal persons can also be debarred from holding the executive positions, and/or be debarred from performing specific business operations for up to three years.

[5] Enforcement and Customs

A utility model is not subject to customs registration and clearance. Enforcement actions (civil, criminal and administrative) are available with the court.

[M] Restoration after unintentional lapse

If during the examination procedure the applicant would not have observed the term due to justifiable circumstances he/she may apply for reinstatement of the application on payment

of the reinstatement fee and furnishing of evidence of the circumstances concerned. Restoration of failure to meet a time limit is possible within six months from expiration of the missed term. In case of lapse of a utility model due to non-payment of the annuity fee, restoration is not applicable, as a grace period of twelve months is available.

Restoration of priority right is possible within two months from the twelve-month priority period.

[N] Utility Model Application Based on International Patent Application (PCT)

Utility model applications based on a PCT application can enter the national phase in Ukraine.

In order to effect timely entering Ukrainian national phase, the Request for Registration should be submitted to the Office by the appointed agent within thirty-one months from the filing/priority date.

The Ukrainian translation of the application materials should be filed within thirty-one months from the filing/priority date. This term may be extended with two months. Failure to submit the Ukrainian translation makes the application void in respect of Ukraine.

Power of attorney signed by the applicant is required upon the national phase entry.

The average processing time from entering the national phase to grant is six months.

Because of the requirement of unity of a utility model only one independent claim maybe included. The applicant shall exclude additional independent claims after filing. Divisional applications may be filed before the date of receipt of the Decision of the Office.

Within thirty-one months from the priority date, the national filing fee must be paid.

[O] Fees

Any action on which the fee is stipulated is effected by the Office only after payment of the corresponding fee. Evidence of payment of the prescribed fees should be submitted to the Office.

A small entity fee reduction is possible: if all owners (applicants) are inventors, all fees are reduced by 80% (except for the granting fee).

It is possible to get a refund only for the action which is not carried out by the Office by the date of the refund request. In practice, this means that a refund may be obtained only for examination fee and only before issuing a Notification of starting examination on merits. In any other cases if money has been paid to the Office it is practically impossible to get it back.

If some overpayment takes place the redundant sum may be returned. A special fee and a request is required for returning of paid fees.

[1] Table of official fees

Fees are indicated in Ukrainian national currency (UAH).

Filing of an application	2,400.00
– additional fee for each claim over 3	240.00
– additional fee for every 50 sheets of description and drawings over the first 100 sheets of the application	1,200.00
For filing a request for examination of a utility model for compliance with the conditions of patentability in order to invalidate the utility model	6,000.00
Granting fee	USD 100.00*
Filing an appeal on the Decision of the Office to the Chamber of Appeals	3,400.00

Filing a request for recordal into the Letters Patent	1,600.00
Filing a request for amendments to an application ¹	1,600.00
– for each additional claim ¹	160.00
Filing a request for term extension for filing a response to the official action (only one extension is allowed):	
– for 1–3 months	800.00
– for 3–6 months	1600.00
Filing a request for reinstatement of the missed term for filing a response to the official action (only one extension is allowed):	
– 1–3 months after the missed term	800.00
– 3–6 months after the missed term	1600.00

* Payment of granting/registration fees is governed by the Decree of the Cabinet of Minister of Ukraine ‘On the State Duty’ of 21 January 1993, last revised on 12 June 2019. The Decree sets the respective amounts of the granting fees in USD.

¹ If filed after Decision to Grant, these fees increase by 100%, if filed after Final Refusal these fees increase by 200%

Payment of Annuities (per each year):

Year	1–2	3	4	5
	900.00	1,200.00	1,500.00	1,800.00

6	7	8	9–10
2,100.00	2,400.00	2,700.00	6,300.00

In case of late payment, the annual fee is increased by 50% and may be paid during twelve months from the missed term.

[P] Transitional Provisions

Not applicable in this jurisdiction.

[Q] Specific Utility Model Issues

Not applicable in this jurisdiction.

[R] Governmental Websites

- <https://ukrpatent.org/en> (Ukrainian Intellectual Property Institute)
- <https://sis.ukrpatent.org/en/search/simple/> (Register)

PART 4 INDUSTRIAL DESIGNS AND MODELS**§4.01 SUMMARY****[A] Duration of Registration**

- Registered design: 25 years from the filing date, provided that a five year extension is applied (free of charge) before the expiration of the 10th, 15th and 20th year.
- Unregistered design: protection lasts for 3 years from the date on which the design was brought to the public in Ukraine.

