



2008

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Dear colleagues!

Effective functioning of the state system of the legal protection of intellectual property is one of the essential innovative development components in Ukraine and is an efficient tool that promotes competitive ability of the national economy based on its intellectual resource.

At the time Ukraine is facing dynamic and eventful period. It's pleasant to acknowledge that today in the society there is a gradual restoration of understanding that it is just intellect and knowledge that constitute the main nation's capital. This is of great importance as far as everyone wants our country to be prosperous and powerful.

Winners of the all-Ukrainian competition «Invention of the Year» have once again proved that knowledge, inspiration, will to create are rewarding. Let me tell you, inventions offered by our scientists and innovators, in particular by young people, can glorify Ukraine in the entire world. In 2008 a new database «Commercially Promising Inventions in Ukraine», available via the Internet free of charge, was created.

We bring to your notice results of activities performed by the state system of the intellectual property rights protection of Ukraine in 2008. It's an achievement we store our experience with, i.e. improve functioning of the system that works for people and for their benefit.

It is worth to mention considerable legislative activities in the sphere of intellectual property conducted by our professionals last year. On April 10, 2008 the Verkhovna Rada of Ukraine adopted the Law of Ukraine «On Amendments to Certain Laws of Ukraine on Intellectual Property Rights Protection with Regard to the Requirements Connected with Ukraine's Accession to WTO» that contributed Ukraine's accession to the WTO – since May 16, 2008 our state has been a member of this organization. This way was covered for about 15 years. At the end of 2008 the State Department of Intellectual Property developed and submitted to the Cabinet of Ministers of Ukraine two draft Laws of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Intellectual Property Rights Protection» and «On Amendments to Certain Legislative Acts of Ukraine on Copyright and Related Rights». Approval of these laws will assist Ukraine's integration to the European Union.

I consider a new level of collaboration with Ukraine established on the initiative of the European Patent Office to be an essential achievement of national importance in 2008. In October 2008 the Cooperation Program between SDIP and the EPO for 2008–2010 was signed. I'm sure we have got surplus dividends for the state in the context of joining the European Union.



Mykola Paladii in the course of the press conference of the Obozrevatel Internet Gazette

In 2008 range of works was conducted on implementation of the Law of Ukraine «On Organizing and Conducting the Final Part of the European Football 2012 Championship in Ukraine» with regard to UEFA and its commercial partners intellectual property rights enforcement. In particular, the Cabinet of Ministers of Ukraine adopted the State Target Program on Organizing and Conducting the Final Part of the European Football 2012 Championship in Ukraine as well as the Regulations on the Coordination Council on UEFA Intellectual Property Rights Enforcement.

In order to provide further development of educational activities in the sphere of intellectual property rights protection and management SDIP has presented the first text-book in Ukraine «Intellectual Property Fundamentals» for general secondary educational institutions of I and II accreditation level which is an important step to the organization of teaching school children in this direction. Indeed, to succeed in life it is important to acquire knowledge about intellectual property, to understand that the intellect is a special human treasure. This has been already comprehended in the world. It is high time for Ukraine to use its intellectual potential appropriately.

Ultimately, what are our plans for the future? In the nearest time we are about to create an International Search Authority. There are nine of them in the world at the time and Ukraine has got the chance to establish the tenth one. As well, the Patent Digital Library will be created for users to access foreign countries' patent information free of charge.

Taking into account national and international practices we long to organize the state system of the intellectual property rights protection functioning so that to provide its maximum accessibility and openness. I face the future in an optimistic way. I believe Ukraine to become successful due to intellectual and creative potential of the nation. We will work with the highest responsibility to implement this goal!

*Chairman of the State Department
of Intellectual Property*

Mykola Paladii

1 Intellectual Property Legislation Improvement

National foreign policy priorities and socio-economic development of the society caused the necessity to carry out a set of tasks assigned for the State Department of Intellectual Property (SDIP) in 2008. In the framework of the national legislation development the following tasks were performed:

- harmonization of the national intellectual property legislation with the requirements of the World Trade Organization (WTO), in particular the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement):

- adaptation of the intellectual property legislation of Ukraine to the European Union legislation in this sphere;

- bringing the intellectual property legislation of Ukraine into compliance with the requirements of international treaties concluded by Ukraine taking into account the last amendments made to them;

- legislative provision of intellectual property rights regulation beyond special laws;

- acceding to new international treaties;

- provision of activities aimed at prevention of counterfeit production manufacturing and distribution;

- regulation of methodological and organizational basics for determining market and other types of intellectual property rights value;

- fulfilment of commitments undertaken by Ukraine in the context of conducting the final part of the European Football 2012 Championship in Ukraine;

- amending regulatory legal acts on internal matters.

