

**The report was developed
by the IPR Monitoring Center**



The state of intellectual property rights enforcement in Ukraine in 2024

SEPTEMBER 2025

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1. Introduction

Effective enforcement of intellectual property rights requires a systematic approach that combines the efforts of government institutions, right holders, judicial authorities, law enforcement and customs authorities, lawyers, experts, professional organizations and the general public. To ensure transparency in this area and strengthen the institutional capacity of the state, the Intellectual Property Rights Infringement Monitoring Center, a structural unit of the State Organization “Ukrainian National Office for Intellectual Property and Innovations”, has developed an analytical report on the state of intellectual property rights enforcement in Ukraine.

The purpose of this report is to develop a deeper understanding of the current state of intellectual property protection in Ukraine, to identify systemic problems and to facilitate more effective decision-making in the field of policy, law enforcement and institutional capacity building. The report may be useful for all those working in the field of intellectual property.

The Report contains statistics for 2024: the activities of courts (local courts, courts of appeal, the Supreme Court) by categories of cases; the status of criminal offenses according to statistics from the Prosecutor General's Office; consideration of offenses by the National Police of Ukraine and the Economic Security Bureau of Ukraine; application of measures to promote the protection of intellectual property rights by the State Customs Service of Ukraine; consideration of cases by the NIPA Appeals Chamber; protection against the misuse of designations by the Antimonopoly Committee of Ukraine. Special attention is paid to the comparison of these indicators with the relevant statistical data for 2023. At the same time, the Report includes an analysis of the practice of responding to IP rights infringement by state authorities, a review of typical cases, problematic aspects of law enforcement, as well as an assessment of the main challenges facing the IP protection system.

The data from the Report were obtained upon requests of the Center to the relevant state authorities or from open sources.

We remind you that in 2024 the Center published the statistical report [“Statistics on Investigation and Prosecution of Intellectual Property Cases for 2019-2023”](#).

List of key abbreviations and acronyms

Abbreviation	Explanation
AMCU	Antimonopoly Committee of Ukraine
UBA	Ukrainian Bar Association
ESBU	Economic Security Bureau of Ukraine
WIPO	World Intellectual Property Organization
SC	The Supreme Court
CPCU	Commercial Procedural Code of Ukraine
SCSU	State Customs Service of Ukraine
URPTI	Unified register of pre-trial investigations
EUIPO	European Union Intellectual Property Office
IP	Intellectual property
CEC	The Commercial Cassation Court Within the Supreme Court
Criminal Code	The Criminal Code of Ukraine
CPCU	Criminal Procedure Code of Ukraine

CUAO	Code of Ukraine on Administrative Offenses
CCC	Civil Court of Cassation
CRIPR	Customs register of intellectual property rights
MEU	Ministry of Economy of Ukraine
Customs Code	Customs Code of Ukraine
NBAU	National Bar Association of Ukraine
NAPA	National Association of Patent Attorneys of Ukraine
NIPA	National Intellectual Property Authority
OPG	Office of the Prosecutor General
NPU	National Police of Ukraine
UANIPIO	Ukrainian National Office for Intellectual Property and Innovations
UACCP	Ukrainian Alliance to Combat Counterfeiting and Piracy
IPR MC	IPR Monitoring Center

State authorities investigating or considering disputes over intellectual property rights

The judicial system

- According to the Law of Ukraine “On the Judicial System and Status of Judges”, the judicial system of Ukraine is a set of all courts of the state based on the same principles of organization and activity that exercise judicial power. The judicial system consists of local courts, courts of appeal, and the Supreme Court. The highest court in the judicial system is the Supreme Court. Higher specialized courts operate in the judicial system to consider certain categories of cases in accordance with this Law, including the High Court on Intellectual Property, but as of 2025, its composition has not yet been formed.

Office of the Prosecutor General

- According to the Law of Ukraine “On Prosecution”, the Office of the Prosecutor General is a higher-level prosecutorial body in relation to regional and district prosecutor's offices. The Office of the Prosecutor General organizes and coordinates the activities of all prosecution bodies, ensures proper functioning of the Unified Register of Pre-trial Investigations and its maintenance by pre-trial investigation bodies, determines a unified procedure for reporting on the state of criminal unlawfulness and the work of the prosecutor to ensure the effective performance of prosecution functions, and manages state property objects that fall within the scope of management of the Office of the Prosecutor General.

The National Police of Ukraine

- Pursuant to the Law of Ukraine “On the National Police”, the National Police of Ukraine (police) is a central executive body that serves the public by ensuring the protection of human rights and freedoms, combating crime, and maintaining public safety and order. The National Police of Ukraine considers cases in the field of intellectual property under Articles 176, 177, 203-1, 229 of the Criminal Code of Ukraine.

Bureau of Economic Security of Ukraine

- Pursuant to the Law of Ukraine “On the Bureau of Economic Security of Ukraine”, the Economic Security Bureau of Ukraine is a central executive body tasked with combating offenses that infringe on the functioning of the state economy. In the field of intellectual property, the Economic Security Bureau of Ukraine is authorized to conduct pre-trial investigation of criminal offenses under Article 229 of the Criminal Code of Ukraine.

State Customs Service of Ukraine

- In accordance with the Decree of the President of Ukraine “On the State Customs Service of Ukraine”, the State Customs Service of Ukraine is defined as a central executive body. The State Customs Service implements the state customs policy, the state policy in the field of combating offenses in the application of legislation on state customs affairs. The Customs Service takes measures to protect intellectual property rights under Articles 399, 400, 401, 401-1, 402 of the Customs Code of Ukraine.

The NIPA Appeals Chamber

- The Appeals Chamber of the National Intellectual Property Authority is a collegial body for consideration of objections to decisions of the National Intellectual Property Authority (hereinafter referred to as the NIPA) on acquisition of intellectual property rights, applications for invalidation of industrial property rights in whole or in part, applications for recognition of a trademark as well-known in Ukraine. The State Organization “Ukrainian National Office for Intellectual Property and Innovations” (hereinafter referred to as ‘UANIPPIO’) is an entity performing the functions of the NIPA as defined by the Law of Ukraine “On Amendments to Certain Laws of Ukraine on the Establishment of the National Intellectual Property Authority”, in accordance with the Order of the Cabinet of Ministers of Ukraine No. 943-r “Some Issues of the National Intellectual Property Authority” dated October 28, 2022.

Antimonopoly Committee of Ukraine

- According to the Law of Ukraine “On the Antimonopoly Committee of Ukraine”, the Antimonopoly Committee of Ukraine (hereinafter - “AMCU”) is a state body with a special status, the purpose of which is to ensure state protection of competition in business and public procurement. In the field of intellectual property, the AMCU considers cases under Article 4 of the Law of Ukraine “On Protection against Unfair Competition”.

At the same time, the Report considers other initiatives implemented in Ukraine that contribute to the development and improvement of the IPR protection system and its effectiveness, such as the Mediation Center and the Intellectual Property Rights Infringement Monitoring Center of the Ukrainian National Office for Intellectual Property and Innovations, the Ukrainian Anti-Piracy Assembly, the Ukrainian Alliance Against Counterfeiting and Piracy, the National Association of Patent Attorneys of Ukraine, the Committee on Intellectual Property of the NBAU, the Committee on Intellectual Property of the UBA, “Clear Sky Initiative”, WIPO ALERT.

2. The judicial system

Courts hear cases in categories according to their jurisdiction, among other things:

Civil cases

- on the rights to an invention, utility model, industrial design
- on the rights to a trademark (sign for goods and services)
- on copyright
- on related rights

Commercial cases

- on the rights to an invention, utility model, industrial design
- rights to a trademark (sign for goods and services)
- on the rights of prior use
- on copyright and related rights

Criminal cases

- infringement of copyright and related rights (Article 176 of the Criminal Code)
- infringement of rights to an invention, utility model, industrial design, integrated circuit topography, plant variety, rationalization proposal (Article 177 of the Criminal Code)
- illegal trafficking of disks for laser reading systems, matrices, equipment and raw materials for their production (Article 203-1 of the Criminal Code)
- illegal use of a trademark for goods and services, trade name, qualified indication of the origin of goods (Article 229 of the Criminal Code)

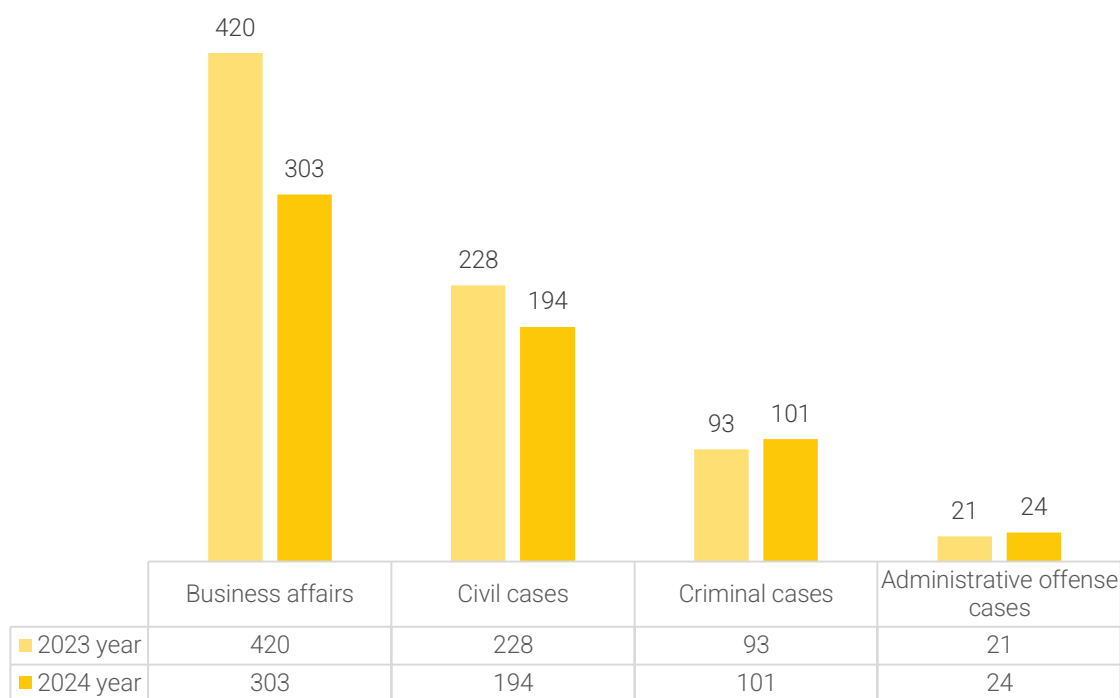
Cases of administrative offenses

- infringement of rights to an object of intellectual property rights (Article 51-2 of the Code of Administrative Offenses)
- Movement of goods across the customs border of Ukraine in infringement of intellectual property rights (Article 476 of the Customs Code of Ukraine)

2.1. Local courts

According to statistics, in 2024, compared to 2023, there was a decrease in the number of commercial and civil cases, while there was a slight increase in the number of criminal cases and cases of administrative offenses. Such dynamics may indicate a decrease in the activity of right holders in the judicial protection of property rights, in particular due to economic instability and the reluctance of right holders to apply to the judicial system due to the long duration of court proceedings.

Figure 1. Number of cases pending in local courts in 2023-2024



Below is a detailed analysis of the processing of cases by local courts, taking into account the distribution by category.

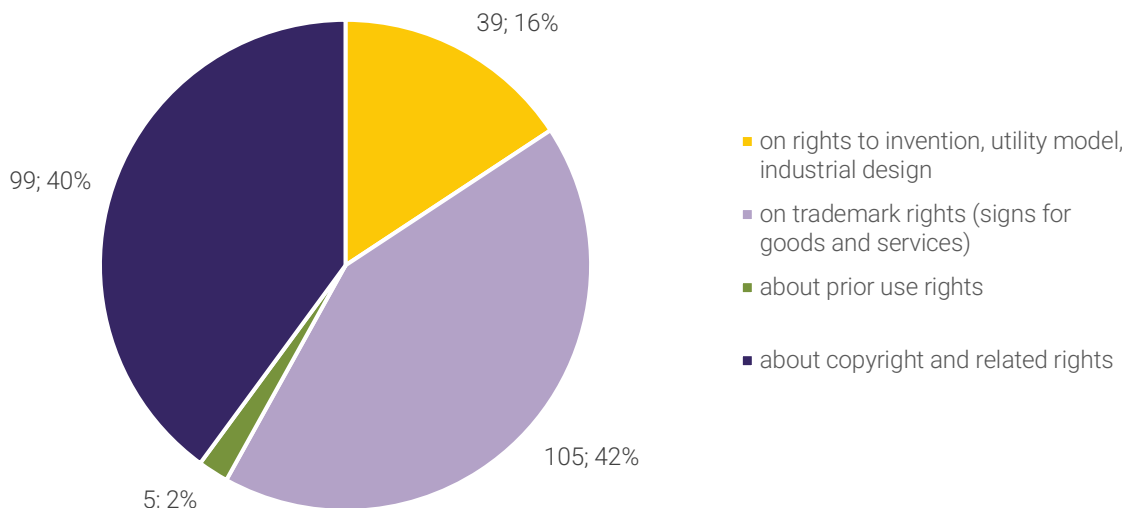
2.1.1. Commercial cases

Table 1. Number of commercial claims and cases pending in local general courts in 2024

Category	Number of claims pending	including received in the reporting period	Number of claims considered	Number of pending cases	including received in the reporting period	Number of cases considered
Cases in disputes regarding the protection of intellectual property rights, including:	198	179	184	303	152	191
on rights to invention, utility model, industrial design	25	23	25	39	22	19
on trademark rights (signs for goods and services)	56	52	51	105	43	61
regarding recognition of a trademark as well-known	6	6	6	10	6	5
regarding the commercial name	10	8	10	35	8	23

about prior use rights	1	1	1	5	1	5
about copyright and related rights	84	73	75	99	60	79
on the collective management of the author's economic rights and related rights	14	13	13	22	12	1

Fig. 2. Distribution of cases pending in local commercial courts by main categories in 2024



Statistics show that most cases involve disputes over trademark rights (42%) and copyright and related rights (40%). The number of cases concerning the rights to inventions, utility models, and industrial designs is less (16%), and the number of cases concerning the right of prior use is the lowest (2%). The dynamics have changed somewhat compared to 2023, when the majority of cases were on copyright and related rights (56%), and the number of cases on trademark rights was almost half as high (27%).

Below are tables with data on the number of claims and cases considered by local commercial courts, as well as information on procedural decisions made as a result of their consideration.

Table 2. Number of claims considered by local commercial courts in 2024

Category	Number of claims considered	Left without consideration	Denied opening of proceedings	Returned	Transferred to another court	Proceedings opened
Cases in disputes regarding the protection of intellectual property rights, including:	184	0	2	25	4	152
on rights to invention, utility model, industrial design	25	0	1	2	0	22
on trademark rights (signs for goods and services)	51	0	0	7	1	43
regarding recognition of a trademark as well-known	6	0	0	0	0	6
regarding the commercial name	10	0	0	2	0	8

about prior use rights	1	0	0	0	0	1
about copyright and related rights	75	0	1	12	1	60
on the collective management of the author's economic rights and related rights	13	0	0	1	0	12

We note that there were no claims filed in violation of the deadlines set by the Commercial Procedural Code.

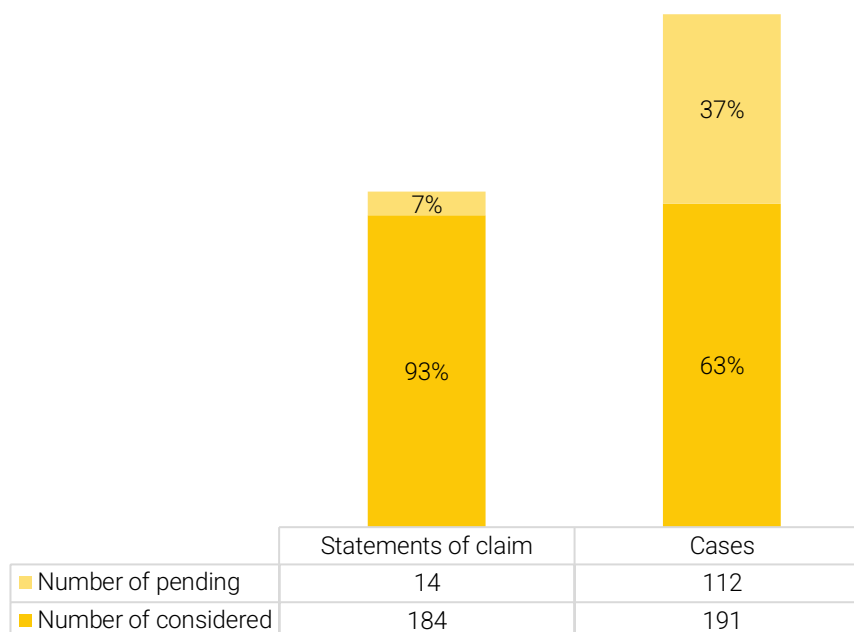
In most cases, proceedings were initiated on the filed claims, which indicates that the plaintiffs prepared the materials properly and complied with the requirements of the CPCU.

Table 3. Number of cases considered by local commercial courts in 2024

Category	Number of cases considered	With the decision	With upholding of claim	Transferred to another court	With the closure of the case proceedings	Leaving the application without consideration
Cases in disputes regarding the protection of intellectual property rights, including:	191	127	93	3	40	21
on rights to invention, utility model, industrial design	19	9	7	0	8	2
on trademark rights (signs for goods and services)	61	47	31	2	7	5
regarding recognition of a trademark as well-known	5	3	2	0	1	1
regarding the commercial name	23	19	15	0	3	1
about prior use rights	5	3	0	0	0	2
about copyright and related rights	79	51	43	1	19	8
on the collective management of the author's economic rights and related rights	17	11	11	0	3	3

We note that according to court statistics, there are no cases initiated at the request of the prosecutor. According to the analyzed data, the majority of cases resulted in a decision, which indicates the effectiveness of the proceedings and the existence of sufficiently substantiated claims by the plaintiffs.

Fig. 3. Dynamics of consideration of claims and cases by local commercial courts in 2024



The number of cases reviewed and claims filed makes up the majority of the total volume, which indicates a positive trend.

Studying the dynamics of compensation awarded by commercial courts allows us to better understand the approaches to determining their amount. This is especially important since infringements in the field of intellectual property primarily cause economic losses to right holders. The relevant statistics are presented below.