[B] Registrable / Not Registrable

- The registration requirement is novelty and individual character.

[C] Novelty

- Absolute novelty is required.
- A grace period of 12 months prior to the filing/priority date is applicable.

[D] Application Procedure

- A design is registered after formal examination of an application.

[E] Governmental Websites

- <https://ukrpatent.org/en> (Ukrainian Intellectual Property Institute)
- <https://sis.ukrpatent.org/en/search/simple/> (Register)

§4.02 DETAILED INFORMATION

[A] Conventions and Legislation

[1] Conventions

- Paris Convention (International Union) 1883–1967;
- Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents 1961;
- Convention Establishing the World Intellectual Property Organization (WIPO Convention) 1967;
- Hague Agreement Concerning the International Deposit of Industrial Designs (Hague and Stockholm Acts) 1960 – 1967;
- Locarno Agreement Establishing an International Classification for Industrial Designs (Locarno Union) 1968;
- WTO TRIPS Agreement 1994; and
- Ukraine – European Union Association Agreement, effective of 1 September 2017.

[2] Laws

- Chapter 39 of Part IV of the Civil Code of Ukraine, effective since 1 January 2004;
- Chapter 16 of the Commercial Code of Ukraine;
- Law No. 3688-XII ‘On the Protection of Rights to Industrial Designs’, effective since 1 July 1994; and
- Law No. 703-IX ‘On the creation of the National Intellectual Property Office (NIPO)’, dated 16 June 2020.

[B] Duration of Registration

An industrial design registration is valid for twenty five years from the filing date, provided that five year extensions are applied for (free of charge) and annual maintenance fees are paid.

The term of legal protection of an unregistered industrial design is three years from the date it was brought to the public in the territory of Ukraine.

[C] Requirements for Renewal

Annual maintenance fees are to be paid on or before the anniversary of the filing date. However, the first payment of the annual accumulated maintenance fees is to be made simultaneously with the payment of the fee for the grant of the design registration within three months after receiving the decision to grant. For the following maintenance fees the document confirming the payment is to be filed within the two months before the due date. A grace period of six months is available for the late payment of the annual maintenance fee upon payment of a 50% surcharge.

Five year extensions are to be applied (free of charge) before the expiration of ten, fifteen and twenty years from the filing date; a grace period of six months is available.

As to the possibility of restoring a lapsed design due to non-payment of the maintenance fee, see ‘Restoration after unintentional lapse’.

[D] Registrable / Not Registrable

A design is considered an artistic-constructional solution, which determines the outer appearance of an industrially made or hand-made product. A design may be three-dimensional, two-dimensional, a pattern or a combination thereof.

To register substantial features of a design, the latter must be new and possess individual character. As to the requirement of novelty, please see 'Novelty'.

Not registrable are:

- (1) designs lacking the requirement of novelty;
- (2) designs lacking the requirement of individual character;
- (3) the result of intellectual activity in the field of artistic design, embodied or used in a product that is part of a composite product and is invisible during common use of the product; common use of the product is considered to be the end-user use, and the material and technical support, maintenance or repair of the product is not considered common use;
- (4) features of the appearance of a product, stipulated by their technical functions;
- (5) designs being contrary to the interests of society, the principles of humanity or morality;
- (6) products of unstable form such as liquids, gaseous, granular or other similar substances;
- (7) features of the appearance of a product, the size and shape of which must be accurately reproduced in order for one product to be mechanically connected to another product or located inside, around or opposite another product so that each product can perform its function; this provision does not apply to the appearance of products intended for multiple assembly or connection of interchangeable products within a modular structure.

[E] Novelty

A design is considered new, if no identical industrial design has been made available to the public anywhere in the world:

- for a registered industrial design - before the date of submission of the application to the Office or, if priority is declared, before the date of its priority;
- for an unregistered industrial design - until the date on which the industrial design for which protection is requested was first made available to the public.

Industrial designs are considered to be identical if their essential features differ only in minor details.

Furthermore, when determining the novelty of a design all applications filed by other persons in Ukraine having an earlier priority and the documents of which are publicly available, as well as industrial designs that have been registered in Ukraine, are taken into account (and thus may be a bar to novelty).