In order to perform agreements reached in the course of consideration of Ukraine's statement of accession to the World Trade Organization, SDIP has developed the Law of Ukraine «On Amendments to Certain Laws of Ukraine on Intellectual Property Rights



Volodymyr Dmytryshyn, Deputy Chairman of the State Department of Intellectual Property

Protection with Regard to the Requirements Connected with Ukraine's Accession to WTO» adopted by the Verkhovna Rada of Ukraine on April 10, 2008. This law provides for amendments to the Laws of Ukraine «On the Protection of Rights in Indications of the Source of Goods» and «On the Protection of Rights in Trademarks and Service Marks» aimed at bringing current legislation to the TRIPS Agreement provisions, in particular the problem of trademarks and geographical indications compatibility has been resolved. Its adoption has contributed to the accession of Ukraine to the World Trade Organization.

After Ukraine's acquisition of the status of WTO-member on May 16, 2008 the Resolution of the Cabinet of Ministers of Ukraine of September 19, 2007 No. 1148 «On Amend-

ments to the Order of Payment of Fees for the Activities Connected with Intellectual Property Rights Protection» has come into force.

This Resolution provides for amendments on legal regulation of fee payment procedure, i.e. the amount of fees for applicants from different countries is established irrespectively of the gross national income per person that provides for fulfilment of requirements of Article 4 of the TRIPS Agreement on most-favoured-nation treatment.

For the purpose of the Ukrainian intellectual property legislation adaptation to the European Union one under the Law of Ukraine «On the National Adaptation Program of the Ukrainian Legislation to the European Union Legislation» SDIP has developed and submitted to the Cabinet of Ministers of Ukraine for consideration a draft Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Intellectual Property Rights Protection» and a draft Resolution on the Approval of the Concept to this Law. The draft Resolution provides approval of the Concept that states the problem under the regulation of above mentioned Law, ways and means of its solution, the purpose of the Law development and terms of its implementation as well as the result of its effect to be expected. On December 25, 2008 the draft Resolution was approved at the meeting of the Cabinet Committee on Economic Policy and European Integration.



Mykola Paladii and Alla Zharinova with Honorary Mention Award received from Kateryna Yuschenko for active participation in organization and holding of the II All-Ukrainian contest Innovative Intellect of Ukraine

The main purpose of the draft Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Intellectual Property Rights Protection», as mentioned above, is to bring intellectual property laws to conformity with the European Union legislation, that will provide future improvement of terms of acquisition, enforcement and protection of the rights in patents and utility models, industrial designs, marks, topographies of integrated circuits, and will promote to fulfilment of Ukraine's commitments under Article 51 of the Partnership and Cooperation Agreement between Ukraine and European Communities and its Member-States of June 16, 1994, as well as to Ukraine's integration to the European Union.

Further, the draft introduces amendments to intellectual property legislation in order to bring thereof into the compliance with the Civil Code of Ukraine, international treaties concluded by Ukraine taking into account the last amendments made to them and implementation of the proposals on Ukrainian investment climate improvement submitted by investors and participants of the Authority and Business Partnership Forum.

To bring copyright and related rights legislation of Ukraine into conformity with the European Union legislation under the Law of Ukraine «On the National Program on Adaptation of the Ukrainian Legislation to the European Union Legislation» SDIP has developed and agreed with concerned parties a draft Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Copyright and Related Rights» that has been submitted to the Cabinet of Ministers of Ukraine

Complementary to the elimination of nonconformity of the national copyright and related rights legislation with legislative acts of the European Union the draft Law provides for improvement of the system of legal relations in collective management organizations activities, clarifies and specifies principles of their functioning.

Overall development of the Ukrainian economics, activation of small and medium business, aggravation of competition made it necessary to settle legal relations as for the protection of rights in commercial secrets at legislative level. Commercial secrets constitute the most sophisticated category in a judicial respect and the least developed one in

the Ukrainian law that is often wrongfully equated with such concepts as «confidential information», «restricted data», «official information», «know-how», «production secrets» etc.

Taking into account the necessity to provide effective protection against unfair competition that is often evident as commercial secret right infringement SDIP has developed and submitted to the Cabinet of Ministers of Ukraine the draft Concept of the Law of Ukraine «On the Protection of Rights in Commercial Secret», approved by the Cabinet of Ministers Resolution of November 5, 2008 No. 1404.

In order to improve the Ukrainian legislation on the protection of rights in commercial secret according to the provisions of the Civil and Economic Codes of Ukraine as well as to the international rules a draft law has been developed to regulate relations in the context of acquisition, protection and enforcement of rights in commercial secret.

On November 7, 2007 the Agreement between Ukraine and Georgia on Mutual Legal Protection of Geographical Indications for Wines, Spirits and Mineral Waters came into force.