Table 4. The number of commercial claims received in the reporting period, indicating the amount of monetary claims (claim price) in 2024

Category	Does not exceed 100 times the subsistence minimum for able-bodied persons	Does not exceed 500 subsistence minimums for able-bodied persons	Over 500 subsistence minimums for able-bodied persons
Cases in disputes regarding the protection of intellectual property rights, including:	76	6	5
on rights to invention, utility model, industrial design	3	0	0
on trademark rights (signs for goods and services)	9	2	1
regarding recognition of a trademark as well-known	0	0	0
regarding the commercial name	1	0	0
about prior use rights	1	0	0
about copyright and related rights	53	4	4
on the collective management of the author's economic rights and related rights	11	1	1

**Fig. 4. Distribution of consideration of commercial claims
in relation to the amount of claims filed in 2024**

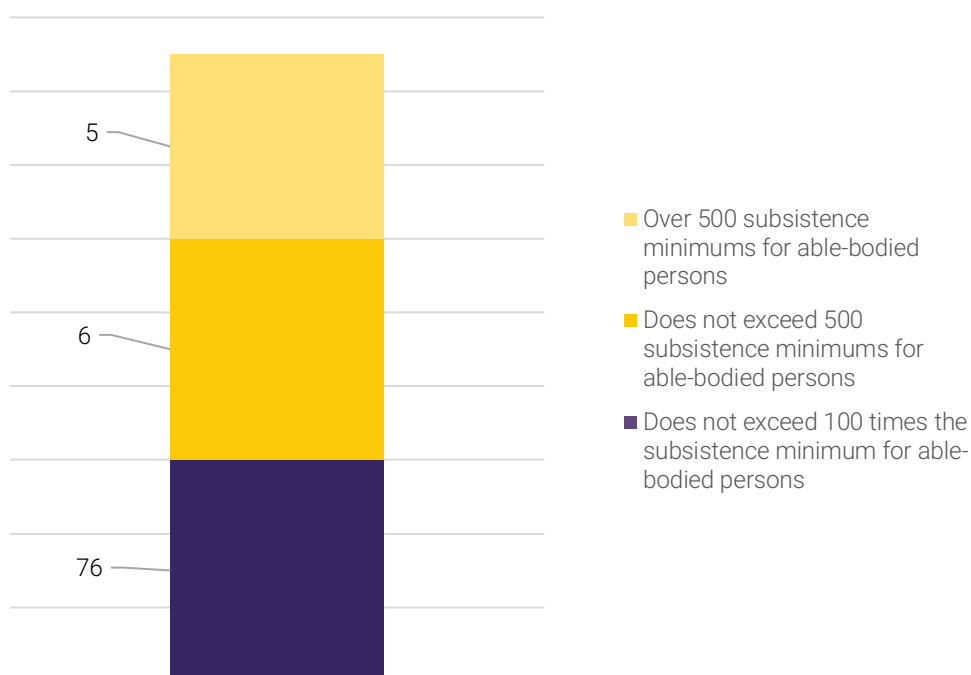
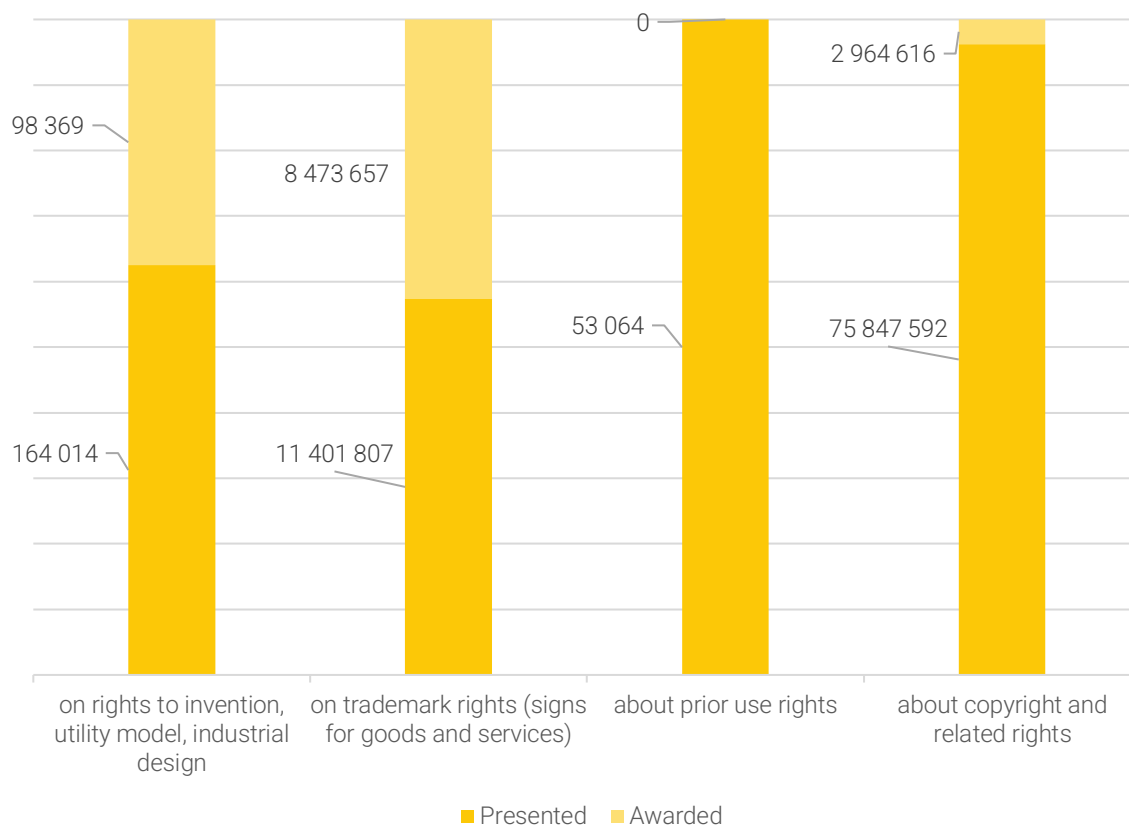


Table 5. Amount of money claimed and awarded for recovery in commercial cases in 2024, UAH

Category	Presented for collection (claims filed)	Awarded for collection (claims satisfied)
Cases in disputes regarding the protection of intellectual property rights, including:	98 261 023	13 116 932
on rights to invention, utility model, industrial design	164 014	98 369
on trademark rights (signs for goods and services)	11 401 807	8 473 657
regarding recognition of a trademark as well-known	-	-
regarding the commercial name	3 003 700	1 187 084
about prior use rights	53 064	-
about copyright and related rights	75 847 592	2 964 616
on the collective management of the author's economic rights and related rights	37 447 800	887 129

Fig. 5. Distribution of funds claimed and awarded for recovery in commercial cases in 2024, UAH



The graph clearly shows a significant difference between the claimed amounts and the actual amounts awarded. The largest discrepancy is observed in cases related to copyright and related rights: out of the total claimed amount of UAH 75,847,592, only UAH 2,964,616 was actually awarded, which is 3.9% of the claimed amount. Instead, a more positive trend is observed in cases related to trademark rights - 74.3% of claims were satisfied in this area.

This difference is probably due to the fact that it is easier to determine the amount of damages from the unlawful use of a trademark, since it is used in commercial activities. In contrast, establishing the amount of losses in copyright cases is much more difficult in the evidentiary process.

In 2023, court decisions awarded UAH 161,224,240, which is almost ten times higher than in 2024. Such a significant difference is primarily due to a significant difference in the number of cases considered in the respective periods.

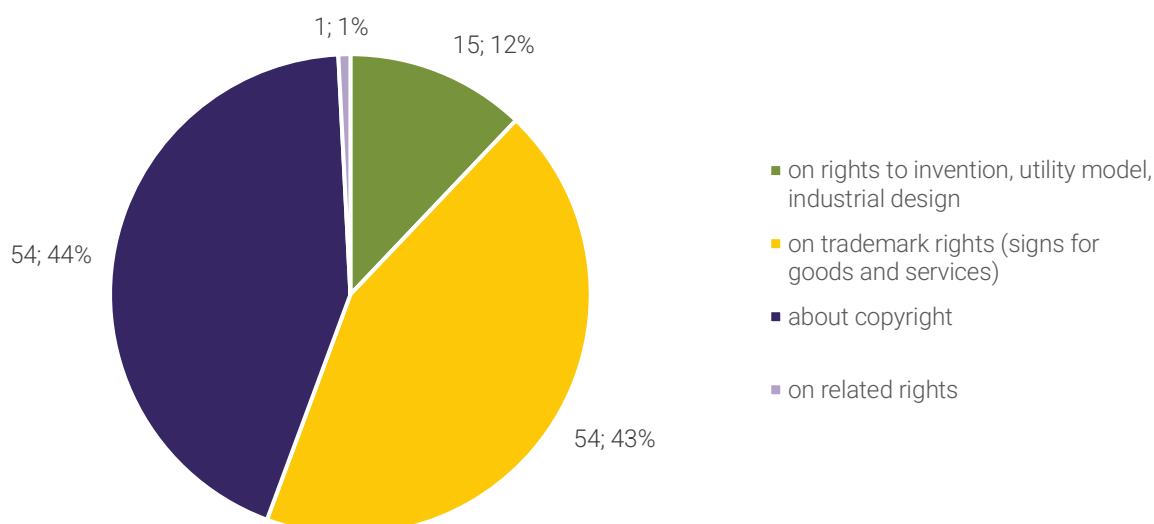
2.1.2. Civil cases

Table 6. The number of civil claims and cases, pending in local general courts in 2024

Category	Number of claims pending	including received in the reporting period	Number of claims considered	Number of pending cases	including received in the reporting period	Number of cases considered
Cases in disputes regarding the protection of intellectual property rights, including:	83	64	60	194	46	80
rights to an invention, utility model, industrial design	2	2	2	15	2	2
trademark (sign for goods and services)	21	18	18	54	13	25
copyright	22	18	17	54	11	22
related rights	2	2	1	1	1	0

The statistics for 2024 show that the consideration of copyright cases (44%) and trademark cases (43%) have similar dynamics, which is almost identical to 2023 - 44% for copyright and 41% for trademarks. At the same time, cases on the rights to inventions, utility models, industrial designs (12%) are considered almost 4 times less compared to other categories. At the same time, cases on related rights account for only 1% of the total number of court cases in the field of IP.

Figure 6. Breakdown of civil cases pending in local general courts by main categories in 2024



Below are tables with data on the number of civil claims and cases considered by local courts, as well as information on procedural decisions made as a result of their consideration.

Table 7. Number of civil claims considered by local general courts in 2024

Category	Number of claims considered	Left without consideration	Denied opening of proceedings	Returned	Proceedings opened	in violation of the deadlines established by the Code of Civil Procedure of Ukraine
Cases in disputes regarding the protection of intellectual property rights, including:	60	0	4	11	40	1
rights to an invention, utility model, industrial design	2	0	0	0	2	0
trademark (sign for goods and services)	21	0	1	3	13	1
copyright	22	0	2	4	9	0
related rights	2	0	0	0	1	0

Table 8. Number of civil cases considered by local general courts in 2024

Category	Number of cases considered	With the decision	with the adoption of a decision in absentia	With upholding of claim	Transferred to another court	With the closure of the case proceedings	Leaving the application without consideration
Cases in disputes regarding the protection of intellectual property rights, including:	80	53	3	37	1	6	20
rights to an invention, utility model, industrial design	2	2	0	1	0	0	0
trademark (sign for goods and services)	25	17	2	10	0	2	6
copyright	22	15	0	9	1	2	4
related rights	0	0	0	0	0	0	0

There is a positive trend in the dynamics of cases and claims. Out of the total number of 60 pending claims, 40 proceedings were initiated, which is 67% of all filed claims. At the same time, out of 80 cases reviewed, 53 cases were closed by court decision, which is 66% of the total number.

Below is an analysis of the amounts of compensation awarded by local general courts in the course of consideration of claims.

Table 9. The number of civil claims received in the reporting period, indicating the amount of monetary claims (claim price) in 2024

Category	Does not exceed 100 times the subsistence minimum for able-bodied persons	Does not exceed 500 subsistence minimums for able-bodied persons	Over 500 subsistence minimums for able-bodied persons
Cases in disputes regarding the protection of intellectual property rights, including:	4	1	2
rights to an invention, utility model, industrial design	0	0	0
trademark (sign for goods and services)	0	0	2
copyright	3	1	0
related rights	0	0	0

Table 10. Amount of money awarded for recovery in civil cases in 2024, UAH

Category	Amount of money awarded for recovery, total
Cases in disputes regarding the protection of intellectual property rights, including:	495 414
rights to an invention, utility model, industrial design	0
trademark (a mark for goods and services)	4 540
copyright	421 037
related rights	0

The bulk of the monetary amounts awarded by the court in 2024 were in copyright cases - 85% of the total. A much smaller share (15%) relates to trademark cases. At the same time, in the categories of cases related to the right to an invention, utility model, industrial design, and related rights, there is no actual compensation of monetary amounts. In 2023, UAH 1,283,135 was awarded, which is 2.5 times more than in 2024.

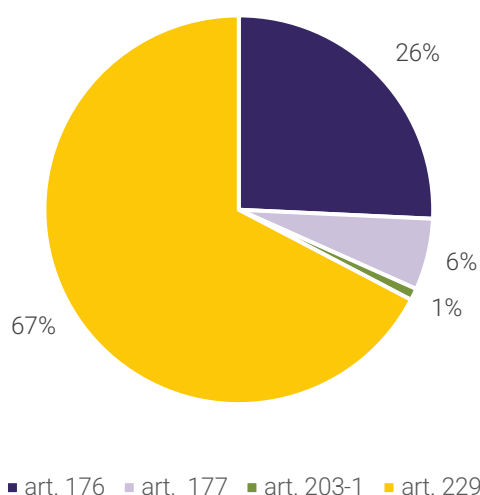
2.1.3. Criminal cases

Table 11. Number of criminal proceedings, that were pending in 2024

Article of the Criminal Code of Ukraine	Number of proceedings pending (total)	<i>including received in the reporting period</i>	Number of proceedings considered	<i>including with the sentencing</i>	Number of pending proceedings at the end of the reporting period
art. 176	26	2	6	6	20
art. 177	6	2	0	0	6
art. 203-1	1	0	0	0	1
art. 229	68	32	23	23	45

Compared to 2023, there has been an increase in the number of cases reviewed: in 2024, 101 cases were recorded, while in 2023, 94 cases were recorded.

Figure 7. Distribution of criminal proceedings pending in local general courts by articles of the Criminal Code in 2024



According to these indicators, the largest number of criminal proceedings is carried out under Article 176 of the Criminal Code, which concerns copyright and related rights (67%). Under Article 229 of the Criminal Code, the number of proceedings is 26%, under Article 177 of the Criminal Code - 6%, and under Article 203-1 of the Criminal Code - only 1%. The dynamics of 2024 generally corresponds to the indicators of 2023, when proceedings under Article 176 of the Criminal Code (58%) and Article 229 of the Criminal Code (36%) also prevailed.

Table 12. Number of persons whose criminal proceedings were in court in 2024

Article of the Criminal Code of Ukraine	Number of persons whose proceedings were in court (total)	<i>including for committing a crime as part of an organized group or criminal organization</i>	Number of persons in cases with completed proceedings	Number of persons against whom proceedings are pending (total)	<i>including for committing a crime as part of an organized group or criminal organization</i>
art. 176	36	0	1	27	0
art. 177	14	0	0	14	0
art. 203-1	6	4	0	6	4
art. 229	143	38	20	108	24

For all the articles of the Criminal Code of Ukraine listed in the table, the number of people whose proceedings remained pending significantly exceeds the number of people in cases with completed proceedings. The gap is observed under Article 229 of the Criminal Code: out of 143 persons, only 20 have completed the proceedings, while 108 remain pending, while under Articles 177 and 203-1 of the Criminal Code the proceedings have not been completed.

Table 13. Amount of moral and material damage and number of victims

Article of the Criminal Code of Ukraine	Amount of moral and material damage, UAH	Number of affected legal entities, units.
art. 176	5 026 284	1
art. 177	-	-
art. 203-1	9 991 599	9
art. 229	-	-

In 2024, the total amount of moral and material damage amounted to UAH 15,017,883, which is a quarter less than in 2023 (UAH 20,095,526). Also, there are no individuals among the victims - legal entities prevail, which indicates a higher level of interest on their part as rights holders, as such offenses pose greater threats to them in the field of commercial activity.

2.1.4. Cases of administrative offenses

Table 14. Number of cases of administrative offenses in 2024

Article	Number of pending cases	<i>including received in the reporting period</i>	Number of cases considered	Number of pending cases at the end of the reporting period	Number of persons brought to administrative responsibility
art. 51-2 CPCU	2	2	2	0	2
art. 476 Criminal Code	22	18	13	19	13

The analysis of administrative cases in 2024 shows a decrease in the number of proceedings under Article 51-2 of the Code of Administrative Offenses compared to 2023 (2 cases vs. 6 in the previous year). At the same time, the total number of cases under Article 476 of the Customs Code of Ukraine has increased - 22 against 15 in 2023.

In terms of the amount of fines, UAH 187,000 was imposed under Article 476 of the Customs Code, of which UAH 85,000 was paid voluntarily. A total of 11 people were prosecuted.

2.2. Courts of appeal

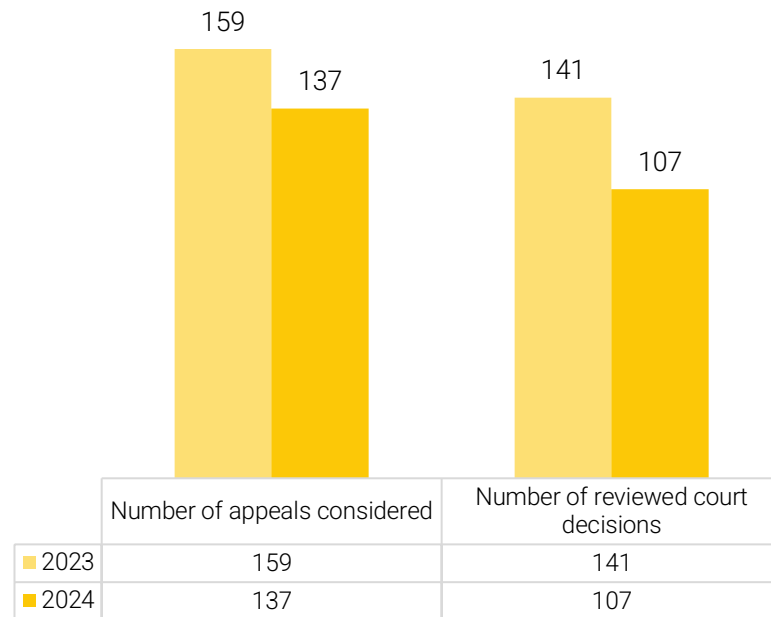
2.2.1. Commercial cases

Table 15. Number of appeals considered and revised decisions of commercial courts in 2024

Category	Number of appeals considered	Number of reviewed court decisions	Number of decisions left unchanged	Number of overturned decisions	Number of modified decisions	Number of court decisions (resolutions) declared invalid with the closure of proceedings
Cases in disputes regarding the protection of intellectual property rights, including:	137	107	74	30	3	0
on rights to invention, utility model, industrial design	20	16	13	3	0	0
on trademark rights (signs for goods and services)	51	33	19	13	1	0
<i>regarding recognition of a trademark as well-known</i>	8	6	1	4	1	0
<i>regarding the commercial name</i>	28	16	9	7	0	0
about prior use rights	5	5	4	1	0	0
about copyright and related rights	37	33	26	5	0	0
<i>on the collective management of the author's economic rights and related rights</i>	5	4	3	1	0	0

In 2024, the largest number of trademark cases was considered (51), while the number of copyright and related rights cases was lower - 37. For comparison, in 2023, copyright and related rights cases prevailed (63), while trademark cases were somewhat less numerous (48).

