

NEW APPROACHES TO INTELLECTUAL PROPERTY RIGHTS PROTECTION: THE ROLE OF UANIPIO

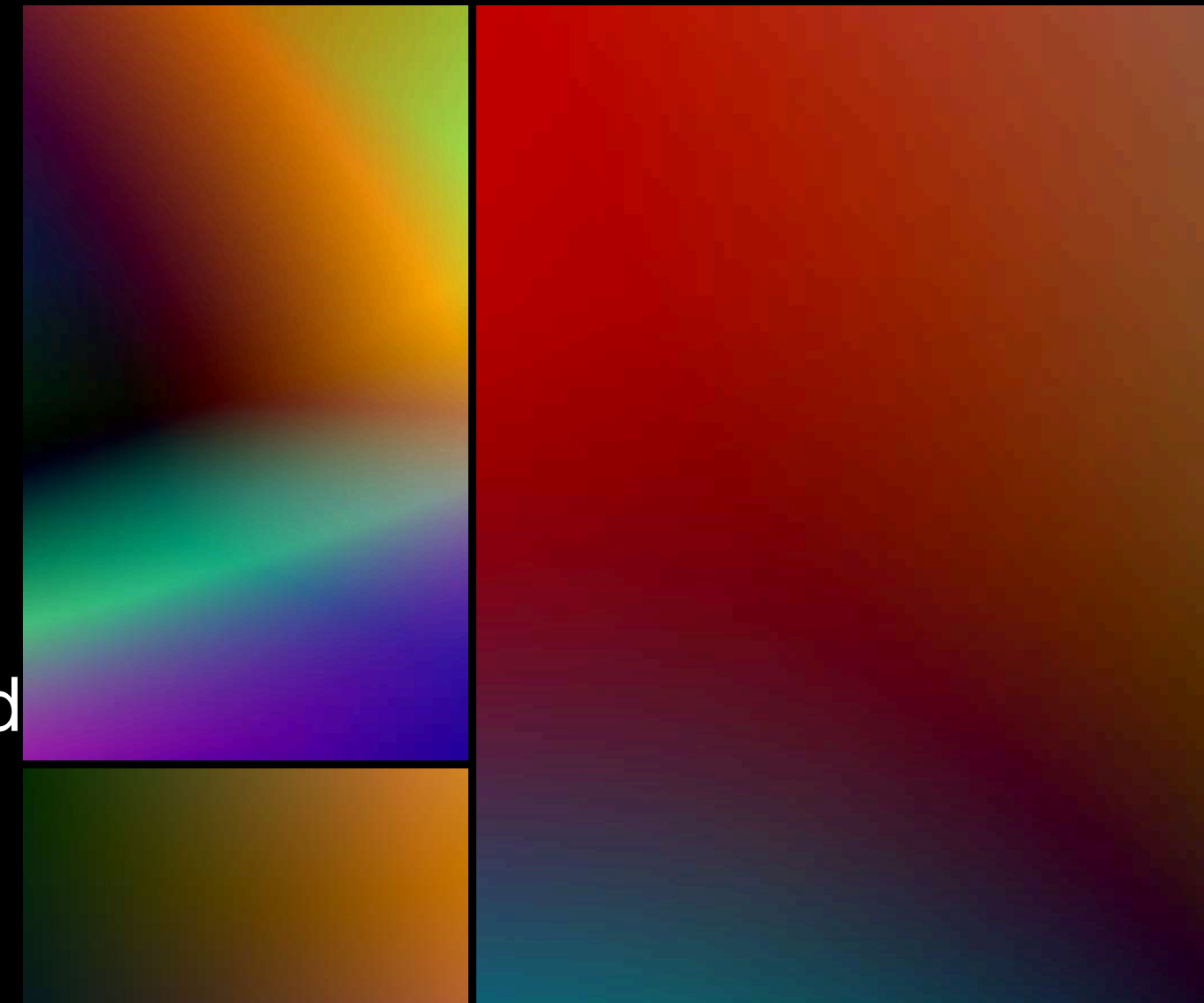
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professional in innovation activity
TISC UANIPIO

PROTECTION OF RIGHTS

- Primarily aimed at ensuring the legal basis for acquiring rights.
- Safeguards the legitimate interests of the parties by creating proper conditions for the realization of their rights.
- Operates on a continuous basis.