[1] Grace period

Not a bar to novelty is the disclosure of the design within twelve months prior to the filing/priority date by the author or the applicant or by a person who obtained his/her knowledge directly or indirectly from the author or the applicant. The burden of proof in this respect is on the person, who is interested in using this provision.

[F] Ownership and related rights

[1] Applicant

The author of the design or his/her legal successor or assignee (individual, legal entity). Authors who have created an industrial design by a joint work have equal rights to obtain a registration, unless otherwise provided by an agreement between them.

Foreigners may in principle apply for and obtain protection on the basis of international Conventions to which Ukraine is a party.

The right to obtain a registration would belong to the employer if the design has been created in connection with the fulfilment of official duties or of an assignment by the employer, unless otherwise stipulated by the work agreement (contract). The employer is to conclude a written agreement with the author and under conditions of the agreement to grant the author a reward in accordance with the economic value of the industrial design and other benefits gained by the employer from the industrial design. Disputes as to conditions of obtaining the reward and its amount are settled by the judicial procedure.

Furthermore, the author of the design, which has been created in connection with the fulfilment of official duties submits to the employer a written notification about the industrial design created by him/her together with materials that disclose the essence of the industrial design clearly and completely enough. If the employer does not file an application with the Office within four months from the date of reception of said notification, the right to a registration passes to the author.

[2] Assignment

If an assignee applies for a design registration, proof of his/her right to apply (deed of assignment) need not to be filed when filing the application.

If, after filing, the applicant assigns his/her right to be granted a design to another person, the request for recordation of change of applicant should be submitted to the Office. The request should contain: an indication to the effect that a recordation of change of applicant is requested; consent of the new applicant; the name and address of the applicant and the new applicant; and the name of a State of the new applicant. The request should be signed by both the applicant and the new applicant.

After registration of a design, an assignment contract must be registered with the Office. The effective date of the assignment is the date of its State registration.

After registration, no legalization is required for the assignment contract in general. In case when a party has signed a document ‘by Power of Attorney’ notarization is required. A person who has signed a document should have authority for this action. Design registration number and its title must be indicated in the assignment. An assignment contract should be signed after the registration date.

The request for registration of an assignment contract could be filed by any party to the contract and should be accompanied by original copy of the contract or notarized extract from the contract, two simple (uncertified) copies of said contract, and power of attorney in case the request is filed by the representative of requesting party.

[3] Licenses

The owner of a design registration may grant any person permission (grant a license) for the use of the industrial design on the ground of a license agreement. The Civil Code of Ukraine provides for such types of voluntary license as exclusive, non-exclusive and single license. License agreement is not a subject to obligatory registration in Ukraine. A party to the agreement

should have the right to register the license in the State Register of Industrial Designs (same conditions as for assignment).

The following clauses should be obligatory and included in the license agreement in order to be registered:

- (1) details of the parties to the license agreement (full names, addresses);
- (2) subject of the license agreement;
- (3) design registration number(s);
- (4) name of the registered design;
- (5) scope of licensed rights;
- (6) type of the license (exclusive, non-exclusive);
- (7) the term of the license agreement;
- (8) territory of the license agreement.

[4] Pledge and Seizure

The exclusive right to an industrial design can be pledged on the basis of a pledge agreement. In case of a pledge agreement, the pledger can use the industrial design and/or assign it without approval of the pledgee in case the pledge agreement does not provide to the contrary. Assignment of rights to an industrial design by the pledger is possible only upon obtainment of express consent of the pledgee.

According to the legislation of Ukraine, the intellectual property rights to industrial design can be subject to seizure as any movable or immovable property. Seizure of industrial designs can be performed upon the decision of the relevant state authorities (such as Department of State Executive Service, police authorities etc.). The seizure is subject to registration in the State Registry of Encumbrance of Chattels.

The laws of Ukraine do not prescribe the procedure of registering any documents related to pledge and seizure with the Office.

[G] Filing Requirements

[1] Request for registration

Application on prescribed form, in Ukrainian language, indicating the name and address of the applicant and name, citizenship and address of the author. Evidence of payment of the required fees.

[2] Classification

The Locarno Classification (12th edition) for industrial designs is applicable.