Figure 9. Statistics of considered appeals and revised decisions of commercial courts in 2023-2024



The statistics show a slight decrease in the number of appeals and revised decisions considered compared to 2023. One of the reasons for this dynamics is the reduction in the number of cases in local commercial courts, which, in turn, reduced the amount of materials that can be appealed.

Figure 10. Statistics of revised decisions of local commercial courts in 2023-2024

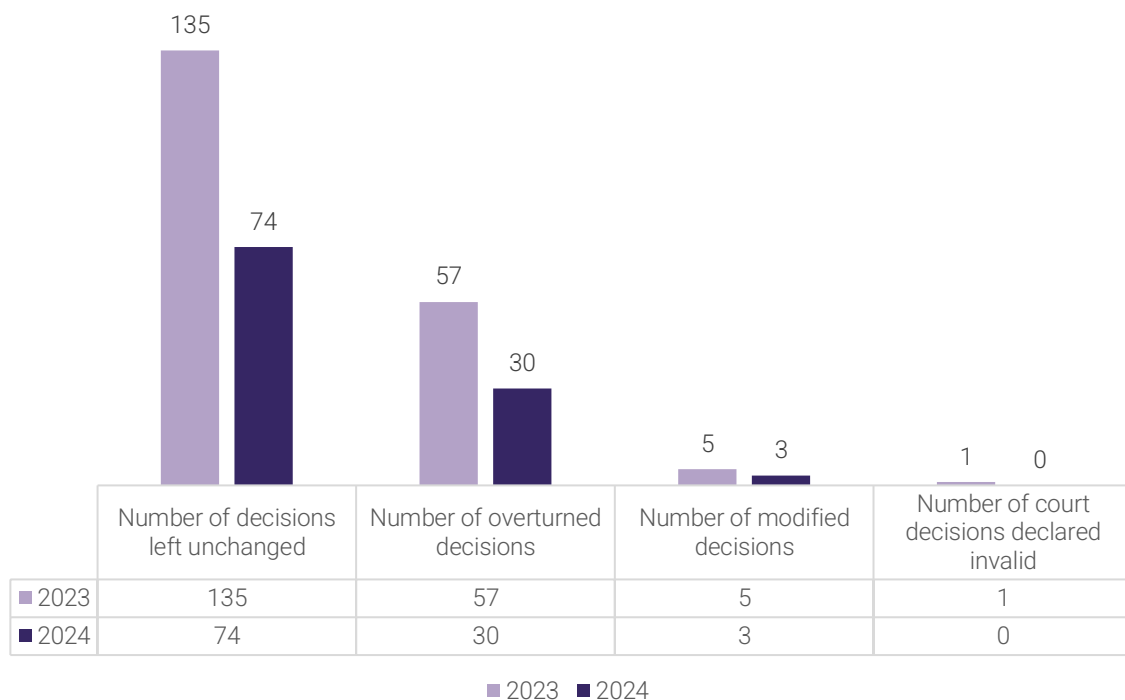


Table 16. Number of reversed decisions in commercial cases in 2024

Category	Number of overturned decisions	with the adoption of a new court decision:	due to the incomplete clarification by the court of the circumstances relevant to the case	due to incorrect application of substantive law or violation of procedural law, which led to an incorrect decision on the case	with the referral of the case for consideration to another court of first instance with established jurisdiction	with the statement of claim left without consideration	with the closure of the case
Cases in disputes regarding the protection of intellectual property rights, including:	30	26	9	12	1	0	0
on rights to invention, utility model, industrial design	3	3	1	1	0	0	0
on trademark rights (signs for goods and services)	13	13	5	7	0	0	0
regarding recognition of a trademark as well-known	4	4	0	4	0	0	0
regarding the commercial name	7	7	4	1	0	0	0
about prior use rights	1	1	0	1	0	0	0
about copyright and related rights	7	5	0	3	1	0	0
on the collective management of the author's economic rights and related rights	1	1	0	0	0	0	0

The table shows that most of the reversed decisions were replaced by new court decisions. The main grounds are incorrect application of substantive or procedural law, which led to an incorrect decision, as well as incomplete clarification of circumstances that are essential to the case. Both of these grounds are found with almost equal frequency.

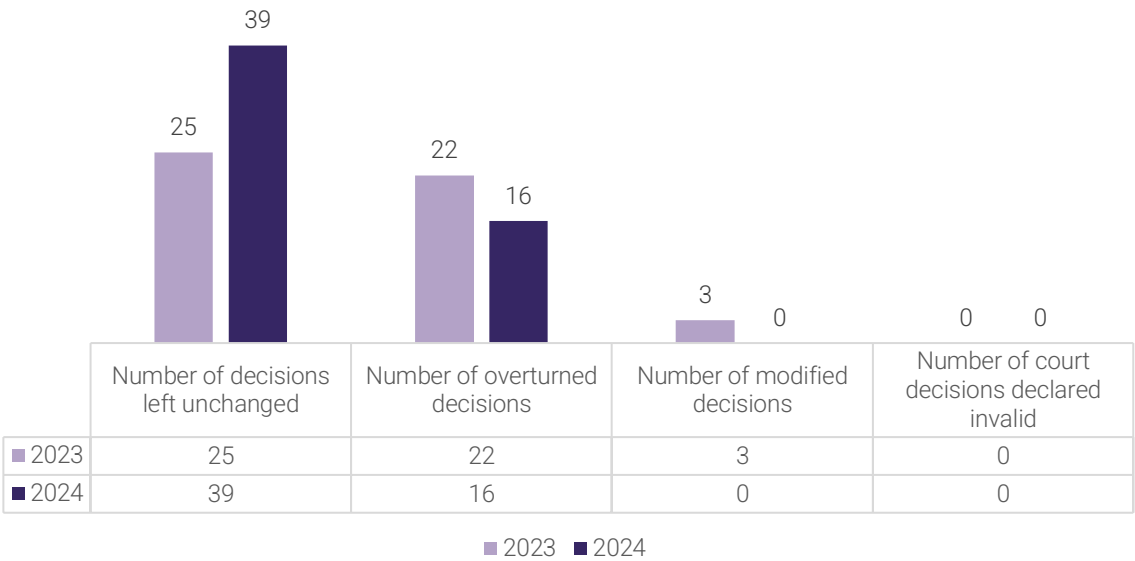
2.2.2. Civil cases

Table 17. Number of revised decisions in civil cases in 2024

Category	Number of reviewed court decisions	Number of decisions left unchanged	Number of overturned decisions	Number of modified decisions	Number of court decisions declared null and void with the closure of the case proceedings
Cases in disputes regarding the protection of intellectual property rights, including:	60	39	16	0	0
rights to an invention, utility model, industrial design	7	3	3	0	0
trademark (sign for goods and services)	20	13	5	0	0
copyright	20	15	4	0	0
related rights	1	0	1	0	0

In 2024, the total number of reviewed decisions increased compared to 2023 and amounted to 60 cases (compared to 50 in 2023). The statistics demonstrate stable dynamics of case consideration with an upward trend in the number of decisions upheld. According to the court statistics, all reversed decisions were canceled with a new decision on the merits of the claims. In 2024, the number of trademark and copyright cases was equal. For comparison, in 2023, copyright cases prevailed (16), while trademark cases were slightly less numerous (14).

Figure 11. Statistics of revised decisions of local general courts in civil cases in 2023-2024



In general, the analysis of data on the review of decisions in commercial and civil cases shows the same dynamics in 2023 and 2024 - the number of civil cases is consistently lower than in commercial cases.

2.2.3. Criminal cases

In 2024, there were no criminal cases in the field of intellectual property considered on appeal. It is worth noting that in 2023, only 7 criminal cases were considered under Article 229 of the Criminal Code of Ukraine, which deals with trademark infringement.

2.2.4. Cases of administrative offenses

Table 18. Number of revised decisions in cases of administrative offenses in 2024

Article	Number of appeal cases pending	<i>including received in the reporting period</i>	Number of returned appeals	Number of cases reviewed
art. 476 Customs Code	10	9	3	7

The figures remain significantly lower compared to civil and commercial cases. At the same time, only 9 cases of administrative offenses were registered in 2023. The structure of case categories has not changed: cases under Article 476 of the Customs Code remain pending in the appellate courts, while there are no cases under Article 51-2 of the CUAO.

In 2024, there was a consistently low number of criminal cases and cases of administrative offenses in the field of intellectual property considered on appeal. This trend may be due to several factors: a limited number of detected infringements, the difficulty of proving guilt in criminal proceedings, as well as a low level of appeals by right holders to law enforcement and customs authorities and, accordingly, the initiation of such cases by state authorities. At the same time, right holders are likely to prefer commercial or civil lawsuits that ensure the protection of property rights by recovering compensation.

In general, commercial and civil courts continue to bear the brunt of IP enforcement, reflecting a shift in emphasis from public law to private law enforcement mechanisms.

2.3. The Supreme Court

The Supreme Court provided statistics for 2024 on commercial and civil cases.

There is no statistics on criminal cases and cases of administrative offenses in the field of intellectual property.

2.3.1. Commercial cases

Table 19. The number of pending commercial cases and cases considered by the Supreme Court in 2024

Category	Was under consideration (total)	not considered at the beginning of the period	submitted for consideration	Cases transferred for consideration to the Grand Chamber of the Supreme Court	Reviewed (total)	Not reviewed at the end of the period
Protection of intellectual property rights	101	16	85	1	92	8
invalidation of law enforcement documents	1	1	0	0	1	0
protection of exclusive rights (in total), including:	23	3	20	0	18	5
copyright (related rights)	4	0	4	0	3	1
rights to industrial property objects	5	0	5	0	1	4
conclusion, amendment, termination of contracts related to the implementation of (all), including:	0	0	0	0	0	0
copyright (related rights)	0	0	0	0	0	0
rights to industrial property objects	0	0	0	0	0	0

According to the statistics, 134 cases were considered in 2023, while in 2024 their number decreased to 101. The analysis of statistical data shows a stable ratio between the number of considered and pending cases in both years, which indicates that the efficiency of the court proceedings remains high, as there are significantly more cases considered.

Figure 12. Number of commercial cases considered and not considered by the Supreme Court in 2023-2024

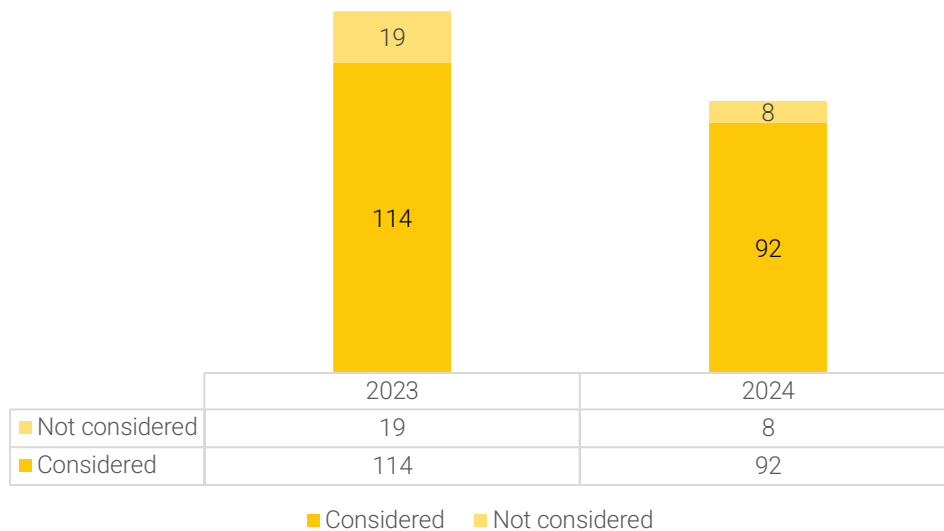


Table 20. Number of decisions considered in commercial cases by the Supreme Court in 2024

Category	Considered (total), of which	denied the initiation of proceedings	Returned	cassation proceedings closed	The complaint was dismissed and the court decision was left unchanged.	the appeal was upheld and the court decision was changed
Protection of intellectual property rights	92	14	2	7	53	1
invalidation of law enforcement documents	1	0	0	0	1	0
protection of exclusive rights (in total), including:	18	4	0	0	10	0
<i>copyright (related rights)</i>	3	3	0	0	0	0
<i>rights to industrial property objects</i>	1	0	0	0	1	0
conclusion, amendment, termination of contracts related to the implementation of (all), including:	0	0	0	0	0	0
<i>copyright (related rights)</i>	0	0	0	0	0	0
<i>rights to industrial property objects</i>	0	0	0	0	0	0

Based on statistical data, in most of the cases reviewed, the complaints were dismissed and the court decisions were upheld. This indicates that the cassation instance mostly supports the position of the appellate courts in its arguments, which may explain why right holders apply to the cassation instance court much less frequently.

At the same time, the statistics of local courts shows that small amounts of compensation are awarded, which may indicate that the cases are of little importance (this is the aspect that cassation

courts often refer to when refusing to open proceedings). Coupled with the high costs of litigation and limited prospects for reviewing cases, this creates additional barriers for right holders to protect their rights at the cassation level.

According to the [Analysis of the Administration of Justice in Commercial Cases in 2024](#), the results of commercial cases on the protection of intellectual property rights show a decrease in the number of cases considered at various levels of the judicial system.

- **Information on the work of local commercial courts**
In 2024, the number of cases considered decreased by 31% to 0.2 thousand compared to 0.3 thousand in 2023
- **Information on the work of commercial courts of appeal**
The number of cases in this category decreased by 15.1%, amounting to 129 cases instead of 152.
- **Information on the work of the Commercial Court of Cassation as part of the Supreme Court**
There has been a slight decrease in the number of cases reviewed - by 6%, to 76 cases from 81.

The average level of the total workload of the judges of the Commercial Court of Cassation, taking into account their actual number, increased by 5.8% - from 344 appeals in 2023 to 364 in 2024. At the same time, there were 353 appeals in the court chambers that consider cases related to the protection of intellectual property rights, as well as cases related to antitrust and competition law, which is 4.3% less than in 2023.

In 2024, the efficiency of proceedings of the Commercial Court of Cassation amounted to 97.5%, and in the court chambers that consider these categories of cases - 97.2%.

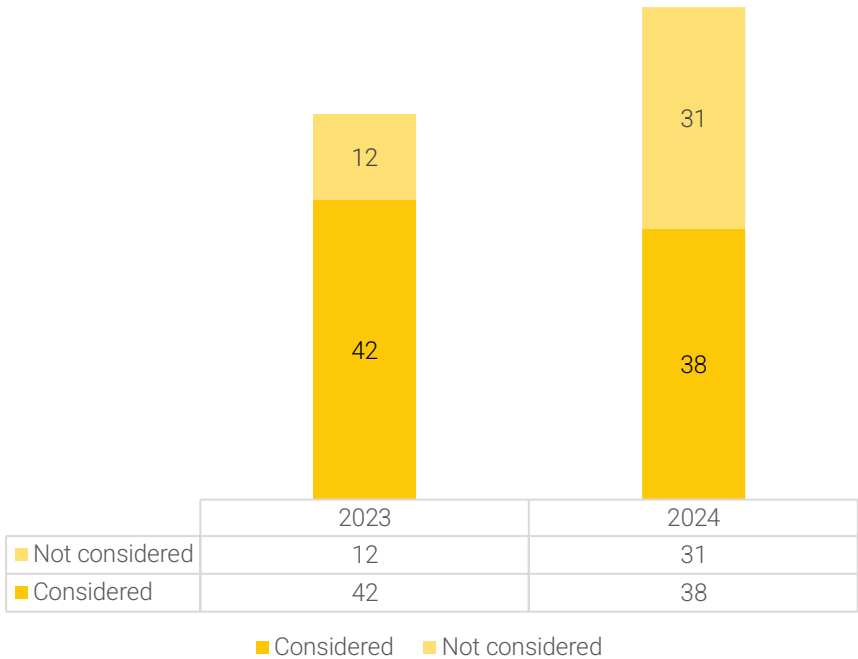
Thus, the Supreme Court maintains its tendency to effectively resolve disputes, although the number of pending cases has decreased.

2.3.2. Civil cases

Table 21. The number of civil cases pending and resolved in the Supreme Court in 2024

Category	Under consideration (total), of which:	not considered at the beginning of the period	received for consideration	Cases transferred for consideration to the Grand Chamber of the Supreme Court	Reviewed (total)	Not reviewed at the end of the period
Cases in disputes regarding the protection of intellectual property rights, including:	74	17	57	1	38	31
rights to an invention, utility model, industrial design	3	1	2	0	0	3
trademark (sign for goods and services)	6	3	3	0	2	4
copyright	11	3	8	0	6	4
related rights	3	0	3	0	0	3

Figure 13. Number of civil cases considered and not considered by the Supreme Court in 2023-2024



The statistics show that in 2024, the relative number of considered cases decreased compared to the number of not considered cases.

Table 22. Number of decisions considered in civil cases by the Supreme Court in 2024

Category	Considered (total), of which:	denied the initiation of proceedings	Returned	cassation proceedings closed	The complaint was dismissed and the court decision was left unchanged.	the appeal was upheld and the court decision was changed
Cases in disputes regarding the protection of intellectual property rights, including:	38	10	4	0	8	2
rights to an invention, utility model, industrial design	0	0	0	0	0	0
trademark (sign for goods and services)	2	0	0	0	0	1
copyright	6	2	1	0	1	0
related rights	0	0	0	0	0	0

The statistics show that the largest number of cases involves refusals to initiate proceedings (10), as well as refusals to satisfy complaints with court decisions left unchanged (8). However, complaints were satisfied and court decisions were changed in only 2 cases.

2.3.3. Review of Supreme Court Decisions of 2024

A number of decisions adopted by the Supreme Court in 2024 focused on key approaches to the interpretation of intellectual property rights, the conditions of their use, as well as the grounds for judicial protection. Below is an overview of selected Supreme Court Decisions of 2024.

EU court decision as a source

[Resolution of the Central Administrative Court of 01/17/2024 in case No. 308/7570/18-ts](#)

The use of an object of intellectual property rights by another person is carried out with the permission of the person who has the exclusive right to allow the use of the object of intellectual property rights, except for cases of lawful use without such permission, provided for by this Code and other law (part three of article 426 of the Civil Code of Ukraine).

Through the balanced system of permissions and prohibitions established by the author, he is able to receive proportionate remuneration for having created the work. Meanwhile, this does not mean that the author is guaranteed control over any use of his work by a third party without exception, but determines that in essence each individual actual action of a third party should in principle be considered as covered by the right of use and requires the prior (not necessarily expressly expressed) consent of the author (see case C-5/08 Infopaq International A/S v Danske Dagblades Forening, URL: <https://curia.europa.eu/juris/liste.jsf?num=c-5/08>).

Rules for using the work and plagiarism

Resolution of the Central Administrative Court of 01/17/2024 in case No. 308/7570/18-ts

According to the general rule, the use of a work as an object of intellectual property rights by another person is carried out with the permission of the person who has the exclusive right to allow the use of the object of intellectual property rights.