ENFORCEMENT OF RIGHTS

- Involves specific actions aimed at restoring an infringed or disputed right.
- Applied in cases where a right has already been or may be violated or challenged.
- The goal of enforcement is to restore the infringed right and hold violators accountable.



IP Strategy: A set of plans and actions undertaken by a startup to protect and manage its intellectual property rights — such as inventions, trademarks, and copyright — in order to gain a competitive advantage in the market.

IP Protection Strategy

IP Commercialization Strategy

IP Management Strategy

IP Enforcement Strategy



Situation:

- The startup founder formed a team
- No NDA or IP assignment agreements were signed
- Only utility model rights were registered

Problem:

- After leaving, employees violated IP rights
- Patents turned out to be weak
- Competitors successfully challenged patentability

Causes:

- Lack of proper employment agreements
- Poor choice of IP protection form
- No IP management strategy at the early stage

Consequences:

- Loss of control over key assets
- Weak legal position in court
- Loss of revenue

Lesson: Ignoring IP issues can ruin the entire project

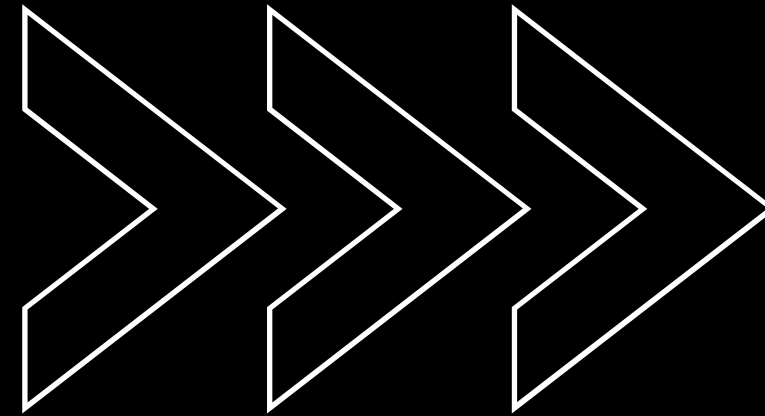
Elements of an Effective IP Rights Enforcement Strategy

When IP rights have been or may be infringed:

- 01 Monitoring and detection of infringements
- 02 Collection of evidence
- 03 Sending warning letters to infringers
- 04 Preventive measures

- 05 Choosing the appropriate form and method of enforcement
- 06 Information and awareness campaigns
- 07 Interim (provisional) measures
- 08 Continuous monitoring and strategy updates