To provide the meeting Ukrainian commitments under this Agreement, protection of national interests, improvement and strengthening of partnership relations between Ukraine and Georgia in trade-economic area and promotion of geographical indications legal protection in Ukraine SDIP has developed a resolution approved by the Cabinet of Ministers of Ukraine of June 18, 2008 No. 856 under which the Ministry of Education and Science of Ukraine was entitled to be a competent authority on the implementation of the Agreement.

Furthermore in 2008 SDIP developed draft laws of Ukraine on joining the following international agreements: the Strasbourg Agreement Concerning the International Patent Classification, the Locarno Agreement Establishing an International Classification for Industrial Designs, the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks as well as the draft Law of Ukraine On the Ratification of the Singapore Treaty on the Law of Trademarks.

The Laws of Ukraine «On the Accession of Ukraine to the Strasbourg Agreement Concerning the International Patent Classification» and «On the Accession of Ukraine to the Locarno Agreement Establishing an International Classification for Industrial Designs» were adopted by the Verkhovna Rada of



In the course of the meeting of Working Groups of SDIP and EBA

Ukraine on December 17, 2008. Joining this agreements Ukraine will take advantage of using these classifications in work as well as take an active part in their improvement, come closer to the leading countries in the world on intellectual property rights protection and enforcement.

The draft Law of Ukraine «On the Accession of Ukraine to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks» has been approved by the Cabinet of Ministers of Ukraine and submitted to the Verkhovna Rada of Ukraine.

After approval of parties concerned and after legal examination by the Ministry of Justice of Ukraine in accordance with the Law of Ukraine «On the International Treaties of Ukraine» the draft Law of Ukraine «On the Ratification of the Singapore Treaty on the Law of Trademarks» has been sent to the Ministry of International Affairs of Ukraine for submission to the President of Ukraine.

Due to joining these international acts Ukraine will be able to become a full-rate and active participant of the international community system that will strengthen diplomatic positions of our state and to a certain extent will encourage its integration to the European Union.

In 2008 SDIP went on performing activities aimed at prevention of counterfeit production manufacturing and distribution. On the European Business Association proposal SDIP has developed, approved and submitted to the Cabinet of Ministers of Ukraine the draft Law of Ukraine «On Amendments to Article 5 of the Law of Ukraine On the Distribution of Copies of Audiovisual Works Phonograms, Videograms,

Computer Programs, Databases». At the time the Cabinet of Ministers of Ukraine has submitted it to the Verkhovna Rada of Ukraine for consideration. The draft provides for provisions on the participation of subjects of copyright and related rights in the procedure of issue of control stamps for copies of audiovisual works phonograms, videograms, computer programs, databases.

To encourage overcoming of the high rate of counterfeit copies of computer programs use in executive bodies the Cabinet of Ministers of Ukraine has approved the Resolution of May 21, 2008 «On Amendments to the Resolution of the Cabinet of Ministers of Ukraine of March 4, 2004 No. 253», developed by SDIP specialists.



Session of the Public Board attached to the State Department of Intellectual Property

This Resolution improves a computer programs legalization mechanism in executive bodies that is implemented within the competence and authority of the Ministry of Education and Science of Ukraine as an executive body performing the function of organizing executive bodies' interaction on use of computer programs as copyright objects.

Another stage of developing methodological and organizational background for determining market and other types of intellectual property rights value, specifying peculiarities of these rights assessment took place in 2008.

In execution of the Decree of the President of Ukraine of July 11, 2006 No. 606/2006 «On the Resolution of the National Council of Security and Defence of Ukraine of April 6, 2006 'On Situation in Science and Technology Sphere and Measures Aimed at Provision of Innovative Development of Ukraine'» with the participation of SDIP specialists the Valuation Procedure for Intellectual Property Rights has been drawn out and approved by the Order of the State Property Fund of Ukraine of June 25,

2008 No. 740 and registered in the Ministry of Justice of Ukraine on August 6, 2008 under No. 726/15417.

The Procedure specifies the peculiarities of application of the National Standard No. 4 «On the Valuation of Economic Intellectual Property Rights» provisions and the procedure of assessed value determination for certain economic intellectual property rights categories.

In 2008 SDIP continued activities connected with preparing and conducting the final part of the European Football 2012 Championship.

In accordance with UEFA requirements Ukraine will implement number of tasks, in particular, providing enforcement of UEFA and its commercial partners intellectual property rights.

Bringing into effect this task SDIP has drawn out the Regulation of the Cabinet of Ministers of Ukraine «On Establishing the Coordination Council on UEFA Intellectual Property Rights Enforcement», approved on January 30, 2008 under No. 168. This Regulation has established the Coordination Council on UEFA Intellectual Property Rights Enforcement attached to the Cabinet of Ministers of Ukraine that will cooperate with the corresponding UEFA organizations in order to ensure immediate response to any UEFA intellectual property rights infringement and enforcement thereof.