As an exception, the lawful use of a work as an object of intellectual property rights is allowed without the permission of the person who has the exclusive right to allow the use of the object of intellectual property rights, if this is provided for by the relevant norm of law.

Quotation is the free use of a work with the indication of the name of the author and the source of borrowing. By its very nature, citation is the most significant limitation of copyright. It serves as a kind of foundation for other limitations of copyright.

The Court of Cassation emphasizes that the condition for the legality of citation is the indication of the name of the author of the work and the source from which this or that quotation is borrowed, which should indicate the origin of the quoted work, which is used without the permission of the author.

The opposite of the use of a work as a positive action is plagiarism. Plagiarism is considered, in particular, the use of quotes from another work (part of a work) without referring to the appropriate source, that is, without complying with such a condition of legality of quoting as indicating the name of the author of the work and the source.

Collecting compensation for copyright infringement

Resolution of the Central Administrative Court of 01/17/2024 in case No. 308/7570/18-ts

Compensation is subject to recovery in case of proving the fact of infringement of the rights of the copyright holder, in particular in case of plagiarism. To satisfy the claim for recovery of compensation, it is sufficient to have evidence of the person committing actions that qualify as copyright infringement. To determine the amount of such compensation, the following are taken into account, in particular: the fact of rights infringement and what kind of infringement was committed; the duration and scope of infringements (single or multiple use of disputed objects); principles of private law (good faith, fairness, reasonableness).

In the case under review: when applying to the court, the plaintiff indicated that the defendants had infringed her copyrights: personal non-property and property rights of intellectual property and requested to recover compensation in the minimum amount established by law at the time of the plaintiff's application to the court; When refusing to satisfy the claims, having established that the use of part of the plaintiff's abstract occurred without indicating her name and source, the courts considered that the reproduction of part of the plaintiff's abstract in the Educational and Methodological Complex is possible without the author's consent, since this is a free reproduction of a copy of the work for teaching purposes; the use of the work was carried out by the defendant without observing such a condition of legality of citation as indicating the name of the author of the work and the source.

Taking into account the fact that the courts established the fact of plagiarism (the use of part of the plaintiff's abstract occurred without indicating her name and source), the court of cassation considers that the claim for compensation is subject to satisfaction. As a result, the

court decisions in this part should be canceled and a new decision should be made, which should recover from the defendant in favor of the plaintiff compensation for infringement of property rights in the amount of 10 minimum wages, which is UAH 32,000, and for violation of non-property rights in the amount of 10 minimum wages, which is UAH 32,000.

The plaintiff has no infringed right or interest

Resolution of the Supreme Court dated 04.04.2024 in case No. 910/21780/21

When reviewing the case in the cassation instance, the Supreme Court indicated that the basis for applying to the court is the existence of an infringed right (interest protected by law), and such an application is made by the person to whom this right belongs, and precisely for the purpose of its protection. The absence of circumstances that would confirm the existence of an infringement of the right of the person for whose protection he applied, or of an interest protected by law, is an independent basis for refusing to satisfy such a claim.

Refusing to satisfy the claims, the court of first instance, which was also agreed with by the court of appeal and cassation, concluded that the main purpose of the plaintiff's activities is the implementation, conduct and support of charitable activities in the interests of society, the development and support of Ukrainian society in the field of implementing comprehensive projects for the prevention and non-proliferation of infectious and non-communicable diseases of social importance, as well as the implementation of other charitable programs, while the plaintiff did not substantiate his personal, direct interest in resolving the issue that is the subject of the claim, did not substantiate the connection between the purpose of his activities and the subject of the claim, did not specify the interests of which persons are the subject of judicial protection, did not specify what constitutes the infringement of his rights and legitimate interests.

Having established that the plaintiff has no infringed right or legally protected interest that would be subject to judicial protection, the courts should not resort to a legal assessment of the merits of the dispute, establishing the circumstances of the compliance/non-compliance of the invention under the disputed patent with the conditions for granting legal protection, therefore, the establishment by the courts of the plaintiff's absence of an infringed right or legally protected interest is an independent, sufficient basis for rejecting the claim.

Trademark reputation as protection of rights, not defense

Resolution of the Grand Chamber of the Supreme Court dated 17.04.2024 in case No. 910/13988/20

The requirement to recognize a trademark as well-known cannot be satisfied in a lawsuit as a separate one, since such a requirement is not aimed at protecting intellectual property rights from a specific infringement, but is a condition for providing this protection, in particular by invalidating the registration (certificate) of the trademark by another person.

Recognition of a trademark as well-known by the Appeals Chamber or a court is not a way to acquire rights to a trademark, but is a tool to protect the rights of the owner of a well-known trademark.

Consideration by the Appeals Chamber of applications for recognition of a trademark as well-known in Ukraine is not aimed at protecting the rights of the owner of the trademark from

infringements by another person, and the decision of the Appeals Chamber, as binding for UANIPIO, is a tool to protect the rights of the owner of a well-known trademark and is not a way to acquire rights to it. In contrast, recognition of a trademark as well-known by a commercial court is carried out for the purpose of protecting rights to it, i.e. has a different meaning. It cannot be considered an alternative to recognizing a trademark as well-known in the decision of the Appeals Chamber.

As noted by the Grand Chamber of the Supreme Court, Part 1 of Article 6 bis of the Paris Convention as a norm of substantive law establishes a method of protection (“to declare the registration invalid”), which, according to the above provision of the Convention, is applied provided that the sign (trademark) “as determined by the competent authority of the country of registration or the country of use is already well-known in this country”. That is, taking into account the above provision, recognizing a trademark as well-known is not an independent method of protection, but a condition for granting a person protection, in particular by declaring the registration (certificate) invalid.

The Grand Chamber of the Supreme Court emphasized that in the absence of bad faith in the registration of a trademark by another person, the claim of the owner of a well-known trademark for the cancellation (invalidation) of the certificate (registration) of the trademark of this person may be satisfied within the general limitation period, which cannot be less than five years from the date of registration of the trademark.

In order to demonstrate the legal significance that the good faith of the registration of the conflicting mark may have, the Grand Chamber of the Supreme Court referred to the case law of the Court of Justice of the EU, which interpreted the doctrine of “tacit consent” in EU law – an approach according to which two owners of trademarks (containing an identical sign) who have used them for a long time to promote their products may continue to use them in good faith.

Appointment of examination as a right of the commercial court

Resolution of the Civil Service Commission of 17.09.2024 in case No. 910/15160/19

The court notes that the appointment of an expert examination is the right, not the obligation of the commercial court. The issue of the appointment of an expert examination is decided by the court in each specific case, taking into account the subject matter, grounds for the claim and circumstances of the case. A judicial expert examination is appointed only in the case of a real need for special knowledge to establish the factual data included in the subject of proof, that is, in the case when the expert's opinion cannot be replaced by other means of proof.

Therefore, in cases related to the protection of intellectual property rights, the courts must first of all decide the issue of the infringed right from the point of view of the ordinary average consumer of the relevant goods (services). And only in the case of the impossibility of such clarification, a judicial expert examination may be appointed.

The positions of the Supreme Court in the above cases indicate the formation of a consistent practice in cases concerning intellectual property rights.

Key trends

Analysis of the state of litigation in the field of intellectual property indicates a general decrease in the number of cases in all categories. The most noticeable decline is in commercial and civil jurisdictions, which are traditionally the main ones in resolving disputes related to intellectual property rights. In certain categories of cases, in particular, in criminal cases and cases of administrative offenses in local courts, a slight increase is recorded, however, the overall negative dynamics persists at the level of appellate and cassation instances.

Among the main factors of this situation, it is worth highlighting the full-scale invasion of the Russian Federation into the territory of Ukraine, the concentration of law enforcement agencies on the investigation of war crimes, as well as the general economic downturn, which affects the activity of market participants in protecting their rights, including intellectual property rights. An additional deterrent factor is the complexity of cases in the field of intellectual property, which require special knowledge and a significant amount of time for consideration - sometimes up to 4-6 years. This leads to a decrease in the interest of rightholders in judicial protection.

The judicial system also faces a number of internal challenges. One of the most problematic aspects remains the excessive number of judicial examinations: one case can include up to 5-7 examinations, the conclusions of which often contradict each other. As a result, the process turns into a "battle of experts", where the level of financial capabilities of the parties, rather than the objectivity of the evidence, may become decisive. In such conditions, judges are not always able to make informed decisions, since expert assessments of the same issue may differ significantly. Against this background, the issue of launching a specialized court for intellectual property issues becomes particularly relevant. The creation of such a body will ensure more efficient, professional and predictable consideration of cases, reduce the burden on general courts, and increase the trust of rightholders in the judicial system as a whole. In the context of challenges caused by the post-war reconstruction of Ukraine, as well as the growing role of IP in the development of the national economy and the protection of investments, including foreign ones, the launch of an IP court is a critically important step.

3. Office of the Prosecutor General

In accordance with paragraph 4 of section 1 of the Regulations on the Unified Register of Pre-Trial Investigations (hereinafter referred to as the Unified Register of Pre-Trial Investigations), the procedure for its formation and maintenance, approved by the order of the Office of the Prosecutor General dated June 30, 2020 No. 298, the owner and administrator of information from the Unified Register of Pre-Trial Investigations is the state represented by the Office of the Prosecutor General. Based on data from the Unified Register of Pre-Trial Investigations, the Office of the Prosecutor General forms a unified report on criminal offenses and persons who committed them, as well as the progress of criminal proceedings, in particular in the field of intellectual property under Articles 176, 177, 203-1, 229 of the Criminal Code of Ukraine.

Table 23. Number of criminal offenses registered by the Prosecutor General's Office under articles of the Criminal Code of Ukraine in 2024

Article of the Criminal Code of Ukraine	Criminal offenses registered in the reporting period	Criminal offenses in which proceedings are closed	including under paragraphs 1,2,4-1, 6, 9-1 part 1 art. 284 of the Criminal Procedure Code of Ukraine	Criminal offenses recorded* in the reporting period	of which are criminal offenses for which proceedings have been sent to court (paragraphs 2, 3 of art. 283 of the Criminal Procedure Code of Ukraine)
art. 176	19	6	6	13	1
art. 177	7	1	1	6	0
art. 203-1	0	0	0	0	0
art. 229	115	15	13	102	17

In total, 141 criminal offenses in the field of intellectual property were recorded in 2024, which is a lower figure compared to 2023 (187 offenses). At the same time, the structure of offenses by category remains unchanged - the largest share, as before, is accounted for by offenses related to trademarks.

The Office of the Prosecutor General systematically participates in international initiatives aimed at increasing the level of protection of intellectual property rights. In 2024, the Prosecutor General's Office participated in the 11th annual meeting of the European Intellectual Property Prosecutors Network (EIPPN), which was held at the headquarters of the World Intellectual Property Organization (WIPO). During the meeting, issues of investigating criminal offenses in the field of intellectual property, supporting prosecutors involved in such cases, and the EMPACT International Guide to the Investigation and Prosecution of Relevant Crimes were discussed.

Participation in the event contributed to the development of international cooperation and improvement of approaches to the protection of intellectual property rights, in particular by implementing ESBUE European practices. The Prosecutor General's Office is focused on further actively participating in such initiatives in order to increase the effectiveness of countering intellectual property infringements.

4. National Police of Ukraine

Table 24. Number of criminal offenses recorded by the National Police of Ukraine in 2024

Article of the Criminal Code of Ukraine	Criminal offenses recorded	Criminal offenses for which individuals have been served with a notice of suspicion	Criminal offenses for which proceedings have been referred to court	Criminal offenses in which proceedings are closed	Criminal offenses for which no decision has been made (on termination or suspension) at the end of the reporting period
art. 176	13	1	1	6	12
art. 177	5	0	0	1	5
art. 203-1	0	0	0	0	0
art. 229	23	3	3	4	20

The number of recorded criminal offenses has decreased compared to 2023 (last year, 33 proceedings were recorded under Article 176 of the Criminal Code, 6 under Article 177 of the Criminal Code, and 37 under Article 229 of the Criminal Code).

In particular, the Cyber Police Department, which is a structural unit of the National Police of Ukraine, initiated 6 pre-trial investigations in 2024 as part of countering crimes in the field of intellectual property rights infringement, of which 2 under Article 176 of the Criminal Code and 4 under Article 229 of the Criminal Code. In total, the Department is monitoring 43 criminal proceedings, of which 26 under Article 176 of the Criminal Code and 17 under Article 229 of the Criminal Code.

In 2024, the Cyber Police Department documented the places of manufacture, storage and distribution of counterfeit products, and terminated the operation of pirated web resources (online cinemas).

In the reporting period, a number of cases were implemented regarding the illegal use of trademarks in the field of consumer goods (food, household appliances, portable electronics), special-purpose goods (spare parts for vehicles, agrochemicals, seeds).

In particular, the activities of a number of companies that sold large volumes of counterfeit APPLE products were terminated, thereby causing losses to the company's copyright holder in the amount of more than 40 million hryvnias. The Department also terminated the activities of a criminal group that manufactured and sold cosmetic and perfume products of famous world brands, thereby causing material losses to the copyright holders' companies in particularly large amounts.

The Department identified and documented a group of individuals who manufactured and wholesaled agricultural goods, namely, agricultural seed and agrochemicals under the guise of well-known trademarks PIONEER, LIMAGRAIN, CORTEVA, LIDEA.

According to the materials that were and are being monitored, the most common facts of intellectual property rights infringements were recorded in the group of general consumer goods (household chemicals, food, electronics, personal appliances). In addition, in 2024, a significant increase in cases of illegal use of a trademark in the field of cosmetic products and care products was recorded.

During the pre-trial investigation and operational monitoring of criminal proceedings on the illegal use of trademarks for goods and services, the distribution of such products via the Internet, in particular through business accounts on marketplaces, was most often detected. At the same time, freight companies (CARGO) remain the key channel for supplying counterfeit products to the territory of Ukraine.

Key trends

The role of the National Police in detecting and solving intellectual property crimes is constantly growing. Particular attention is paid to combating organized criminal groups involved in such crimes.

To increase the effectiveness of law enforcement activities in the field of intellectual property, it is advisable to focus on the following areas: strengthening analytical work on repeated patterns of infringements, deepening the qualifications of investigators in the field of IP, as well as actively responding to requests from rightholders and further interaction with them. The development of specialization of units and interaction with UANIPIO can become factors in increasing the effectiveness of investigations and bringing infringers to justice.

An important role in the protection of intellectual property rights is played by the Cyber Police Department, which specializes in detecting and stopping infringements in the digital environment. Strengthening cooperation with other initiatives, including anti-piracy projects, can contribute to a more effective response to infringements, especially in the area of online content. At the same time, active withdrawal of large batches of counterfeit products from circulation has a positive impact on the overall dynamics of increasing the effectiveness of law enforcement activities.

5. Economic Security Bureau of Ukraine

In accordance with the Law of Ukraine “On the Bureau of Economic Security of Ukraine”, the Detective Department of the Economic Security Bureau of Ukraine was partially formed at the end of 2021. In addition to the assigned tasks, the ESBU performs law enforcement, analytical, economic, informational and other functions.

In accordance with Art. 216 of the Criminal Procedure Code of Ukraine, ESBU detectives, in particular, carry out pre-trial investigations of criminal offenses provided for in Art. 229 of the Criminal Procedure Code – “Illegal use of a mark for goods and services, a company name, a qualified indication of the origin of goods is punishable by a fine of one thousand to two thousand non-taxable minimum incomes of citizens”.

Table 25. Number of criminal offenses recorded by the Economic Security Bureau of Ukraine in 2023-2024

Category	2023	2024
Criminal offenses recorded	79	79
Criminal offenses for which individuals have been served with a notice of suspicion	14	21
Criminal offenses for which proceedings have been referred to court	14	14
Criminal offenses in which proceedings are closed	6	11
Criminal offenses for which no decision has been made (on termination or suspension) at the end of the reporting period	65	63

According to data provided by the Bureau of Economic Security, during 2024, based on the results of investigations that were in their process, including for previous periods, ESBU detectives reported suspicions of 53 persons in committing criminal offenses provided for by Article 229 of the Criminal Code of Ukraine, 29 criminal proceedings of the specified category were sent to court against 45 persons. In 2024, the courts passed 6 verdicts based on the results of consideration of criminal proceedings, the pre-trial investigation of which was carried out by ESBU detectives.

The measures taken by ESBU in criminal proceedings, under the procedural guidance of prosecutors of the Prosecutor General's Office, prevented the sale of products to buyers, which would have caused losses of billions of hryvnias to trademark owners.

ESBU detectives discovered counterfeits of the following well-known world brands in the following industries: household chemicals, clothing and footwear, perfumes, automotive lubricants, food (coffee, spices, seasonings, confectionery) and excisable products:

- regarding illegal production and sale of products **Apple**;
- regarding illegal production and sale of products **Bayer**;

- **perfumes:** «CHANEL», «DIOR», «LVMH FRAGRANCE BRANDS (PARFUMS GIVENCHY «HUGO BOSS», «VICTORIA SECRET», «DOLCE GABBANA», «LACOSTE», «GIORGIO ARMANI», «MOSHCINO», «PACO RABANNE»;
- **clothing and footwear:** «ADIDAS», «NIKE», «NEW BALANCE», «PUMA», «THE NORTH FACE», «COLUMBIA», «REEBOK», «UNDER ARMOUR», «FILA», «CALVIN KLEIN», «TOMMY HILFIGER»;
- **chemicals:** «THE PROCTER & GAMBLE COMPANY», «ARIEL», «FAIRY», «HEAD & SHOULDERS», «TIDE», «GALA», «LENOR», «DOMESTOS», «SAFEGUARD», «HENKEL», «PERSIL», «DASH», «DOVE», «COCCOLINO», «MR. PROPER», «ALWAYS», «NATURELLA», «DISCREET»;
- **tobacco products:** «PHILIP MORRIS BRANDS SARL», «BOND STREET», «MARLBORO», «COMPLIMENT»;
- **auto industry:** «TOTAL», «ELF», «GM», «TOYOTA», «MOBIL», «MAZDA», «VOLKSWAGEN», «SHELL», «ARAL», «FORD».

The activities of 16 large-scale productions of counterfeit products of famous world brands (Apple, Chanel, Dior, Adidas, Nike, Ariel, Duracell, etc.) were documented and terminated in the following regions: Kyiv, Zakarpattia, Odessa, Mykolaiv, Chernivtsi and Kirovohrad.

During 2024, interaction was established with representatives of trademark rights holders to identify, terminate and document illegal activities. Counterfeit products were also seized and sequestered, the estimated value of the products is UAH 500 million.

The criminal, civil and economic legislation of Ukraine provide owners of rights to intellectual property objects with a wide arsenal of means of protection against infringements by other persons. However, certain offenses in this area not only pose a danger to the legitimate owners of intellectual property objects, but also pose a threat to public and state interests. Intellectual property is today becoming a strategically important factor in the competitiveness of the national economy, the development of high-tech industries, the qualification of the workforce and the achievement of high standards of living.

One of the most common forms of intellectual property rights infringement and the requirements of the Law of Ukraine "On the Protection of Rights to Trademarks for Goods and Services" is the production and distribution of counterfeit (fake) products.