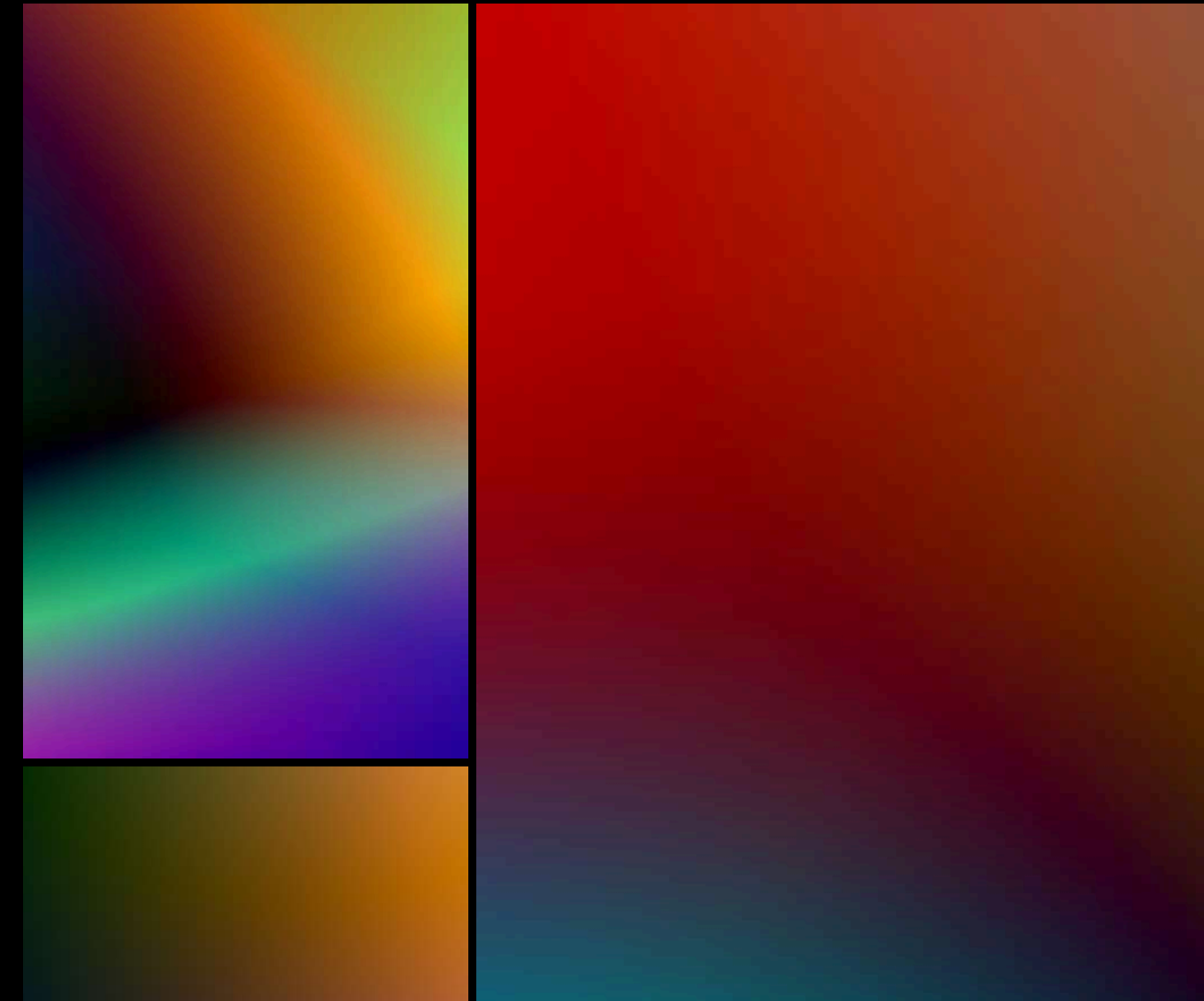
FORMS OF IP RIGHTS ENFORCEMENT



A form of enforcement refers to a set of organizational measures aimed at protecting subjective rights and legally protected interests.

Depending on the entity responsible for enforcement, two main forms are distinguished:

- Jurisdictional enforcement
(judicial and special administrative procedures)
- Non-jurisdictional enforcement
(self-defense, negotiations, mediation, arbitration)



IP Mediation and Facilitation Center

To introduce mediation services in the field of intellectual property, the IP Office launched the Mediation and Facilitation Center, engaging leading mediators who specialize in IP and business mediation and follow the Code of Professional Ethics.

Mediation is an out-of-court, voluntary, confidential, and structured process in which parties, with the assistance of a mediator, attempt to prevent or resolve a conflict (dispute) through negotiations.

This is a new tool for Ukraine's IP system, widely used in developed economies to help creators, inventors, and businesses resolve disputes.