[3] Appointment of Representative

Applicants not residing or established in Ukraine must appoint as representative a patent attorney registered with the Office. Appointment of the representative may be filed with the Office in a power of attorney (general power of attorney is acceptable).

[4] Power of Attorney

A power of attorney is to be issued by the applicant and signed by the authorized person with indication of his name and position in the company and sealed (in case the applicant uses a seal). The date and place of the signature should be indicated as well. The date of signing of the power of attorney must be no later than the application filing date. Neither notarization nor legalization is required. Otherwise, if the power of attorney is issued by way of substitution, it should be notarized. The power of attorney can be submitted within two months from the filing date or within two months from the date of receipt of the Official notification to submit the power of attorney.

[5] Priority

If Convention priority is claimed a certified copy (certified by the competent authority) of the prior (basic) application should be filed to the Ukrainian Intellectual Property Institute within three months from the application filing date. If these materials are filed untimely, the right to priority of the application is considered lost.

[6] Description

Description of an industrial design must be provided in Ukrainian. If the original description is provided in any other language than Ukrainian, its translation may be filed within two months from the filing date.

The description should disclose in the verbal form an external appearance of a design shown in the illustrations. Description starts with a title of the design. The description should contain: first name and surname of the author of industrial design; destination and field of use of the design; a list of illustrations, providing a full and detailed perception of the external appearance of the article, as well as other materials that illustrate the design (drawing, ergonomic scheme, confection chart) in the case of their submission; disclosure of the essence of the design.

Description shall be used to interpret substantial features of an industrial design.

[7] Graphical representations

Images (photographs, drawings or other reproductions including but not limited to computer scripts) giving a full and detailed impression of the outer appearance of the product made according to the claimed design.

An application for three-dimensional industrial design can contain a general view, front view, left view, right view, back view, top view and bottom view. Their size should be between 3 cm x 3 cm to 16 cm x 16 cm. Pictures of the design should be implemented in the neutral background without any extraneous objects.

For planar industrial design, only one view is sufficient.

Design containing a repeated pattern must contain a separate image of the said pattern.

Designs that can be closed, transformed, etc. (e.g., refrigerators, telephone booths, boxes) may be represented by images of these products in a closed and/or open state.

If colour is an essential feature of the design, then the presented images must be in colour; otherwise, the images should be black and white.

[8] Multiple deposits

An application for a design registration may contain up to 100 designs belonging to the same Locarno class.

[H] Application Procedure*[1] Filing Authority*

Currently the Ukrainian Intellectual Property Institute, which is to be transformed into the National Intellectual Property Office, in accordance with Law No. 703-IX on the creation of the National Intellectual Property Office (NIPO), dated 16 June 2020.

[2] Online filing

Online filing is available.

[3] Search

No search is conducted.

[4] Examination

An application is first formally examined as to compliance with the formal requirements, as to registrability per se, and as to unity of design. In case formal defects are found, applicant will be invited to remedy the same within two months (extension of this period may be requested). Additional material if called for must be furnished within two months. If the defects found are not remedied in time, the application shall be deemed to have been withdrawn. If the application is found to relate to unregistrable subject-matter, it will be refused. If the application does not comply with the requirement regarding the quantity of designs in one application (up to 100 designs in one application) and relatedness of the claimed designs to the same Locarno class, applicant should be invited within three months to indicate which design is to be examined and to correct (if necessary) the initial application accordingly (divisional applications may be filed for the other designs contained in the application, which may retain the filing and priority date of the parent application); if applicant fails to indicate timely which design is to be examined, the design mentioned first in the description should be examined.

According to Ukrainian legislation, a substantive examination is not carried out.

[5] Registration

If the examination is favourable for applicant, a decision to grant a design protection will be taken. A registration fee should be paid within three months from the receipt of Decision of Grant, the term can be prolonged to six months more. A design is registered within the responsibility of its owner without a guarantee of validity of the design.

[6] Opposition / Re-examination

Not applicable in this jurisdiction.

[7] Appeal

An appeal against the Decision of the Office may be filed with the Chamber of Appeals within two months from the receipt of the appropriate Decision. The decision of the Chamber may be appealed in Court.

[8] Publication / Deferred Publication / Public File Inspection

The industrial design is published after grant in the Bulletin. The publication will include, among others, a representation of the design. Postponement of publication is not available.