Counterfeit products affect the investment climate in the country, cause multimillion-dollar losses to owners of well-known trademarks and the state budget due to non-payment of taxes and the functioning of the shadow economy.

The main sources of counterfeit products entering the Ukrainian market are the manufacture of counterfeit products in so-called "underground" workshops or at legal enterprises, under the guise of their own products, while illegally using well-known international and domestic brands, as well as the movement across the customs border of Ukraine outside customs control or with concealment from customs control (smuggling) of such products, mainly from countries such as China, Turkey and others.

The main channels for the distribution of counterfeit products remain large wholesale markets and online trade (online stores, pharmacies, marketplaces, Instagram, pages on social networks, etc.).

The following segments of the Ukrainian consumer market are most vulnerable to counterfeiting: excisable goods, electronics, medicines, food, agrochemicals, car parts, building materials (equipment), branded clothing, household appliances and chemicals.

Given the above, there is an objective need for legal protection of means of individualization of manufacturers, goods, works and services, including criminal law.

The commission of a criminal offense is mostly carried out according to the following models:

Production in underground workshops of duplicates of products of well-known brands, from clothing to detergents, cosmetics, hygiene products, coffee, spices, seasonings, marinades, etc.

Usually, either high-tech equipment is used, on which it is possible to produce duplicates of well-known trademarks, or raw materials are imported, which are subsequently packaged in supposedly original packaging manufactured both on the domestic market and abroad (usually used for the production of detergents, cosmetics, perfumes, cigarettes).

Importation into the territory of Ukraine of goods, as an example of consumables for cars (brake pads, discs, etc.), which are subsequently packaged in duplicates of the original packaging of well-known brands and sold to the end consumer under the guise of high-quality branded products.

These goods are then sold at retail or directly through wholesale deliveries to entrepreneurs. The advertising of these counterfeit goods or their ordering takes place via the Internet, at prices that are much lower than the minimum market prices, under the guise of "promotional goods."

The Economic Security Bureau of Ukraine demonstrates an active position in the field of intellectual property rights protection and ensures transparency of its activities by regularly informing the public. In its public reports, the Bureau highlights the results of its work, in particular in the part of pre-trial investigations of criminal offenses related to the intellectual property rights infringement, which are under its proceedings.

Overview of pre-trial investigations conducted by the ESBU of Ukraine

1. Based on the materials of the ESBU detectives, the court sentenced the organizer of a criminal group whose members established a large-scale production of counterfeit perfumes of famous brands.

Counterfeit perfumes were sold throughout Ukraine in wholesale and retail quantities via websites, Telegram channels and in the outlets of the "7 Kilometer" market.

The total value of the seized property exceeds UAH 115 million.

The organizer has now been found guilty of committing a criminal offense under Part One of Article 209 of the Criminal Code of Ukraine. He was sentenced to 4 years in prison with a 1-year disqualification from holding director positions without confiscation of property, with exemption from serving the main sentence of imprisonment with a 2-year probationary period.

2. ESBU detectives have completed a pre-trial investigation into the illegal production of coffee of famous brands.

During the pre-trial investigation was identified a private entrepreneur who, illegally using trademarks of world brands, manufactured and sold packaged coffee through online stores. In this way, the accused caused significant material damage to the copyright holder.

During the authorized searches, ESBU detectives discovered an underground coffee production workshop, where they seized almost 700 kg of products. The value of the products seized from illegal circulation exceeds UAH 1.5 million.

The indictment was sent to the court under Part One of Article 229 of the Criminal Code of Ukraine.

3. ESBU detectives exposed a group of individuals who illegally used trademarks owned by an international company.

The facts of the import of counterfeit gadgets of famous brands from China, which were sold on websites, Instagram pages and Telegram channels, were documented. More than 4 thousand units of counterfeit / fake products were seized. As a result of the research, it was established that the specified products were manufactured and branded without the permission of the trademark owner. The amount of losses caused to the right holder is 25 million UAH.

The pre-trial investigation under Part Three of Article 177, Part Three of Article 229 of the Criminal Code of Ukraine is ongoing, a number of forensic examinations have been ordered.

Difficulties arising during pre-trial investigation

- large-scale production of counterfeit products is located in various cities of Ukraine, including in front-line areas, which causes difficulties in organizing employee travel related to compliance with employee safety;
- in order to document the production, storage, and sale of counterfeit products and to hold accountable those involved in the illegal production and sale of counterfeit products, it is necessary to carry out a large number of investigative and covert investigative actions, on which the judicial prospects of criminal proceedings and further compensation for damage caused as a result of committing a criminal offense depend;
- no less problematic is e-commerce in counterfeit goods through relevant trading platforms (online stores and marketplaces);
- another important issue is the storage of seized counterfeit goods. As practice shows, a lot of time can pass from the moment of seizure (purchase) of counterfeits to their transfer for forensic examination in the field of intellectual property. At the same time, all this time, the seized counterfeit products, having the procedural status of physical evidence, must be stored somewhere. Storage must take place in premises with an appropriate level of security and storage conditions;
- disposal of counterfeit products, which in wartime conditions causes difficulties due to insufficient funding of state bodies;

- the need to involve specialists in specific fields and conduct relevant research and examinations (physicochemical properties, determination of safety status, chemical examination, examination of materials, substances and products). For example, when conducting a traceological examination of equipment seized during searches at underground workshops for the manufacture of counterfeit products, it is necessary to provide samples of the goods produced on this equipment, and for this purpose it is necessary to dismantle the equipment and produce product samples. This requires appropriate specialists, premises and time, or the involvement of such specialists on site upon its detection (the specialist must have the skills to launch such equipment and subsequently manufacture relevant product samples);
- not all brands are officially represented in Ukraine, so it is often difficult to find an official representative to examine a seized object for counterfeiting. Thus, during the pre-trial investigation, there is no possibility to identify the originality of the product and, accordingly, to establish the amount of damages caused to the right holder.

Key trends

The Economic Security Bureau of Ukraine demonstrates stable positive dynamics in the implementation of pre-trial investigation and ensures effective functioning in the field of combating crimes. Analysis of practice shows that infringements in the field of intellectual property are mostly of an economic nature, and therefore granting the relevant powers to a specialized body is a logical and positive step for improving the system of protection of intellectual property rights in Ukraine.

Despite the existing challenges in the activities of the Bureau of Economic Security, timely detection of infringements in the field of intellectual property and their analysis create the basis for finding effective solutions, increasing institutional capacity, strengthening human resources and expanding interdepartmental cooperation.

6. State Customs Service of Ukraine

To facilitate the protection of intellectual property rights during the movement of goods across the customs border of Ukraine, the State Customs Service of Ukraine (hereinafter also referred to as the State Customs Service), in accordance with its functions, ensures the maintenance of a customs register of intellectual property rights (hereinafter referred to as the Customs Register), which are protected in accordance with the law.

Table 26. Number of registered IPs in the customs register during 2024

Month of 2024	Registered objects, including:	Trademarks (TM)	Industrial designs (ID)	Inventions (I)
January	7	5	2	-
February	11	11	-	-
March	10	10	-	-
April	10	9	-	1
May	6	6	-	-
June	12	12	-	-
July	3	3	-	-
August	7	7	-	-
September	9	9	-	-
October	5	5	-	-
November	4	4	-	-
December	1	-	1	-
Total	85	81	3	1

Compared to 2023, when 150 intellectual property objects were entered into the customs register, in 2024 there is an almost twofold decrease in this indicator. Such dynamics may indicate a decrease in the activity of rightholders in the direction of customs protection or the influence of external factors that complicate the submission and consideration of relevant applications.

After registering an intellectual property object in the customs register, customs authorities apply measures to promote the protection of intellectual property rights based on the data of such a register.

Customs authorities apply measures to promote the protection of intellectual property rights in accordance with Article 397 of the Customs Code of Ukraine (hereinafter referred to as the Customs Code).

Measures to promote the protection of IP rights

Article 399 of the Customs Code of Ukraine

Suspension of customs clearance of goods based on data from the customs register of intellectual property rights protected in accordance with the law

Article 400 of the Customs Code of Ukraine

Suspension of customs clearance of goods at the initiative of the customs authority

Article 401 of the Customs Code of Ukraine

Destruction of goods whose customs clearance has been suspended on suspicion of infringing intellectual property rights

Article 401-1 of the Customs Code of Ukraine

Suspension of customs clearance and destruction of small consignments of goods moving (forwarded) across the customs border of Ukraine in international postal and express shipments

Article 402 of the Customs Code of Ukraine

Changing the labeling on goods and their packaging

Table 27. Total number of cases of suspension of customs clearance of goods on suspicion of infringement of IPR under Art. 399 and Art. 400 of the Customs Code of Ukraine

Number of decisions to suspend customs clearance of goods on suspicion of infringement of intellectual property rights, of which:	according to the customs registry data	on the own initiative of the customs authorities (Ex Officio)
674	568	106

Compared to 2023, when there were 347 such cases (314 - according to the customs register, 33 - at the initiative of the customs authorities), there is a significant increase in the number of suspensions, namely twice. At the same time, the trend characteristic of previous periods remains: the vast majority of decisions are made on the basis of data from the customs register. Such dynamics indicate the effective work of the State Customs Service in identifying and responding to infringements of intellectual property rights during customs control.

Table 28. Total number of decisions made on violations in accordance with the Customs Code of Ukraine, in 2024

Category	2023	2024
Number of decisions on destruction of goods under art. 401 of the Customs Code of Ukraine	90	111
Number of decisions on destruction of goods under art. 401-1 of the Customs Code of Ukraine	50	13
Number of decisions on which protocols on violation of customs rules were drawn up under art. 476 of the Customs Code of Ukraine	15	17
Number of decisions by which the marking on goods was changed under Art. 402 of the Customs Code of Ukraine	3	8

Based on the available data, there is an increase in the number of cases under all articles, except for cases provided for in Article 401¹ of the Customs Code of Ukraine. These are decisions to suspend customs clearance and destroy small batches of goods moving (forwarded) across the customs border of Ukraine in international postal and express shipments, the number of which has decreased.

At the same time, in **65** decisions, the rightholders confirmed the conclusion of the customs authority that the goods are suspected of infringing IPR, but reported that they had no intention of applying

facilitation measures or other actions provided for by law, and gave their consent to the renewal of customs clearance of the goods.

Table 29. Main groups of goods whose customs clearance was suspended on suspicion of intellectual property rights infringement during 2024

Product category	Trademark
Clothing and footwear	Adidas, New Balance, Skechers, Asics, Gucci, Puma, Nike
Electronics and accessories (cases, straps, cables), household appliances	Apple, Xiaomi, Sony, Google, Nokia
Toys	Barbie, Lego
Alcoholic beverages	Jameson, Ballantine's
Soft drinks	Coca-Cola, Fanta, Red Bull
Spare parts for automotive and agricultural machinery	Finwhale, Stihl
Hygienic, cosmetic and detergents	Tesori d'Oriente, DAENG GI MEO RI, CP-1
Food	Haribo, Roshen, Pringles, LOL
Jewelry	Pandora
Other goods (motor oils, pallets, backpacks, suitcases, coffee, razors)	Shell, Epal, Wenger, Dallmayr, Gillette

Table 30. List of goods with the largest number of suspensions in 2024 on suspicion of intellectual property rights infringement

Product name	Trademark	Quantity, pcs.
Children's toys and construction sets	BARBIE LEGO	84 366
Electronics:		46 966
Headphones		33 940
Smartphone cases		8 564
Charger cables		3 362
Watches	Apple Inc.	478
Watch straps		334
Chargers		245
Smartphones		43
Shoes	Adidas, New Balance, Skechers, Asics	15 387 pairs
Energy drinks	Red Bull	5 424

Fig. 14. Distribution of goods with the largest number of suspensions in 2024 for suspected infringement of intellectual property rights

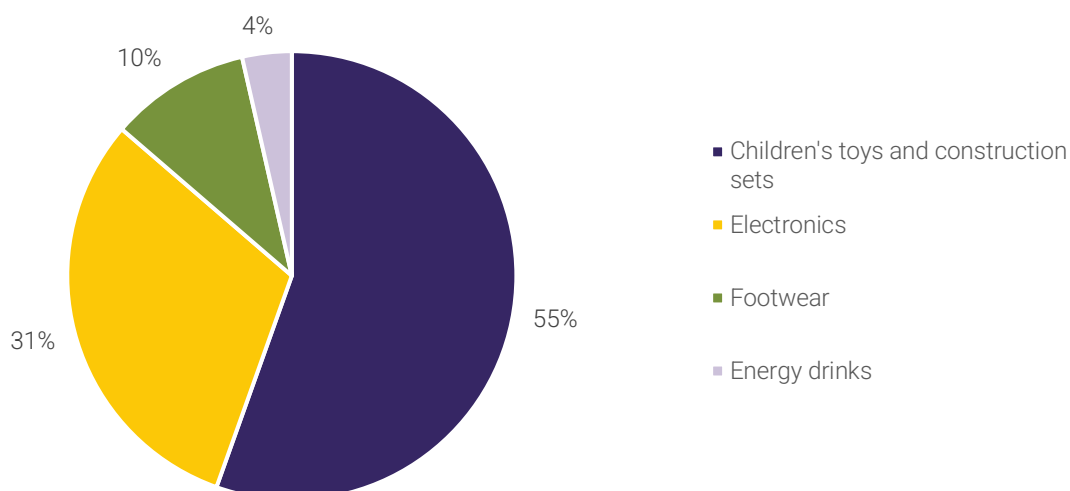


Table 31. List of countries of origin of goods whose customs clearance was suspended due to suspicion of IPR infringement during 2024

Country of departure	Number of suspension decisions
People's Republic of China	584
Republic of Poland	25
Republic of Turkey	13
Republic of Latvia	13
Kingdom of Belgium	8
United States of America	5
Republic of Singapore	4
Republic of Lithuania	4
Republic of Korea	4
Czech Republic	3
Italian Republic	2
Federal Republic of Germany	2
Republic of Estonia	2
Hungary	1
Slovak Republic	1
Kingdom of Denmark	1
Kingdom of Spain	1
United Kingdom of Great Britain and Northern Ireland	1

The State Customs Service is constantly taking measures to improve methods of countering the movement of counterfeit and pirated goods across the customs border, in particular through the use of new information resources.

Extremely important sources of information on the contact details of rightholders are information systems, databases and registers of international organizations and individual states, which, in addition to information on rightholders, also contain information on the characteristics of original and counterfeit goods, manufacturers and distributors of such goods. On an ongoing basis, the State Customs Service is taking measures to establish communication relations with customs

administrations of other EU member states in order to exchange information, as well as with rightholders, their associations, representatives to obtain information on possible channels, methods, methods of movement of counterfeit goods and persons who have been exposed (suspected) of such activities in other countries, or goods that can potentially be counterfeited and to establish risk profiles for rapid response.

In view of this, the State Customs Service sent letters to the World Intellectual Property Organization, the EU Intellectual Property Office (EUIPO), the Directorate-General for Taxation and Customs Union of the European Commission (DG TAXUD), and the Global Challenges and Partnerships Sector of Switzerland regarding the provision of regulated access to the WIPO IPAS-Customs recordation System (CRIS), the Anti-Counterfeit and anti-Piracy Information System (COPIS), and the European Union Intellectual Property Network (EUIPN).

In response to the letter, the EU Intellectual Property Office informed about the agreement with DG TAXUD to provide the State Customs Service with limited access to the Intellectual Property Protection Portal (IPEP), which is currently available only to EU Member States.

Currently, in order to increase the efficiency of the customs authorities' implementation of the "ex officio" function and due to the lack of access to the above-mentioned resources, the State Customs Service is forming and filling the information base with information on IPR objects registered under the Madrid System for the International Registration of Marks and the legal protection of which has been extended to the territory of Ukraine, and geographical indications, the protection of which Ukraine must implement in accordance with the Association Agreement between Ukraine and the EU.

In order to strengthen measures to combat counterfeit products, the State Customs Service is constantly working to expand interaction with copyright holders, coordinating forms and ways of cooperation with them, as well as associations and groups of companies of brand owners.

Changes to customs legislation

After the entry into force of Law No. 3926-IX, the presence or absence of IPR infringement in goods is confirmed by the rightholder by providing the customs authority with a relevant conclusion on the presence or absence of IPR infringement.

Such a conclusion is provided exclusively by the rightholder or a person authorized by him, information about which is entered in the customs register of intellectual property rights.

Also, in accordance with the adopted amendments, the rightholder has acquired the right in proceedings in a case of violation of customs rules to provide a conclusion on the presence or absence of IPR infringement and oral and/or written explanations.

All applications by rightholders for assistance in the protection of IPR, including applications for assistance in the protection of IPR, submitted by the rightholder after the suspension of customs clearance of goods at the initiative of the customs authority, are considered by the central executive body implementing the state customs policy.

The extension of the customs clearance suspension period up to 10 working days is carried out on the basis of a decision of the head of the customs authority or his deputy only in the event of a conclusion by the rightholder on the existence of an IPR infringement and upon his motivated request.

In addition, in order to achieve the goal of measures to promote IPR, defined by Regulation (EU) No. 608/2013 of the European Parliament and of the Council of 12 June 2013 on ensuring by customs authorities compliance with intellectual property rights in respect of goods subject to customs supervision or customs control and exercising appropriate control over such goods to prevent transactions that infringe IPR legislation, Law No. 3926-IX introduced the following amendments to the Code.

For goods in respect of which customs authorities have acquired the right to dispose in accordance with Article 243 of the Code and which contain IPR objects registered in the customs register, customs authorities must ensure the implementation of control measures for compliance with IPR.

In order to bring it into line with the norms of the Law of Ukraine No. 3926-IX, the State Customs Service has developed and sent to the Ministry of Finance of Ukraine proposals for amendments to the Procedure for Registration in the Customs Register of Intellectual Property Rights Protected in Accordance with the Law, approved by Order of the Ministry of Finance of Ukraine dated May 30, 2021 No. 648, and the Procedure for Applying Measures to Promote the Protection of Intellectual Property Rights and Interaction of Customs Authorities with Rightholders, Declarants and Other Interested Persons, approved by Order of the Ministry of Finance of Ukraine dated June 9, 2020 No. 281.

A new Customs Code of Ukraine is also currently being developed, which will be based on the Customs Code of the European Union.

The development of the document is aimed at fulfilling the requirements for Ukraine as a candidate country for accession to the European Union. A separate section of the new Customs Code of Ukraine will contain the provisions of Regulation (EU) No. 608/2013 and correspond to the structure of this act of European Union law.

Web portal of the State Customs Service of Ukraine

The official web portal of the State Customs Service has created a section ["Intellectual Property \(IPR\)"](#), all sections of which are filled with relevant materials, information and information on the activities of the State Customs Service in promoting the protection of IPR.

In order to raise awareness among rightholders of IPR objects, including non-residents, about the procedure for the customs authorities of Ukraine to implement measures to promote the protection of IPR, the texts of regulatory and legal acts regulating such measures have been translated into English. The texts of the relevant regulatory and legal acts in English and Ukrainian are posted on the official web portal of the State Customs Service in the section "Regulatory and legal framework" of the section "Intellectual Property (IPR)".