The mediation procedure does not replace the court process but serves as an alternative dispute resolution mechanism offering:

- Greater freedom and flexibility for the parties to shape their own resolution
- An opportunity to preserve business relationships
- Time and cost savings, including on legal representation, expert evaluations, and court fees



THE ROLE OF UANIPO



KEY OBJECTIVES OF THE IP MEDIATION AND FACILITATION CENTER

Raising awareness about IP mediation in Ukraine

Supporting the development of mediation procedures in the IP field

Facilitating the organization of mediation processes for resolving IP disputes

Assisting in the development of training programs for IP mediators on standards and procedures

Promoting international cooperation on mediation with WIPO, other organizations, and national IP offices of foreign countries

The first Discussion Club of the Mediation and Conciliation Center of the IP Office

THE ROLE OF UANIPO

TO FULFILL ITS ASSIGNED TASKS, THE CENTER:

- Conducts awareness-raising activities – provides advisory and methodological support to stakeholders in the IP sphere regarding the application of mediation procedures; organizes and holds various events on mediation; cooperates with the media to promote alternative dispute resolution (ADR) mechanisms in the IP field;
- Develops proposals for improving IP legislation;
- Ensures the conduct of mediation procedures based at the IP Office in accordance with the procedure outlined in the Rules for Conducting Mediation in the Field of Intellectual Property;
- Maintains the Register of Mediators in accordance with the Regulation on the Register of Mediators involved in resolving disputes in the field of intellectual property;
- In cooperation with WIPO Academy, national and foreign educational institutions, leading business schools, and self-governing bodies of mediators (mediator associations), plans and supports the organization of specialized training for IP mediators, as well as the advancement of their qualifications and competencies according to the standards and procedures of IP mediation;
- Participates in the implementation of the Memorandum of Understanding between the Ministry of Economy of Ukraine and WIPO on alternative dispute resolution in the field of intellectual property.

The Center maintains the Register of IP Mediators.

It includes mediators specializing in:

- Intellectual property disputes
- Business mediation

Choosing a Mediator

Parties may independently select a mediator from the Register.

At any stage of mediation, a co-mediator(s) may be involved:

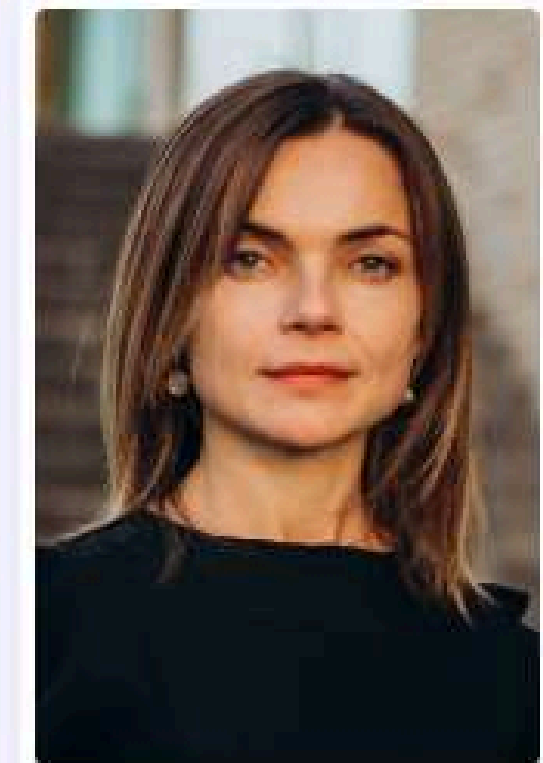
- By mutual agreement of the participants
- By contacting the Center
- From the list of mediators in the Register