The entire file is available for any person after publication of the registration.

[I] Nullity and Revocation

The industrial design can be nullified during the entire lifetime and after the lapse of the design protection, on the following grounds:

- (1) non-conformity with the registrability conditions;
- (2) the images of the industrial design as registered contain features that did not appear, as on the date of filing, in the design application;
- (3) the design application was filed with infringement of the rights of a third person.

Partial nullification is possible.

The design registration can be nullified through a court action.

Additionally the design registration can be nullified on the ground of non-conformity with registrability requirements, through the Appeal Chamber (with the possibility of further challenging of the Appeal Chamber decision in the court).

The owner of design registration can renounce the registration partly or as a whole at any time by filing an appropriate request.

[J] Use Requirement

If an industrial design is not used or insufficiently used in Ukraine within three years beginning from the publication date or from the date when the use of the industrial design has been ceased, then any person who wishes and shows up intent to use the industrial design may in the event of refusal of the design patent owner to conclude a license agreement apply to a court with a request for granting him permission for the use of the industrial design.

Considered as the use of an industrial design is the manufacture of a product with use of a registered industrial design, use of such a product, offer for sale, including a sale through Internet, sale, import, and another putting of it into civil circulation or its storage for above-indicated purposes.

An article shall be deemed to have been manufactured using a registered industrial design if the appearance of such product or part thereof gives the informed user the same general impression as the protected industrial design. Unless the patent's owner proves that the fact of non-use or insufficient use of the industrial design has been due to valid reasons, the court awards a decision to grant the interested person a permission for the use of the industrial design

with indication of the scope of its use, period of validity of the permission, amount and procedure of payment of the reward to the design patent owner.

[K] Marking

Marking is not mandatory. However, marked products may have implications for awarding compensation in case of past infringement.

Since the marking is not mandatory, there is no penalty for non-marking. False marking is prohibited due to Consumers' Rights Protection Law and Competition Protection Law.

[L] Infringement

[1] Infringing acts / Non-infringing acts

The scope of legal protection for a design is determined by the images of the design entered in the relevant state register. Such a scope, inter alia, includes any other industrial design which does not differ from the registered one by the general perception of the knowledgeable user. The level of the author's freedom in the course of the design's creation shall be considered while determining the scope of the legal protection.

The following acts, if done without the consent of the owner of the design, are deemed infringement: manufacture of a product with use of a patented industrial design, use of such a product, offer for sale, including a sale through the Internet, sale, import and another putting of it into civil circulation or its storage for above-indicated purposes.

A product is considered manufactured with the use of a patented industrial design if the appearance of such a product or part thereof makes the same general impression on the knowledgeable user as the protected industrial design.

The following are not deemed infringement:

- (a) use of the industrial design in construction of a foreign country vehicle or during the use of a foreign country vehicle that temporarily or accidentally entered the territory of Ukraine, provided that the registered design is used exclusively for needs of such vehicle;
- (b) use without commercial purpose;
- (c) use for scientific research and experimental purposes only;
- (d) use in cases of emergency (such as a natural disaster, catastrophe, epidemic etc.), provided that the owner subsequently is paid an equitable compensation;
- (e) the use with the illustrative or educational purpose, subject to indication of the information source and provided that the acts of such a use do not contradict the fair trade practice and do not affect the normal exploitation of the industrial design;
- (f) entry into the trade circulation of the goods with the use of the industrial design if such goods were first introduced at the market by the rights owner or upon his consent (i.e., parallel import does not constitute infringement).

[2] Prior user rights

Any person who before the date of filing an application or, if priority has been claimed, before its priority date has in interests of his activity used in a good faith in Ukraine an industrial design applied for or carried out a considerable and serious preparation to such a use retains the right to a free of charge continuation of this use or to the use of the industrial design as this was contemplated by said preparation (prior user rights).

The right to prior use may be transferred or passed to another person only together with an enterprise or business practice or with that part of an enterprise or business practice where the

industrial design applied for has been used or a considerable and serious preparation to such a use has been carried out.

[3] Remedies

Available remedies include the following:

- (a) injunction;
- (b) award of damages or compensation;
- (c) confiscation of infringing products and devices for its manufacture;
- (d) destruction of infringing articles;
- (e) order for performance of specific actions or order to refrain from performance of specific actions;
- (f) other remedies.