In addition, in the section "Right holders" of the specified section of the official web portal of the State Customs Service, in order to provide methodological assistance to potential applicants, links to video instructions developed by the State Customs Service are posted:

- "How to submit an Application for extension of the registration period of an intellectual property right object in the customs register";
- "How to submit an Application for changes and/or additions to information regarding a registered intellectual property right object in the customs register";

- “How to withdraw an Application for assistance in protecting the property rights of the right holder to an intellectual property right object, an Application for extension of registration in the customs register or an Application for amendments and/or additions to information in the customs register”.

The mentioned video instructions provide a translation of the voiced series into English with the help of subtitles. Typical shortcomings of applications of IPR object right holders submitted by them to the State Customs Service and regarding which inquiries were sent were analyzed, and in order to clarify the issues of the procedure for filling out applications and the implementation of measures by the customs authorities of Ukraine to promote the protection of IPR, information materials in the form of infographics “How to submit an application for registration of an intellectual property right (IPR) object in the customs register” were developed, with translation into English.

Key trends

The State Customs Service of Ukraine consistently demonstrates positive results in combating infringements of intellectual property rights. The implemented legislative innovations, as well as those that are in the preparation stage, indicate an orientation towards improving existing approaches and introducing the ESBUT European standards into customs practice. Despite the decrease in the number of applications from rightholders for entering objects into the customs register in 2024, previously introduced tools, namely a convenient electronic interface and accessible video instructions, create favorable conditions for simplifying this procedure. Such a tool, combined with the positive dynamics of customs clearance suspensions based on customs register data, is able to intensify the involvement of rightholders in the use of this protection mechanism and contribute to further strengthening the system for combating infringements in the field of IP.

7. Appeals Chamber of the National Intellectual Property Authority

The Appeals Chamber of the National Intellectual Property Authority is a collegial body for considering objections to decisions of the National Intellectual Property Authority regarding the acquisition of rights to intellectual property objects, applications for the recognition of rights to IP as invalid in whole or in part, applications for the recognition of a trademark as well-known in Ukraine. By the Order of the UANIPIO No. 93/2024 dated June 18, 2024, the Appeals Chamber approved the staff of the Appeals Chamber, which was agreed by the Ministry of Economy of Ukraine, and then began to consider oppositions, appeals and applications for recognition of trademarks as well-known in Ukraine.

As of January 1, 2024, the number of cases pending before the Appeals Chamber of the National Intellectual Property Office (not completed in the previous period) was:

- 15 applications for recognition of a trademark as well-known in Ukraine,
- 139 objections to decisions on trademark applications, of which:
 - 87 objections filed on the basis of paragraph one of paragraph 1 of Article 15 of the Law of Ukraine “On the Protection of Rights to Marks for Goods and Services” (filed by applicants)
 - 52 filed in accordance with paragraph two of paragraph 1 of Article 15 of the Law of Ukraine “On the Protection of Rights to Marks for Goods and Services” (filed by third parties)

Also under consideration were:

- 3 objections to decisions on applications for inventions
- 4 objections to decisions on applications for utility models
- 4 appeals on invalidation of utility model rights
- 3 appeals on invalidation of industrial design rights

During 2024, 37 objections to decisions were filed with the Appeals Chamber, 1 appeal for invalidation of utility model rights and 4 appeals for invalidation of industrial design rights, and 8 applications for recognition of trademarks as well-known in Ukraine.

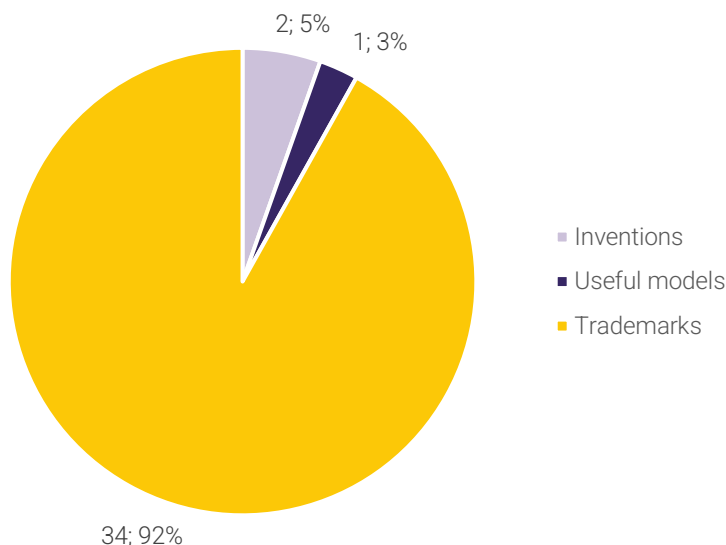
Table 32. Number of objections submitted to the Appeals Chamber of the NIPA in 2023-2024

Denial	2023	2024
Total number (total)	41+1*	37+5*
Inventions	1	2
Utility models	0	1+1*
Industrial designs	1	4*
Trademarks, of which:	40	34
<i>filed by applicants</i>	28	19
<i>filed by third parties</i>	12	15

*appeals

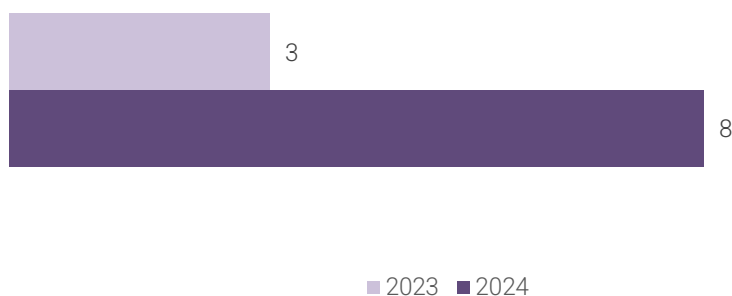
The data presented in the table indicate that the number of objections and appeals filed in 2024 for inventions, utility models, and industrial designs increased compared to 2023. At the same time, the number of objections to decisions on trademark applications decreased.

Fig. 15. Distribution of objections submitted for consideration to the Appeal Chamber of the NIPA by industrial property objects in 2024



From the data provided, it can be concluded that the vast majority of objections concern trademarks, while the number of objections regarding utility models and inventions is insignificant, and regarding industrial designs - none.

Fig. 16. Number of applications for recognition of trademarks as well-known in Ukraine in 2023-2024



There is a positive trend in the number of applications for recognition of trademarks as well-known in Ukraine. In particular, if in 2023 3 such applications were received, then in 2024 their number increased to 8. This may indicate an increase in the interest of rightholders in additional mechanisms for protecting their rights, in particular by obtaining the status of well-known.

The Appeals Chamber of the NIPA resumed its work in September 2024, and since then has been actively considering cases within its competence. During 2024, the panels of the Appeals Chamber held 94 meetings to consider objections, appeals and applications for recognition of a trademark as well-known in Ukraine. Given the long period of inactivity of the Appeals Chamber in previous years, this is a positive indicator that indicates the institution's determination to restore effective case consideration practice.

Table 33. Number of objections submitted for consideration by the Appeals Chamber of the NIPA in 2023-2024

Meetings held	Decisions were made, including:	<i>on the full satisfaction of the objection</i>	<i>on partial satisfaction of the objection</i>	<i>on the refusal to grant the objection</i>
94	21	7	2	12

As a result of the review in 2024, 21 decisions were made, which is a significant result considering the relatively short period of the resumption of the functioning of the Appeals Chamber. In particular, 7 objections were fully satisfied, 2 were partially satisfied, and in 12 cases a decision was made to refuse to satisfy the objection.

At the same time, it should be taken into account that not all meetings end with the issuance of a final decision. This is due to a number of objective reasons, in particular, the need to provide the parties with additional time to submit or finalize documents, the request for additional materials, the failure of participants to appear, as well as the conditions of martial law.

Overview of selected decisions of the Appeals Chamber of the National Intellectual Property Office adopted in 2024

The decisions of the Appeals Chamber in cases related to the Apple brand are noteworthy. On the one hand, the Appeals Chamber consistently refuses to register signs containing the element "APPLE" due to their associative similarity to a trademark with a reputation on the market. At the same time, Apple itself was refused to register the sign "YABLOKO" in Cyrillic due to, among other things, insufficient evidence of its actual use in this graphic form.

Decision to refuse registration of TM "Apple Hall"

In November 2022, an application for registration of the word trademark "Apple Hall" in the name of an individual was filed with the UANIPIO. The application was filed for services in class 35 of the ICGS (advertising; business management, organization and administration in the field of business; office work).

In June 2024, the UANIPIO examination institution refused to register the specified designation. The main reasons were that the applied designation may be misleading regarding the person providing the services, namely Apple Inc., and is so similar that it can be confused with trademarks registered in the name of other individuals and legal entities in Ukraine.

The appellant disagreed with the decision of the UANIPIO examination and appealed to the Appeals Chamber. However, the Appeals Chamber in November 2024 considered the case and, despite the appellant's arguments, concluded that the sign "Apple Hall" creates an impression of associative similarity with previously registered trademarks dominated by the element "Apple", since when assessing the risk of confusion, the key is the overall impression that the sign makes on the consumer, and not just formal or partial similarity.

The Appeals Chamber also proceeded from the fact that the trademark "Apple" is one that enjoys a reputation and therefore deserves a higher level of protection.

In this context, the Appeals Chamber took into account the fact that as a result of long-term use and recognition on the Ukrainian market, the trademark "Apple" has acquired a high degree of distinctiveness to identify the goods and services of Apple Inc. In this regard, the appearance on the Ukrainian market of services of an entity using the claimed designation "Apple Hall" may lead to consumers perceiving these services as an expansion of the range of services of a company already known to them, which in fact does not correspond to reality.

This approach corresponds to the practice of the European Union, according to which, when making decisions, the degree of recognition of the opposing brands, the degree of similarity between the designations, as well as the nature of the goods or services should be taken into account.

Decision to refuse registration of TM "YABLOKO"

In 2017, Apple Inc. filed an application for registration of the word trademark "YABLUKO" for the entire list of services in classes 35 and 37 of the ICGS. In December 2021, the NIPA examination institution refused to register such a trademark.

The main grounds for refusal were that the applied word designation is identical to other trademarks containing the inscription "YABLOKO". Disagreeing with the decision of the examination institution, the applicant filed an objection with the Appeals Chamber, in which he emphasized that the applicant, Apple Inc. (US) is an American technology company that designs and develops consumer electronics, software and online services.

By decision of September 25, 2024, the Appeals Chamber panel recognized the grounds for refusal to register the word trademark "YABLOKO" as legitimate. Having considered this case, the Appeals Chamber established that the claimed sign is identical to the opposed word trademarks in terms of phonetic, graphic and semantic features, since it is associated with them as a whole, despite the individual difference in elements.

The Appeals Chamber Panel also paid attention to the information and documents provided by the appellant. In particular, the appellant provided extracts from Wikipedia regarding the activities of Apple Inc. (US), printouts from online stores regarding the availability of the appellant's goods, copies of certificates for trademarks owned by the appellant, information on the economic activities of the owners of the opposed trademarks, extracts from You Control, GCS Ukraine. At the same time, no documents were provided by the appellant to confirm the use of the claimed sign in relation to the claimed list of services in classes 35, 37 of the ICGS.

In connection with the above, the panel of the Appeals Chamber recognized the grounds for refusing to register the verbal trademark "Yabloko" as legitimate.

The Appeals Chamber considers applications for recognition of trademarks as well-known in Ukraine. One of the notable decisions of 2024 was the recognition of the LEGO three-dimensional figure as well-known, which is a landmark example of brand protection, which is often counterfeited for the production of toy designers.

Decision on recognition of a three-dimensional LEGO figure as well-known

Based on the results of the review, the Appeals Chamber of UANIPPO in October 2024 concluded that the three-dimensional (three-dimensional) trademark in the form of a

minifigure (LEGO) was recognized as well-known in Ukraine for the declared goods of class 28 of the MKTP: “games; toys; game constructors” as of 01.01.2023.

The application was justified by the fact that the company is one of the key members of the LEGO group of companies, which owns and manages a portfolio of trademarks used by the group. From the chronology of the LEGO company's development, it can be seen that its position in the global market has been formed over decades.

The LEGO minifigure is offered for sale separately within the Minifigures thematic collection line and is part of LEGO constructor sets of various thematic series. In addition, in 2018, by the decision of the Appeals Chamber dated 06.02.2018, the trademark “LEGO” was recognized as well-known in Ukraine for goods of class 28 of the ICGS “games; toys; game constructors” in the name of the applicant.

The Appeals Chamber took into account that the three-dimensional trademark is widely known among Ukrainian consumers and has received recognition on the international and Ukrainian market, is distinguished by its unique design, is actively protected by the applicant and has high recognition among consumers not only in Ukraine but also around the world.

In its practice, the Appeals Chamber is guided by the approaches developed at the level of the European Union, in particular in the case regarding the designation “ARIPRAZOL”.

Decision to refuse registration of TM “ARIPRAZOL”

The Appeals Chamber in November 2024, having considered the submitted materials, came to the conclusion that the claimed designation “ARIPRAZOL” is a derivative of the INN “Aripiprazole” and has a high degree of similarity to it. Considering that the INN is generally recognized and is used to designate a pharmaceutical substance, the use of this designation as a trademark may mislead consumers as to the properties and origin of the product. Thus, the Appeals Chamber refused to register the trademark “ARIPRAZOL”.

The Appeals Chamber indicates in the Decision that such an approach is consistent with the practice of the European Union Intellectual Property Office (EUIPO) regarding the examination of trademarks containing INNs and stems, reflected in section 2.13 of the Methodological Recommendations for the Examination of EU Trademarks, developed by the EUIPO.

This indicates the prevention of monopolization of terms of significant public importance and ensuring transparency for consumers of medicines.

Key trends

Administrative legal protection plays a key role in the system of protection of intellectual property rights. Its relevance is due to the close connection between legal mechanisms and economic processes, as well as the need to legally consolidate each new stage of development of the institution of protection of intellectual property rights.

In 2025, the general procedure for the terms for performing actions related to the protection of intellectual property rights, which were suspended due to martial law, was restored in Ukraine. This means that rightholders will again need to comply with the deadlines established by law for filing objections at the stage of considering applications, paying fees and other necessary actions related

to their intellectual property objects. In this regard, an increase in the number of appeals to the Appeals Chamber of the NIPA is expected as an effective mechanism for considering disputes related to industrial property objects.

8. Antimonopoly Committee of Ukraine

The provisions of Article 4 of the Law of Ukraine “On Protection against Unfair Competition” provide protection against the unlawful use of designations (in particular, a name, commercial name, trademark, packaging elements, advertising materials, etc.) that a business entity has previously started using in its business activities. The use of identical or similar designations by other persons without the permission (consent) of such a business entity is recognized as unlawful if such use has led to or may lead to confusion with the activities of this entity. Thus, even in the absence of a protection document (for example, a trademark certificate), the law provides protection for the primacy of the use of a designation. It is on the basis of this provision that the Antimonopoly Committee of Ukraine (hereinafter also – the AMCU) considers cases related to the unfair use of designations in the field of business activities.

In 2024, the Antimonopoly Committee of Ukraine adopted two decisions in cases under Article 4 of the Law of Ukraine “On Protection against Unfair Competition”. One of them concerned the activities of the international company LEGO JURIS A/S, the other – the national business entity PrJSC “Kyiv Cardboard and Paper Mill”. For comparison, in 2023, the Committee adopted 5 such decisions.

Overview of AMCU decisions made in 2024

The case of LEGO

[AMCU Decision No. 210-r dated 06/27/2024](#)

The case was initiated upon the application of the company "LEGO JURIS A/S" (Kingdom of Denmark) and the company "LEGO A/S" (Kingdom of Denmark) and LLC "LEGO UKRAINE", which are part of the LEGO Group of companies, which is a world-famous manufacturer and seller of LEGO toy construction sets. During the consideration of the case, the AMCU established that LLC "METR-PLUS" illegally used the designations of toy cars in the design of the packaging of the "CONSTRUCTION OFFICE", "LIMO TOY" and "TurboCARS" construction sets, which are similar to the designations of toy cars in the design of the packaging of the "LEGO" construction sets (series "SPEED CHAMPIONS" and "TECHNIC"). At the same time, the company "LEGO JURIS A/S" and the company "LEGO A/S" and LLC "LEGO UKRAINE" had previously started using such designations in their business activities. Permission for LLC "METR-PLUS" to use the designations of toy cars in the design of the packages of the "CONSTRUCTION OFFICE", "LIMO TOY" and "TurboCARS" constructors, which are similar to the designations of toy cars in the design of the packages of the "LEGO" constructors, was not granted by the company "LEGO JURIS A/S", the company "LEGO A/S" and LLC "LEGO UKRAINE".

As established by the AMCU, such actions may lead to mixing the activities of these business entities and provide LLC "METR-PLUS" with unfair advantages in competition due to the use of someone else's business reputation. This is evidenced, in particular, by the results of a consumer survey conducted by the Committee. LLC "METR-PLUS" admitted committing a

violation during the consideration of the case and stopped the unlawful use of the designations of toy cars of the LEGO Group of Companies.

The actions of LLC "METR-PLUS" were recognized as a violation and a fine of UAH 1.2 million was imposed.

The case of OBUKHIV 65M

AMCU Decision No. 76-r/tk dated 03.12.2024

The case was initiated by the private joint-stock company "Kyiv Cardboard and Paper Mill", which is the largest enterprise in Ukraine in the pulp and paper industry and specializes in the production of toilet paper for sanitary and hygienic purposes. During the consideration of the case, the AMCU established that LLC "FABRYKA "DI KARTA" illegally used in its business activities the design of the packaging of toilet paper products under the designation "65 meters", similar to the design of the packaging of toilet paper products under the designation "Obukhov 65M" produced by PrJSC "Kyiv CPM". At the same time, PrJSC "Kyiv CPM" did not grant permission (consent) to LLC "FABRYKA "DI KARTA" to use the design of the packaging similar to the design of the packaging of its own products. LLC "Fabryka "DI KARTA" strengthened its competitive position and gained unfair advantages in competition not due to its own achievements, but through the illegal use of designations.

A comparative analysis of the design of the disputed product packaging, which is the subject of the case, the expert's conclusion and the results of the survey indicate that the design of the packaging of the products of PrJSC "Kyiv CPM" and the design of the packaging of the products of LLC "FABRYKA "DI KARTA" are similar: in the use of a range of colors, compositional and graphic placement of details that significantly affect the formation of the appearance of the product, placement of the main inscriptions and individual elements, general artistic solution, font and spatial arrangement.

The actions of LLC "FABRYKA "DI KARTA" were recognized as a violation and a fine of UAH 10.7 million was imposed.

Protection of the legality of the decision in court

AMCU Decision No. 349-r dated 12/14/2023

Resolution of the Supreme Court of the Economic Court of Cassation dated 19.12.2024 in case No. 910/1384/24

The AMCU also successfully defends its decisions in court. One such example is the case of the claim of Sanvita Group LLC, in which the AMCU upheld its decision No. 349-r dated 14.12.2023 on imposing a fine of UAH 17.2 million. Despite an attempt to appeal the decision, the court confirmed its legality and validity.