Варивода Маркіян



Гаврилук Руслана



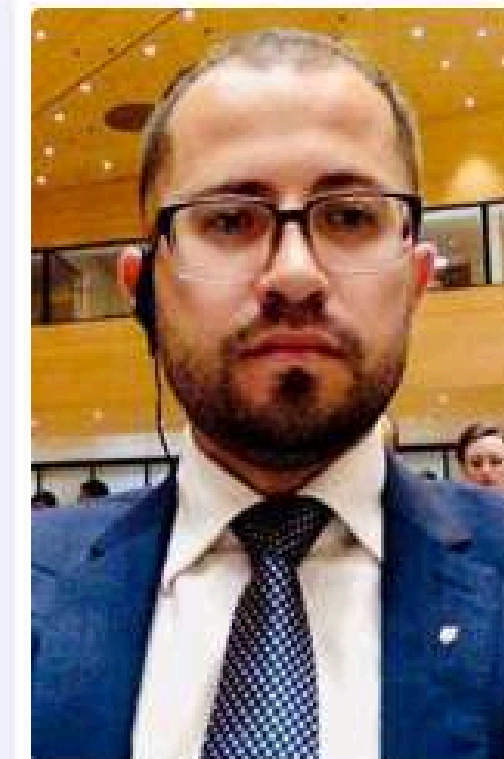
Голдзіцька Ольга



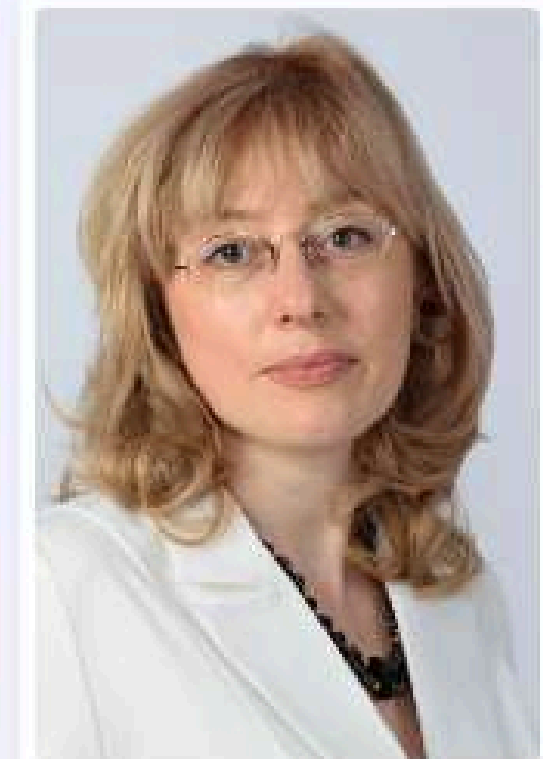
Духовний



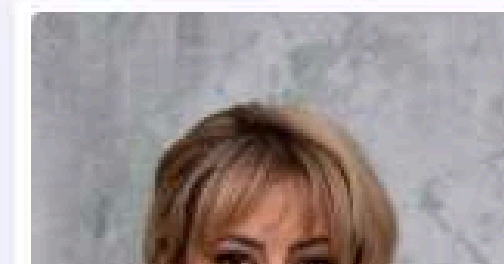
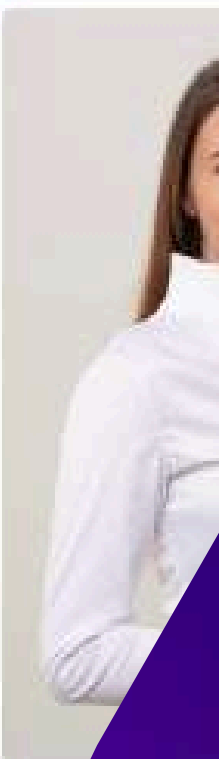
Ковалко Наталія