[4] Penal provisions

Administrative liability for the unauthorized use, and/or unlawful usurpation of authorship to industrial design, and/or any other infringement of rights to industrial design, is envisaged by the Code of Ukraine on Administrative Offences. The Code provides for imposing a fine together with confiscation of goods unlawfully manufactured, and confiscation of material and equipment used for unlawful manufacturing.

The criminal liability for infringement of patent rights to industrial design is established by the Criminal Code of Ukraine that provides for a fine or up to two years of correction works, or up to six years of imprisonment.

In case of gross violation, the executive officers of the legal persons can also be debarred from holding the executive positions, and/or be debarred from performing specific business operations for up to three years.

[5] Enforcement and Customs

An owner of a design registration can file a request for entering his/her intellectual property into the Customs Register of Intellectual property Objects. The customs authorities suspend the release of the goods manufactured with the use of industrial design included into the Customs Register. Upon suspension of the suspected shipment, the Customs authorities notify the right owner respectively. Upon notification, the owner of the design registration can collect samples of suspected goods, make photos thereof, and perform examination to confirm the fact of infringement of his intellectual property rights. In case the fact of infringement is confirmed, the design registration owner can file a suit against the importer/exporter of goods, destroy the counterfeit goods under simplified procedure or initiate other enforcement actions (including criminal / administrative action).

The seizure of infringing goods at the border by the customs authorities is possible upon the decision of the court on application of preliminary measures and filing a claim to the court, on the ground of infringement of rights to design registration.

Additionally, the suspended goods with unauthorized use of a registered design can be destroyed on the border, subject to consent of the owner of shipment, or without such consent after ten days from the customs notification on suspension. The design registration holder shall bare all expenses related to the destruction, unless the shipment owner and the design registration holder agree on the contrary.

The costs connected with storage of the goods at the warehouse are charged from the second day since placing them at the warehouse.

[M] Restoration after unintentional lapse

Restoration of priority right is not possible.

If during the examination procedure the applicant would not have observed the term due to justifiable circumstances he/she may apply for reinstatement of the application on payment of the reinstatement fee and furnishing of evidence of the circumstances concerned. The request for reinstatement should be filed within six months from expiration of the missed term.

Restoration of a lapsed design due to non-payment of the maintenance fee is not applicable.

[N] Specific Aspects of Regional Design Registration

Not applicable in this jurisdiction.

[O] Specific Aspects of International Design Registration

The international registration of industrial designs is applicable in accordance with the Hague Agreement Concerning the International Registration of Industrial Designs (Hague Act of November 1960 and Geneva Act of 2 July 1999).

[P] Design and Copyright Protection

If the design can be deemed as a work of art copyright protection is applicable regardless of the design protection.

[Q] Fees

A small entity fee reduction is possible: in case the author(s) and the applicant(s)/owner(s) of design registration is/are the same, official fees shall be 5% of the appropriate fees (except for the registration fee).

[1] Table of official fees

Fees are indicated in Ukrainian national currency (UAH).

Filing application, basic fee	1,600.00
– each design over 1	200.00
– each embodiment over 10	700.00
Submitting amendments to application	1,600.00
Filing request for term extension up to 3 months	800.00
Filing request for term extension from 3 to 6 months	1,600.00
Registration fees	USD 100.00*
Publication fee for each design representation	300.00
Publishing of each coloured design representation, additional fee	200.00

* Payment of registration fees is governed by the Decree of the Cabinet of Minister of Ukraine ‘On the State Duty’ of 21 January 1993, last revised on 12 June 2019. The Decree sets the respective amounts of the granting fees in USD.

Annuities (each year)

Year	1–2	3	4	5	6
Fees	300.00	600.00	800.00	900.00	1,200.00

7	8	9	10–12	13–15
1,500.00	1,800.00	2,000.00	2,400.00	4,000.00

16–20	21–25
4,200.00	4,800.00

Surcharge for payment within six months from the due date: 50% of the amount.

[R] Transitional Provisions

Not applicable in this jurisdiction.

[S] Specific Industrial Design and Model Issues

Not applicable in this jurisdiction.

[T] Governmental Websites

- <https://ukrpatent.org/en> (Ukrainian Intellectual Property Institute)
- <https://sis.ukrpatent.org/en/search/simple/> (Register)