It appears from the case materials that Sanvita Group LLC illegally used the design of wet wipes packages under the designation "Summer fresh" without the permission (consent) of "KPD" LLC, which had previously started using similar designs for baby wet wipes packages under the designation "Superfresh". The Committee established that as a result of the violation committed by Sanvita Group LLC, the results of the activities of both the violator and the

applicant were mixed. This led to the fact that "KPD" LLC, which was the first to use a similar design for the packaging of baby wet wipes under the designation "Superfresh", did not receive a profit from its activities. In addition, consumers were deprived of the opportunity to purchase products from this particular manufacturer due to the creation of a false idea about the origin of the goods.

On December 19, 2024, the Supreme Court granted the Committee's cassation appeal and upheld the decision of the Kyiv City Commercial Court of 07/04/2024, which refused to satisfy the claim of LLC "Sanvita Group" and upheld the Committee's decision.

Key trends

The Antimonopoly Committee of Ukraine is an effective tool for protecting rights, but due to its specialization in disputes related to unfair competition in general, the number of cases on violations related to the use of signs remains insignificant. In addition, due to insufficient awareness of rightholders, this body is rarely used as a mechanism for protecting intellectual property rights. At the same time, the Antimonopoly Committee demonstrates positive results in terms of applying sanctions, in particular by imposing fines.

9. Other stakeholders and initiatives in the field of IP protection

In the field of intellectual property rights protection, in addition to the activities of state bodies, additional mechanisms are actively functioning, which play an important supporting role in the formation of an effective system of rights protection. This includes, in particular, the creation of specialized structural units within UANIPIO, which provide expert and analytical support, offer alternative ways to resolve disputes regarding intellectual property rights infringements, as well as the activities of public organizations that unite patent attorneys, lawyers and industry specialists to protect their professional rights and interests.

Initiatives aimed at combating piracy and other forms of rights infringements in the digital environment also play an important role. The functioning of specialized public associations specializing in combating piracy and counterfeiting, as well as Ukraine's involvement in international projects and cooperation programs, allow raising awareness, introducing new protection tools and promoting the harmonization of national legislation with international standards. Such initiatives strengthen the institutional capacity of the intellectual property system and contribute to a more effective response to modern challenges.

Additional tools for protecting rights are described in more detail below.

9.1. The Mediation Center of the UANIPIO

Institute of Mediation in the field of Intellectual Property is an integral element of the system of protection of intellectual property rights, as it contributes to the prompt, confidential and constructive resolution of disputes without the need to resort to judicial authorities. The development of mediation ensures the stability of the legal environment, stimulates innovative activity and increases the level of trust between participants in legal relations.

One of the priority areas of UANIPIO's activity is the implementation of mechanisms for alternative dispute resolution, in particular mediation. To this end, in 2023, the Mediation Center was created within the structure of the UANIPIO as one of the components of cooperation with the World Intellectual Property Organization. Its task is to popularize mediation as an effective way to resolve disputes in the field of intellectual property, support mediation procedures and improve the skills of mediators.

The Center also maintains a register of mediators. [The Register of Mediators Involved in the Resolution of Intellectual Property Disputes](#) is an electronic database formed and maintained by the Center and contains information about mediators who may be involved in the resolution of intellectual property disputes. In 2024, based on the results of processing applications submitted to the Center for entering information into the Register of IP Mediators, the Center ensured the timely entry of information about mediators into the Register of IP Mediators, activation of profiles and regular data updates. In 2024, 8 new IP mediators joined the Register.

In 2024, the Center provided oral and written consultations on a regular basis, ensured the prompt processing of applications for mediation, held information and consultation meetings, and carried out other organizational measures to prepare for mediation in a manner convenient for the parties.

Thus, [the first mediation](#) between the agricultural holding "Myronivskiy Hliboproduct" and the creative agency "Vandog Agency" was successfully implemented at the Center. With the consent of the parties, certain agreements were officially made public. Mediation practice demonstrated the effectiveness of the IP mediation institute and contributed to increasing trust in alternative methods of resolving conflicts in the field of intellectual property.

In order to fulfill the task of "Raising awareness of mediation in Ukraine as an effective method of resolving disputes in the field of intellectual property", in 2024 the Center held trainings, master classes, round tables, webinars, meetings and other events that popularize IP mediation as an alternative method of resolving disputes. In addition, in 2024 regular speeches of representatives of the Center were ensured at events dedicated to mediation as an alternative method of resolving disputes.

In order to popularize the institution of mediation in the field of intellectual property, the Center's employees prepared and published a number of scientific works in 2024: "Mediation as a tool for effective resolution of IP disputes: analysis of judicial practice" (Materials of the All-Ukrainian Scientific and Practical Conference "Interaction of norms of international and national law through the prism of globalization and integration processes"); "Mediation as a tool for effective IP dispute resolution: analysis of court practice" (V International Scientific and Practical Conference "Topical Aspects Of Modern Scientific Research"); "A complex of professional policies regarding the responsibility of the mediator as a way of strengthening trust in the institution of mediation" ("Scientific Innovations and Advanced Technologies", category "B" magazine); "Mediation in the digital age: service promotion and efficiency improvement through innovations" (II International Scientific and Practical Conference "Transformational Processes of Social and Humanitarian Education in Modern Ukraine in Conditions of War: Challenges, Problems and Prospects"); "Peculiarities of the Application of Mediation in Intellectual Property Disputes: Competencies and Challenges for Lawyers" (International Scientific and Practical Conference Mediation & Universities 1.0); "Problems of Introducing Mediation in Ukraine" (LVIX International Scientific and Practical Conference, Canada).

During the implementation of the task of raising awareness of mediation in Ukraine, a research project ["Practice of implementing IP mediation: a study of the experience of foreign countries"](#) was launched. [A presentation video](#) about the IP mediation service based on the Center was created and posted on the official website of the UANIPIO and on the UANIPIO's YouTube channel. In addition, the Center developed and implemented the project ["Case simulation of IP mediation: poet vs blogger"](#). The video material prepared within the project provided an opportunity to familiarize yourself with the peculiarities of the IP mediation process based on UANIPIO and demonstrated the numerous advantages of an alternative method of resolving conflicts in the field of intellectual property.

In 2024, the Center conducted an educational survey on IP mediation in Ukraine. The survey results contributed to the formation of strategic directions for the development of the institute and the planning of measures necessary to raise public awareness of alternative dispute resolution in the field of intellectual property.

During the implementation of the task, a comprehensive analysis of the legislative regulation of IP mediation was conducted, as well as monitoring of legislative initiatives in this area.

In order to implement the task “Support for the development of the mediation procedure” in 2024, 6 memorandums were signed with stakeholders on cooperation in ensuring the development of mediation in Ukraine.

The Center's employees analyzed the possibilities of developing an online eADR service - a tool for case management that will provide parties and mediators with the opportunity to exchange information and access it through a single secure portal, analyzed ESBUT international practices; studied technical capabilities and prepared proposals for the implementation of effective ODR solutions (remote dispute resolution) for Ukrainian marketplaces; A preliminary study was conducted to identify industries and venues where the FastTrack tool, which enables the implementation of mediation procedures on external venues, could be used.

In the process of implementing the task “Promoting the organization of mediation processes in dispute resolution”, the IP Mediation Guide was developed and translated into English, which is a structured guide on key aspects of the IP mediation procedure. [The IP Mediation Guide](#) became a useful asset for increasing the interest of entrepreneurs in IP mediation and received positive feedback from the business community.

The Center cooperated with WIPO experts, organized a joint panel discussion “Mediation in Intellectual Property Disputes: Prospects for Rightholders, Business, and the State” and ensured the participation of interested parties in the WIPO webinar on mediation and arbitration.

Thus, the activities of the Mediation and Mediation Center create the prerequisites for the systematic implementation of the institution of mediation in the field of intellectual property in Ukraine.

9.2. IPR Monitoring Center of the UANIPIO

The Intellectual Property Rights Monitoring Center (hereinafter referred to as the IPR Monitoring Center), established as part of UANIPIO on September 29, 2023, is a specialized platform for expert communication, similar to the European Observatory on Intellectual Property Rights Infringement (hereinafter referred to as the European Observatory), which aims to unite a wide range of stakeholders, including business representatives, to combat the negative impact of counterfeiting and piracy.

During 2024, in order to fulfill the tasks and functions of the IPR Monitoring Center, UANIPIO concluded Memoranda of Interaction and Cooperation with such bodies and organizations as the Economic Security Bureau of Ukraine, the State Customs Service of Ukraine, the Public Organization "Council of Young Lawyers of Ukraine", LLC "Emarket Ukraine" (OLX.ua service), Lyceum No. 9 "Harmony" of the Obolonskyi district of Kyiv.

The IPR Monitoring Center has worked to establish cooperation with international organizations, which has allowed for the exchange of best practices and knowledge. This contributes to improving the quality of research and expanding opportunities for the implementation of innovative practices, emphasizing the importance of cooperation at the international level.

In particular, representatives of the IPR Monitoring Center have strengthened cooperation with the anti-counterfeiting network Cooperatieve Vereniging SNB-REACT U.A, participated in such events as a working group with representatives of the European Observatory and participants of the EU4IP project within the framework of the 5th IP Case Law Conference 2024, the 9th Anti-Scam Network

meeting organized by EUIPO, the 11th annual meeting of the European Intellectual Property Prosecutors Network (EIPPN), the online event "Ukraine Against Counterfeits: Dialogue with the PTO, Customs", organized by INTA, as well as a working visit of UANIPIO representatives to EUIPO.

Representatives of the IPR Monitoring Center took part in a bilateral meeting between Ukraine and the European Commission within the framework of the screening of the compliance of Ukrainian legislation with EU law under the negotiating chapter 7 "Intellectual Property Law". In the area of law enforcement, issues of protection of intellectual property rights, administrative and law enforcement capacity were discussed, in particular the implementation of Directive 2004-48/EC into Ukrainian legislation.

Representatives of the IPR Monitoring Center together with representatives of law enforcement and customs authorities took part in numerous events aimed at improving professional qualifications and improving interdepartmental cooperation. In particular, the 3rd meeting of the regional working group on intellectual property and the seminar on capacity building in the field of IP, held in the Republic of Moldova with the support of CLDP, the forum "From monitoring to protection: intellectual property law tools", a round table on the topic "The role of business associations in combating the shadow economy".

For representatives of the ESBU of Ukraine, the Surveillance Center, together with the Academy of Intellectual Property, held a training course "Current Issues of Legal Protection and Protection of Intellectual Property Rights and Ensuring the Economic Security of the State" and a webinar "International Experience in the Protection of Intellectual Property Rights and Ensuring the Economic Security of the State" with the participation of national and international experts. About 150 participants were registered for the training course.

The Intellectual Property Rights Monitoring Center researches issues related to intellectual property rights infringements and prepares informational and analytical materials. In 2024, reviews of international manuals were published, including:

- [manual on combating IP infringements on the Internet](#)
- [manual on technology for protecting against counterfeiting and piracy](#)
- [instructions for responding to deceptive payment requests for participants in the intellectual property rights protection system.](#)

In order to carry out analytical activities, the IPR Monitoring Center launched an anonymous online survey of consumers on their awareness of intellectual property rights and the purchase of counterfeit goods. The interim results of the survey are described below.

Results of the survey on awareness of IP rights

The survey was conducted with 716 respondents, 68% of whom were women and 32% were men, 93% of whom lived in urban areas, 7.5% of whom were schoolchildren, 45% were young people under 35, 42% were middle-aged and 13.5% were older. The respondents who took part in the survey mostly had higher education – 42%, 32% had a scientific degree, of which 17% of the respondents worked as researchers. In terms of their material well-being, 54% of the respondents classified themselves as middle-class households, 37% as non-poor households, 6% considered themselves poor, 2.4% called themselves wealthy, and the rest could not decide.

The results obtained regarding awareness of IP rights show positive dynamics, as only 3% of respondents have never heard of IP rights, while the rest are aware of IP rights, which they learned about at an educational institution or during training and educational events, 8% of respondents even received specialized education in the field of IP, and 16% of respondents work in a field related to IP rights.

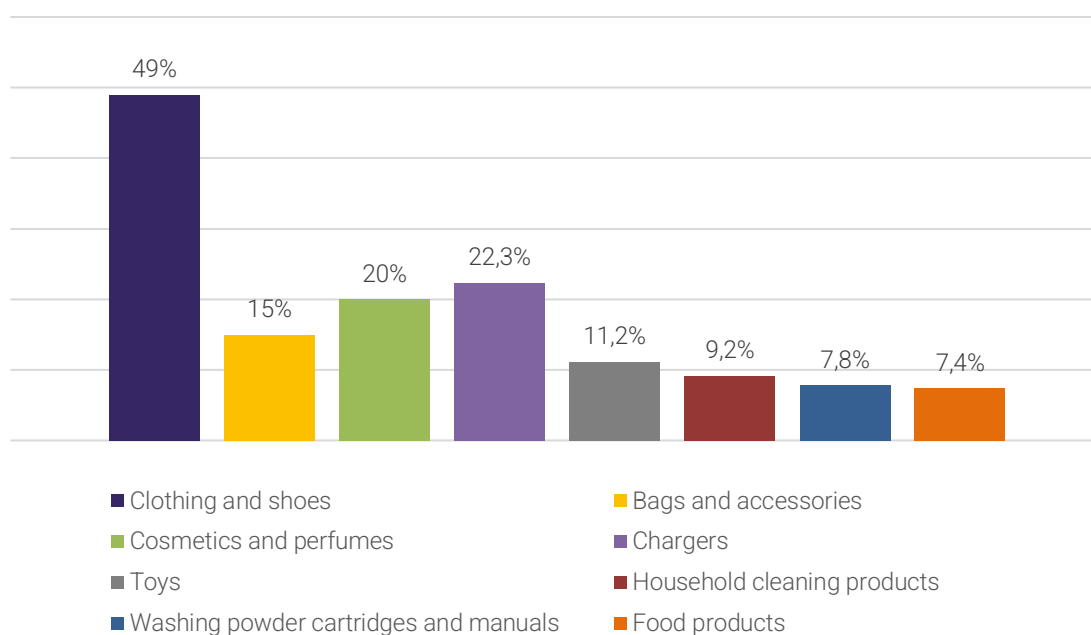
At the same time, the vast majority of respondents not only know about IP rights, but also actively use them in practice, for example, 27% have a patent for an invention or utility model, 54% are creators and owners of copyright and related rights, 11% have registered their own trademarks, 4% are owners of industrial designs, and 2.5% own plant variety rights.

Regarding the purchase of counterfeit goods, in this case the indicators are less positive – 21.4% of people, despite their existing knowledge in the field of IP, have never thought about what goods they buy and whether these goods could be counterfeits, and 10% of respondents are sure that they will continue to buy counterfeits because they are cheaper and they are satisfied with the price-quality ratio, while 6% of respondents, when making a purchase, choose cheaper goods, do not pay attention to their originality and even the war did not influence their choice in favor of counterfeits. The positive thing is that 33.8% of those surveyed have never bought counterfeits and do not plan to do so in the future, and 34% will be more careful when buying in the future so as not to become victims of fraudsters.

The results obtained illustrate the importance of conducting educational activities even for a professional audience of consumers who have higher education in the field of IP and work in it, as this encourages them to pay attention to the presence of relevant issues in the consumer market of Ukraine and the need to purchase goods consciously. This was confirmed by the responses of 50.4% of the respondents, who emphasized that they purchased a counterfeit unknowingly because they confused it with the original, and 34% of them will no longer buy goods if they have doubts about their originality.

Regarding the places of purchase of counterfeit goods, the results confirmed the well-known fact that most consumers today prefer to buy on the Internet - 74.5% of those surveyed purchased counterfeit goods on online platforms. Among the categories of purchased goods, the following can be distinguished: 49% counterfeit clothing and footwear, 15% designer bags and accessories, 20% cosmetics and perfumes, 22.3% chargers, 11.2% toys, 9.2% household cleaning products, 7.8% washing powders, cartridges and textbooks, 7.4% food products.

Fig. 16. Distribution of categories of purchased goods by respondents according to the results of a survey conducted by the Monitoring Center in 2024



Research indicates the need to raise awareness of intellectual property among the population, so the activities of the IPR Monitoring Center are focused on conducting information campaigns, educational events and preparing materials for youth and business in order to inform about the negative impact of counterfeiting and piracy.

In the fall of 2024, the National Information Campaign against Piracy in the Book Publishing Industry ANTI-PIRACY: BOOKS (hereinafter referred to as the Information Campaign) was held. During the Information Campaign, various tools were used to highlight materials, such as videos, interviews, information cards, speeches at thematic events, citizen surveys, publication of articles and the launch of a flash mob. The results of the Information Campaign are reflected in a [special report](#) and presented at the III IP LET FORUM event on November 29, 2024.

The IPR Monitoring Center is currently conducting information campaigns aimed at countering infringements in the marketplaces and music industry. Their goal is to increase public awareness and reduce the level of infringements in these areas.

9.3. Ukrainian Anti-Piracy Assembly

The main goal of the Ukrainian Anti-Piracy Assembly (hereinafter also referred to as the UAPA) is to protect the copyright of its owners, with whom the UAPA has concluded relevant agreements, to promote its protection, and to create conditions for strengthening the protection of copyright and related rights in Ukraine.

The main tasks include assisting law enforcement agencies in identifying and preventing copyright infringements, in particular by developing methodological recommendations, providing consultations and preparing applications for the illegal use of audiovisual works. Cinemas, the Internet and public screenings are also monitored to identify cases of piracy, and, if necessary, to represent the interests

of copyright owners. Particular attention is paid to training, informing the public and analyzing case law to improve legislation in the field of intellectual property.

The protection of the rights of owners of intellectual property rights is carried out in both the criminal and administrative legal segments. The Assembly builds its activities on the principle of interaction with all branches of the executive branch, involving law enforcement agencies at various levels.

In the process of work, a proven scheme for detecting and stopping copyright infringement is implemented: monitoring, preparing a statement of infringement, preparing relevant materials on the damages caused, supporting materials at the stages of pre-trial investigation and in court.

The Assembly participates in seminars, conferences and "round tables" on intellectual property protection.

9.4. Ukrainian Alliance to Combat Counterfeiting and Piracy

The Association of Enterprises "Ukrainian Alliance to Combat Counterfeiting and Piracy" (hereinafter referred to as UACCP) was established in July 2003 with the assistance of the Global Anti-Counterfeiting Group (GACG Network).

UACCP is a non-governmental, non-profit, voluntary, self-governing, contractual association of legal entities that are: owners of rights to intellectual property objects in Ukraine; have licenses for the use of intellectual property objects issued in accordance with the current legislation of Ukraine; have filed applications for a certificate or patent for an intellectual property object in Ukraine; assist legal entities and individuals in acquiring and exercising their rights to intellectual property objects.

UACCP is a member of the Global Anti-Counterfeiting Group (GACG Network) and regularly participates in international congresses on combating counterfeiting. GACG Network members include 24 national and regional organizations.