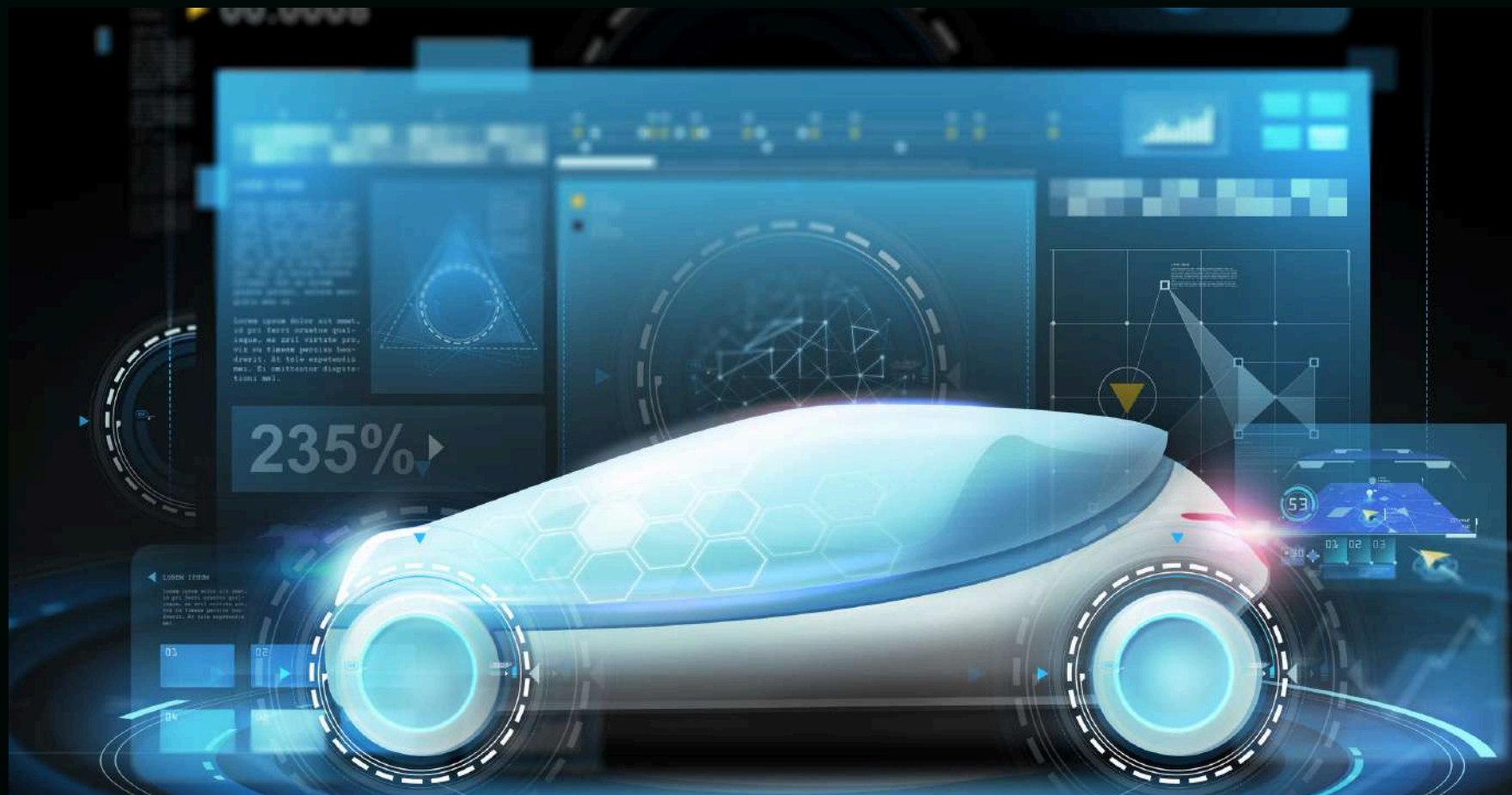


Лавренюк Вадим



Лемещук Наталя





WIPO | ADR

Arbitration and Mediation Center

Royalty Dispute in the Automotive Industry

In one successful IP mediation case in the automotive sector, a U.S. auto parts manufacturer and its European competitor* used the services of the WIPO Arbitration and Mediation Center to resolve their dispute. The disagreement concerned a patent license. The mediation process helped the parties address issues related to royalty payments, ultimately enabling both companies to continue their operations effectively.

This case is an excellent example of how mediation can be a valuable tool for resolving complex IP issues, particularly in the area of patent rights.

*The names of the companies remain confidential, as is standard in WIPO mediation proceedings.



First Successful IP Mediation Case in Ukraine (UANIPPIO)

The case involved Vandog Agency and MHP, with Natalia Kovalko acting as the mediator. The dispute concerned a tender procedure in the creative services sector. As a result of the mediation, the parties confirmed the absence of mutual claims and signed an agreement on future cooperation. They also agreed to jointly develop recommendations to improve tender procedures in the marketing and creative industries. These recommendations can serve as useful guidelines for other market participants, contributing to more transparent and efficient tender processes.

In November 2024, the Ukrainian IP Office held its first successful IP mediation between Vandog Agency and MHP. The dispute concerned a creative tender process. Mediated by Natalia Kovalko, the parties confirmed no mutual claims, signed a cooperation agreement, and agreed to develop joint recommendations for improving tender transparency. An independent review by the All-Ukrainian Advertising Coalition found no copyright infringement, noting the concept in question was not original. However, MHP's process had flaws, including poor communication and undeclared internal involvement. As a result, MHP introduced paid submissions for all creative tenders and restructured its internal procedures. The case highlights the value of IP mediation and sets a precedent for fair conflict resolution in Ukraine's creative sector.



ЦЕНТР СПОСТЕРЕЖЕННЯ

IPR – посилення правових механізмів
у боротьбі з IP порушеннями

The Ukrainian Intellectual Property Rights (IPR) Monitoring Center, established under the IP Office, serves as a national platform to combat counterfeiting and piracy. In 2024, the Center focused on four key areas

Public
IP OFFICE

BOOKS



**ЗАГРОЗИ
ПІРАТСЬКОГО МОРЯ**

Чому навіть коти проти
піддроблених книг

International Cooperation.

Engaged with organizations like REACT, EUIPO, and WIPO, participating in events such as the 5th IP Case Law Conference and seminars on IP rights enforcement in Moldova and Lithuania.

Expert Networking.

Formed working groups addressing digital infringement, public awareness, and law enforcement collaboration. Signed memorandums with entities including the Bureau of Economic Security of Ukraine, the State Customs Service, and OLX.ua.

Public Awareness.

Launched the national campaign "ANTI-PIRACY: BOOKS" in partnership with the Ukrainian Book Institute and publishers' associations. Conducted educational sessions for students, educators, and young lawyers.

Analytical Activities.

Published reports on public awareness of IP rights, statistics on IP-related legal cases from 2019 to 2023, and reviews of anti-counterfeiting technologies and deceptive payment practices.



One of the key tools for digitalization and increasing transparency in combating IP rights violations will be the development of the **Unified Ukrainian IP Portal**, currently under development by the IPR Monitoring Center.

The portal will include:

- information on the importance of IP and the consequences of infringements,
- research and recommendations provided by the Center,
- registries of rights holders, expert institutions, and organizations authorized to destroy counterfeit goods.

This platform aims to strengthen coordination, provide accessible data, and support effective enforcement of IP rights across Ukraine.

АПЕЛЯЦІЙНА ПАЛАТА

The Appeals Chamber is a collegial body of the National Intellectual Property Authority (NIPA) responsible for examining objections to NIPA decisions on the acquisition of IP rights, applications for the invalidation (in whole or in part) of IP rights, and applications for the recognition of trademarks as well-known in Ukraine.

The Chamber has resumed the following functions:

- Examination of objections to UANIPIO decisions on the acquisition of IP rights
- Review of applications for the recognition of trademarks as well-known in Ukraine

In addition, the Appeals Chamber has expanded its scope with new functions and services, offering IP rights holders more effective tools for protecting their rights:

- Examination of post-grant opposition applications for invalidation of IP rights (excluding trademarks)
- Mediation services at any stage of objection or appeal proceedings
- Creation of user accounts in the UANIPIO Information and Communication System (ICS) for electronic document submission with qualified electronic signatures
- Storage of video and audio recordings of online hearings in the ICS system
- Simplified requirements for conducting consumer surveys regarding trademark well-known status in Ukraine



WIPO ALERT: Pirate Website Registry Now in Ukraine

What is WIPO ALERT?