During 2024, the UACCP actively implemented measures in the field of intellectual property rights protection. In cooperation with the UANIPIO, the Alliance conducted a number of educational and awareness-raising initiatives within the framework of the all-Ukrainian campaign "Days of Combating Counterfeiting and Piracy in Ukraine". In particular, specialized events were organized for teachers and students of leading universities dedicated to the role of intellectual property in society and issues of customs protection of rights. The Alliance also participated in information campaigns aimed at combating piracy in the field of book publishing, and its experts presented practical aspects of the threats posed by counterfeit products.

The activities of the UACCP are aimed at raising awareness among young people, educators and professionals, as well as supporting cross-sectoral cooperation to combat violations of intellectual property rights.

9.5. National Association of Patent Attorneys of Ukraine

The public organization "National Association of Patent Attorneys of Ukraine" (NAPA) unites about 300 specialists in the field of intellectual property, including current patent attorneys and candidates

for membership in the association. The organization's activities are focused on supporting the professional community, forming the market for services in the field of IP, improving legislation, improving the qualifications of specialists, protecting their professional interests, and developing international cooperation.

In October 2024, during the annual forum of the association, a Memorandum of Understanding on Interaction and Cooperation between NAPA and UANIPIO was signed. The document records the joint intentions of the parties to develop a national innovation ecosystem, introduce European and international standards in the field of IP, create favorable conditions for the professional activities of patent attorneys, and raise public awareness of intellectual property issues.

The Memorandum provides, in particular:

- promoting Ukraine's integration into the European intellectual property system;
- conducting joint research and disseminating analytical materials, in particular on the basis of the National Intellectual Property and Innovation Hub;
- developing the WIPO ALERT initiative;
- organizing the exchange of experience between the professional community, government agencies and other stakeholders.

During 2024, NAPA actively participated in specialized events, in particular, organized by UANIPIO, and also independently initiated and held online and offline events to improve the intellectual property system, protect intellectual property rights, and protect the interests of patent attorneys in Ukraine.

9.6. NBAU Intellectual Property Committee

The NBAU Committee on Intellectual Property is a permanent collegial advisory body established under the National Bar Association of Ukraine in accordance with the order of the Chairman of the NBAU, CAU dated September 3, 2019 No. 110. The purpose of the Committee is to promote the development of the system of legal protection of intellectual property and meet the professional needs of lawyers in the field of intellectual property.

The main tasks of the Committee are to identify current problems in the field of intellectual property and develop proposals for their resolution, as well as participate in improving legislation. The Committee actively organizes and supports educational and professional events within the framework of the NBAU's activities. An important direction is the development of international cooperation with professional organizations, as well as interaction with higher educational institutions within the framework of scientific and research initiatives. In addition, the Committee works with public associations to develop solutions to current issues in the field of protection and defense of intellectual property rights.

In 2024, the Committee on Intellectual Property and Digital Law of the NBAU took part in a number of professional, international and educational events aimed at the development of the legal community. In particular, an event was organized to improve the skills of lawyers on the topic of legal regulation of artificial intelligence and the challenges associated with its application. An IP breakfast was held, dedicated to recommendations for the responsible use of AI in the media sector.

Representatives of the Committee participated in international conferences in Lisbon and London, where they shared Ukrainian experience in the digitalization of justice and legislative regulation of artificial intelligence. The Committee also informed the legal community about the adoption of the international AIPPI resolution on confirmation of trademark use. All activities were aimed at strengthening the expertise of Ukrainian lawyers in the field of IP and digital technologies and strengthening international cooperation.

9.7. UBA Intellectual Property Committee

The Intellectual Property Committee of the Ukrainian Bar Association is a professional platform for developing solutions necessary to improve intellectual property policy. The Committee is actively involved in the development of legislative initiatives that meet the needs of business and contribute to the harmonization of Ukrainian legislation with international standards.

In 2024, the Committee held six professional events, including IP UKRAINE NOW 2024, a platform for discussing current issues of IP protection in areas such as defense, pharmaceuticals, and state regulation. Considerable attention was paid to the analysis of case law and issues of conducting an examination of IP objects. The Committee's activities are aimed at creating an effective system for protecting intellectual property rights and forming a transparent, business-friendly legal environment. Participation in the work of the Committee is an opportunity to participate in the formation of a new strategy for the development of IP in Ukraine.

The Committee also organized a professional discussion on the topic "Ukrainian Bolar: efficiency and ways to improve." During the event, participants discussed the specifics of the application of the "Bolar Rules" in Ukraine – a provision that allows actions related to the registration of generic medicines to be carried out before the expiration of the patent term, without infringing patent rights. The discussion focused on assessing the effectiveness of the current mechanism and identifying possible areas for its improvement, taking into account international practice and the interests of all stakeholders.

9.8. Clear Sky Initiative

The "Clear Sky" initiative was created in the summer of 2013 with the aim of developing legal audiovisual content in the Ukrainian digital environment and combating resources that distribute products that violate intellectual property rights. "Clear Sky" includes 21 participants and 12 partners, including leading players in the Ukrainian media market.

As indicated [in the results of the Clear Sky initiative](#), in 2024 the blacklist of media services of the aggressor state was supplemented by a number of popular pirate streaming platforms: Shara-TV, IPTV ONLINE, AntiFriz, TVBOOM, ILookTV, as well as their mirrors – RuLook, ZeDom, MeLord, VipDrive, JinoPro, ISeeTV, TVLider. The initiative is actively working to include other resources broadcast by Russian TV channels (in particular, Viks.tv, Online TV, Tivix, Telik.Live, Debilizator.Tv), as well as several hundred sites that provide access to films and TV series produced by the occupying state.

The leadership of the Clear Sky initiative is of the opinion that the use of Russian services during a full-scale war is unacceptable. As is the use of resources that violate copyright, which harms not only the economy but also the personal safety of viewers. The global goal of the initiative is to create a

transparent, safe media environment and a developed Pay TV market in Ukraine, where the ban on pirated platforms is an important element.

During the year, the association monitored the blocking of prohibited resources among leading Internet providers, recorded cases of non-compliance with obligations, and initiated unscheduled inspections by the communications regulator (NCEC). 26 inspections were conducted, most of which confirmed the elimination of violations.

As part of the initiative, the.org.ua service was developed, which provides information about online resources that cause complaints from copyright holders regarding possible infringements of intellectual property rights. The platform contains a list of relevant websites, as well as advertisers whose advertisements are placed on these resources. The initiative has also successfully implemented a new mechanism to combat piracy - blocking advertisements on websites that infringe intellectual property rights and are included in the Ukrainian WIPO ALERT blacklist.

Another important direction in 2024 was the initiation of criminal proceedings against distributors of illegal content in the regions of Ukraine. Currently, more than 40 criminal cases are pending in investigative bodies and courts, as a result of which two guilty verdicts have already been issued. One of the offenders was sentenced to imprisonment with a probationary period for large-scale copyright infringement.

Among the priorities for the near future are the expansion of the National List of Prohibited Websites, its harmonization with its own blacklist, further monitoring of advertisements on pirated sites, and bringing infringers to justice. The Clear Sky Initiative will also continue close cooperation with the Cyber Police Department of the National Police of Ukraine and the Security Service of Ukraine.

9.9. WIPO ALERT

In accordance with the Law of Ukraine "On Advertising", the Order of the Ministry of Economy No. 2945 dated 01.02.2024 approved the Procedure for the Formation and Maintenance of a National List of Websites That Cause Concerns Regarding the Compliance with Intellectual Property Rights (hereinafter referred to as the Procedure), which was registered with the Ministry of Justice of Ukraine on 11.03.2024 under No. 357/41702.

The Procedure determines the procedure for submitting and considering applications from copyright holders and/or related rights holders for the inclusion of a website in the national list of websites that cause concern regarding the compliance with intellectual property rights (hereinafter referred to as the National List), adopting conclusions on the existence of grounds for including a website in the National List, entering information about the website in the national list, maintaining the National List, and excluding information about the website from the National List. Following the review of applications from copyright holders and/or related rights holders for inclusion of a website in the National List of Websites based on the conclusion that there are grounds for including the website in the National List, the Ministry of Economy enters information about the relevant website into the National List, publishes it on the official website of the Ministry of Economy, and also places information from the National List on the resource (platform) of the World Intellectual Property Organization "WIPO ALERT".

Thus, Ukraine has joined a number of states that populate the WIPO ALERT platform to counter the placement of advertising on pirated websites, for which advertising revenue is an important source of livelihood.

Development of recommendations for the implementation of the WIPO ALERT procedure

In March 2024, the UANIPIO developed recommendations on the procedure for including websites that raise concerns regarding compliance with intellectual property rights in the WIPO ALERT database. In addition, UANIPIO developed forms of documents aimed at implementing the Procedure (in particular, the following forms were developed: an application for inclusion of a website in the national list of websites that raise concerns regarding compliance with intellectual property rights, a conclusion of UANIPIO on the presence (absence) of grounds for including a website in the national list, and an application for exclusion of a website from the national list). The placement of such forms on the UANIPIO website was intended to assist applicants applying for the WIPO ALERT initiative. On the official website of the UANIPIO, in the "Copyright" section, in the subsection "Application within the framework of the "WIPO ALERT" initiative/WIPO ALERT Initiative", you can find detailed information on the implementation of the UANIPIO Procedure.

In May 2024, at the initiative of UANIPIO, a discussion of the prospects for implementing the said Procedure was held at a working meeting with representatives of the Ministry of Economy and the anti-piracy initiative "Clear Sky".

In November 2024, the Ministry of Economy of Ukraine published on its official website the National List of Websites of Concern Regarding the Compliance with Intellectual Property Rights.

Statistics on the consideration of applications

During the entire period of operation of the WIPO ALERT initiative, UANIPIO has considered 17 applications from copyright and related rights holders for the inclusion of websites in the national list (mainly regarding pirated online cinemas), which allows gradually filling the national list, the WIPO ALERT platform, to which advertisers have access, with data on pirated websites, as well as forming the practice of applying the new procedure. UANIPIO was provided with 15 conclusions on the presence of grounds for including a website in the national list.

Current challenges and prospects

Despite the fact that the WIPO ALERT platform is gradually being filled with new "harmful" websites, the existing regulatory framework currently does not regulate the issue of creating so-called "mirror" pirate websites that illegally distribute digital content, infringing copyright and related rights. One of such pirate platforms is HD REZKA, which has about 200 variations.

It is worth noting that, according to the current Procedure, one application for inclusion of a website in the national list of websites that raise concerns about compliance with intellectual property rights may concern only one website. Thus, the inclusion of only one URL address in the national list and the

WIPO ALERT database potentially creates an opportunity for “mirror” pirate websites to circumvent such a ban.

In this regard, a comprehensive approach to combating Internet piracy at all levels is important. Thus, based on the Law of Ukraine “On Media”, the National Council of Ukraine on Television and Radio Broadcasting (hereinafter referred to as the National Council) approves and updates the List of on-demand audiovisual media services and services of audiovisual service providers of the aggressor state. The list is open and subject to publication on the official website of the National Council. The National Council regularly updates the list of websites providing access to prohibited media services, in particular “mirror” pirate websites, including Baskino, Filmix and HD REZKA. These platforms are currently restricted in Ukraine due to concerns about unauthorized distribution of content.

As indicated in [the article on the impact of blocking pirate sites](#), based on data from [Similarweb](#) and [Ahrefs](#), the popularity of Ukrainian streaming platforms Megogo and Svit TV increased in 2024 compared to 2023. In particular, content on the official website megogo.net is viewed by over 7 million people every month, and on sweet.tv by 6.3 million. Ukraine accounts for over 85.5% of visits to Megogo and almost 34% to Svit TV. The official applications of these platforms were downloaded over 10 million times from both Google Play and the App Store.

According to Ahrefs, the number of visits to online cinemas has also increased. As of the end of August, Megogo had 703.7 thousand subscribers, compared to 637.9 thousand at the beginning of the year, and Svit TV had 300 thousand, compared to 190 thousand.

As a result of the blocking of pirated sites, the share of subscribers to legal video resources has increased slightly and is about 2 million: the statistics include both Ukrainian and international online cinemas. The increase in the audience that pays for watching films was facilitated by the introduction of Ukrainian dubbing and subtitles, as well as loyal tariffs and discounts on subscriptions.

10. Conclusions

Compared to 2023, which turned out to be quite productive for martial law, in 2024, according to most indicators, there is a decrease in the number of cases in the field of intellectual property that were being processed by law enforcement or judicial bodies. Such dynamics are likely due to socio-economic factors that affect the choice of a method of protecting rights by rightholders.

The dynamics of the decline in indicators in the field of protection of intellectual property rights is significantly affected by the full-scale invasion of Ukraine by the Russian Federation. Currently, the main attention of state bodies, especially law enforcement agencies, is focused on the investigation of war crimes. The war caused a decline in the economy, which also affects priorities in the field of protection of rights. At the same time, the community is aware of the importance of protecting intellectual property rights, including in the defense industry, and appropriate measures are already being implemented. Therefore, in the future, ensuring the protection of IP rights even during martial law is of strategic importance for the restoration of Ukraine.

The most noticeable decrease in the number of cases was recorded in the judicial system. Commercial courts, as before, remain the main venue for considering disputes in the field of IP. At the same time, unlike the previous year, when cases on copyright objects prevailed, in 2024 there is a more frequent appearance of disputes related to trademarks. Despite this, both categories of cases, namely copyright and trademarks, continue to hold leading positions. In general, the judicial system remains the most loaded mechanism in resolving intellectual property disputes. In judicial practice, the formation of approaches to calculating compensation is observed. The greatest difficulties arise in copyright cases, where a significant gap is recorded between the declared claims and the actual amounts awarded by the court. This indicates the need to improve the practice in calculating the amount of damages. In turn, the AMCU demonstrates a consistent practice of imposing fines, which usually exceed one million hryvnias. This is partly explained by the fact that the AMCU considers cases related to economic activity, and therefore determining the amount of the violation is more objective and predictable. As a result, disputes regarding industrial property objects are often of greater interest to rightholders, as they carry potential economic interest.

State authorities continue to focus on the practice of the European Union. In particular, national courts increasingly refer to the decisions of the Court of Justice of the European Union as a legal position to substantiate their decisions. The Appeals Chamber of the NIPA operates in a similar way, which also takes into account European experience. The State Customs Service of Ukraine is also working in the same direction, declaring its intentions to update the provisions of the Customs Code taking into account the requirements and standards of European law. It should be noted that all legislation in the field of intellectual property is currently in the process of being brought into full compliance with the EU acquis.

A positive trend is the activity of copyright holders, who are increasingly resorting to comprehensive protection of their rights. An example is LEGO - according to customs data, the products of this company are one of the most counterfeited. The company appealed to the Antimonopoly Committee of Ukraine, which allowed it to achieve the imposition of a significant fine on infringers. In addition, LEGO is strengthening its position by recognizing its trademarks as well-known in the Appeals Chamber of the National Intellectual Property Office. Another example is APPLE, which is also actively

opposing the registration of similar TMs, filing objections, and the National Police is terminating the activities of a number of infringers of its rights.

At the same time, the inaction of individual copyright holders, in particular a significant number of cases of their refusal to suspend customs clearance of counterfeit products, negatively affects the overall dynamics of rights protection.

It should be noted separately that the largest number of infringements is observed in respect of trademarks. Most often, counterfeiting concerns electronics, toys, car parts, medicines, perfumes, food, agricultural products and textiles. The main source of supply of counterfeit goods remains China, and to a lesser extent Poland and Turkey. Online trade remains the main channel for the distribution and sale of counterfeit products, which is also shown by the results of a survey conducted by the IPR Monitoring Center.

The sphere of intellectual property still remains one of the most complex areas of law, requiring in-depth specialized knowledge. This creates a number of challenges for both the judicial system and law enforcement agencies during pre-trial investigations. One of the positive initiatives in this direction is the implementation by the Monitoring Center of training programs aimed at improving the skills of representatives of state authorities. At the same time, the complexity of cases in the field of intellectual property requires not only narrow-profile legal knowledge, but also interdisciplinary expertise - in particular in the pharmaceutical, biotechnology, technological spheres (taking into account the sectors of goods that are most counterfeited). As a result, the involvement of experts remains a necessary condition for the effective resolution of cases in this area.

The resumption of the work of the Appeals Chamber of the NIPA in 2024 also became an important stage in the system of rights protection, since its activities expand the possibilities of protecting rights for rightholders. The functioning of the Appeals Chamber of the NIPA contributes to an increase in the number of appeals, as rightholders increasingly prefer the administrative method of protecting their rights.

The activities of rightholders and public organizations demonstrate positive results of the comprehensive development of the intellectual property system. At the same time, public organizations that represent the interests of patent attorneys and lawyers create conditions for the protection of the rights of specialists and promote dialogue with the public sector. For its part, UANIPIO confirms the office's openness to cooperation and involvement in various initiatives implemented by other organizations. In particular, state structural units, such as the Mediation Center and the IPR Monitoring Center, play an important role in improving the system of intellectual property rights protection in their areas. A holistic solution to problems in this area is a favorable phenomenon, because the combination of international projects with national voluntary initiatives with the participation of representatives of state bodies can ensure high efficiency indicators. The initiatives of the Ukrainian Alliance for Combating Counterfeiting and Piracy, aimed at combating piracy and counterfeiting, are an important and positive phenomenon. Coordination of the work of public movements, such as "Clear Sky", the activities of the Cyber Police Department and the continuation of the WIPO ALERT allow achieving significant results in combating infringements in the field of intellectual property on the Internet. In particular, raising public awareness of the negative consequences of consuming unlicensed audiovisual content can be achieved through an information campaign in the film industry, which is planned to be carried out by the Monitoring Center in the future. Thus, cooperation of all stakeholders and comprehensive regulation are the key to sustainable

development and protection of intellectual property rights. A comprehensive approach to improving the intellectual property protection system should include advanced training of specialists, international cooperation, and digitalization of processes. It is important to note that state bodies are actively establishing both external partnerships and internal interaction with UANIPIO through trainings, working meetings, and expanding the circle of stakeholders and partnerships.

In the context of disseminating information on the introduction of modern tools for the protection of intellectual property rights, the State Customs Service of Ukraine takes an active position, which, among other things, promotes legislative changes and provides rightholders with useful explanations through its official website.

In general, according to the results of 2024, we can note a gradual strengthening of the institutional capacity of bodies involved in the protection of intellectual property rights, as well as a proactive position of institutions and organizations involved in this process, which generally contributes to increasing the effectiveness of the protection of intellectual property rights in Ukraine.

Useful links

- [UANIPIO Annual Report 2024](#)
- [Judicial statistics](#)
- [Judicial practice and statistics of the Supreme Court](#)
- [Practice of the Civil Court of Cassation in the field of intellectual property](#)
- [Analysis of the state of administration of justice in the consideration of economic cases for 2024](#)
- [Statistics on registered criminal offenses and the results of their pre-trial investigation](#)
- [Report on the activities of the Economic Security Bureau of Ukraine for 2024](#)
- [Statistics and registers of the State Customs Service of Ukraine](#)
- [Decisions of the Appeals Chamber of the NIPA](#)
- [Report on the activities of the Antimonopoly Committee of Ukraine for 2024](#)
- [Decisions and recommendations of the Antimonopoly Committee of Ukraine](#)
- [Report on the activities of the Center for Monitoring Infringements of Intellectual Property Rights for 2024](#)