ІНІЦІАТИВА «WIPO ALERT»



Ukraine Joins WIPO ALERT and Launches National List of IP-Infringing Websites

Ukraine has officially joined the WIPO ALERT platform and introduced a national list of websites that raise concerns regarding intellectual property (IP) rights compliance.

This initiative is based on Order No. 2945 of the Ministry of Economy of Ukraine, dated February 1, 2024, "On the Approval of the Procedure for Forming and Maintaining the National List of Websites That Raise Concerns Regarding IP Rights Compliance." The Order was registered with the Ministry of Justice on March 11, 2024 (No. 357/41702).

Through this system, Ukraine joins other countries in contributing to the WIPO ALERT database, a secure online platform managed by the World Intellectual Property Organization (WIPO). Authorized government participants upload lists of websites and applications that, under national laws, have been found to infringe copyright. Essentially, WIPO ALERT functions as a global "blacklist" of infringing sites, accessible to over 190 countries.

Responsibilities of UANIPIO (Ukrainian IP Office) under the Procedure:

- Reviewing requests from copyright and related rights holders to include websites in the national list;
- Issuing conclusions on whether there are grounds to include a website in the list;
- Issuing conclusions on whether there are grounds to remove a website from the list.

КЛОПОТАННЯ

про включення вебсайту, щодо якого існує занепокоєння щодо дотримання прав інтелектуальної власності, до національного переліку вебсайтів.

1. Відомості про заявника*

(якщо клопотання подається декількома суб'єктами авторського права та/або суміжних прав, відомості зазначені у пункті 1, заповнюються щодо кожного власника майнових прав на окремому аркуші)

□ 1.1. Для фізичної особи

Прізвище, ім'я, по батькові (за наявності) _____

Зареєстроване місце проживання (перебування)/місцезнаходження _____

Поштова адреса _____

Телефон _____ Адреса електронної пошти _____

□ 1.2. Для юридичної особи

Повне найменування _____

Код ЄДРПОУ або реєстраційний номер в іноземній державі (для нерезидентів) _____

Адреса місцезнаходження _____

Поштова адреса _____

Телефон _____ Адреса електронної пошти _____

2. Відомості про представника заявника

2.1. Прізвище, ім'я, по батькові (за наявності) представника заявника (адвоката, патентного повіреного, представника у справах інтелектуальної власності (патентного повіреного)) _____

2.2. Документ, що підтверджує повноваження представника заяв
(адвоката/представника у справах інтелектуальної власності (патентного повіреного)
(№ свідоцтва, дата видачі, орган що видав)

2.3. Зареєстроване	місце	проживання	(перебування)/місцезнаходження
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2.4. Поштова адреса _____

(адреса для листування)

Телефон _____ Адреса електронної пошти _____

3. Відомості про вебсайт

3.1. Доменне ім'я, уніфікований локатор ресурсу (URL) або адреса інтерпротоколу відповідного вебсайту

IP Office Implements Procedure for National List of IP-Infringing Websites

- Submission and review of requests from copyright and related rights holders to include a website in the national list
- Issuing conclusions on whether there are grounds to include a website in the list
- Entering website information into the national list
- Maintaining the national list
- Removing website information from the national list

The IP Office has developed relevant document templates in accordance with the Procedure for forming and maintaining the national list of websites that raise concerns regarding intellectual property rights compliance.

As of now, detailed information about the implementation of this Procedure by the IP Office is available on the official website of the State IP Protection System in the section "Copyright", under the subsection "WIPO ALERT Submissions / WIPO ALERT Initiative".

This marks the launch of the official procedure for populating the national “blacklist” of IP-infringing websites.

TECHNOLOGY AND INNOVATION SUPPORT CENTER (TISC)

- an international project launched by the World Intellectual Property Organization (WIPO) to support inventiveness, innovation, and startup initiatives.

The mission of the TISC network is to support inventors, innovators, authors, creators, and startups by providing consulting services on intellectual property (IP) protection, commercialization of IP assets, and technology transfer, as well as ensuring access to patent information.



THANKS FOR
YOUR ATTENTION