Moreover, to provide the functioning of the Coordination Council SDIP has developed the draft Resolution of the Cabinet of Ministers of Ukraine «On Approval of Regulations on the Coordination Council on UEFA Intellectual Property Rights Enforcement and Its Composition», adopted by the Cabinet of Ministers of Ukraine on July 2, 2008.

In 2008 activities on amendments of specific regulatory documents were in process.

The State Department of Intellectual Property has developed the Order of the Ministry of Education and Science of Ukraine of January 31, 2008 No. 54 «On Approval of Amendments to Certain Regulatory Legal Acts of the Ministry of Education and Science of Ukraine» registered in the Ministry of Justice of Ukraine on April 23, 2008 under No. 351/15042 and published on May 8, 2008 in the bulletin «Ukrainian Official Gazette» No. 32. According to this Order amendments are made to:

- the Regulation on Submission, Consideration, Publication and Registration of Data on Assignment of Right in Patent (Utility Model) and Grant of a License to Use a Patent (Utility Model), approved by the Order of the Ministry

of Education and Science of Ukraine of July 16, 2001 No. 521, registered in the Ministry of Justice of Ukraine on July 30, 2001 under No. 644/5835;

- the Regulation on Submission, Consideration, Publication and Registration of Data on Assignment of Right in Industrial Design and Grant of a License to Use an Industrial Design, approved by the Order of the Ministry of Education and Science of Ukraine of August 3, 2001 No. 574, registered in the Ministry of Justice of Ukraine on August 17, 2001 under No. 716/5907;

- the Regulation on Submission, Consideration, Publication and Registration of Data on Assignment of Right in Trademark and Service Mark and Grant of a License to Use a Trademark and Service Mark (International Trademark), approved by the Order of the Ministry of Education and Science of Ukraine of August 3, 2001 No. 576, registered in the Ministry of Justice of Ukraine on August 17, 2001 under No. 718/5909;

- the Regulation on Submission, Consideration, Publication and Registration of Data on Assignment of Right in Topography of Integrated Circuit and Grant of a License to Use a Topography of Integrated Circuit, approved by the Order of the Ministry of Education and Science of Ukraine of August 3, 2001 No. 577, registered in the Ministry of Justice of Ukraine on August 17, 2001 under No. 719/5910;

- the Regulation on Official Publication of Application for a Permit to Any Person to Use a Patented Invention (Utility Model) and a Request for its Withdrawal, approved by the Order of the Ministry of Education and Science of Ukraine of July 16, 2001 No. 520, registered in the Ministry of Justice of Ukraine on July 30, 2001 under No. 643/5834;

- the Regulation on Official Publication of Application for a Permit to Any Person to Use a Patented Industrial Design and a Request for its Withdrawal, approved by the Order of the Ministry of Education and Science of Ukraine of August 3, 2001 No. 575, registered in the Ministry of Justice of Ukraine on August 17, 2001 under No. 717/5908.

During 2008 SDIP together with collective management organizations and right owners worked on the regulatory improvement of these organizations functioning mechanisms.

Thus there were prepared corresponding amendments to the Order of the Ministry of



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Education and Science of Ukraine «On the Approval of Collective Management Organizations Registration Procedure and their Activities Supervision» of May 21, 2003 No. 311, registered in the Ministry of Justice of Ukraine on June 4, 2003 under No. 436/7757 and the Order of the Ministry of Education and Science of Ukraine «On the Approval of Procedure of Authorized Collective Management Organizations Establishing» of May 21, 2003 No. 309, registered in the Ministry of Justice of Ukraine on June 4, 2003 under No. 437/7758. These orders, in particular, concerns more clear and effective criteria for establishing authorized collective management organizations, their registration and deregistration matters, improvement of their reporting procedure.



Foreign participants of the International scientific and practical conference «Actual Problems of Intellectual Property», Yalta, September 2008

2 Registration of Intellectual Property Rights

2.1. Examination and Registration of Industrial Property Rights

In 2008 the total number of applications for industrial property rights protection filed with SDIP amounted to over 50 thousand (table 2.1). A total of over 15 thousand applications for inventions and utility models, over 2,2 thousand applications for industrial designs and over 33 thousand applications for trademarks and service marks (including nearly 22.4 thousand those under the national procedure) were filed.



Alla Zharinova, Director of the State Enterprise «Ukrainian Industrial Property Institute»

Table 2.1. Filing applications for industrial property rights protection

Industrial property categories	Number of applications filed				
	2004	2005	2006	2007	2008
Inventions	5,778	5,592	5,930	6,163	5,697
Utility models	5,232	7,286	8,171	8,870	9,600
Industrial designs	1,862	2,010	2,236	2,147	2,285
Trademarks and service marks, including	20,263	24,399	29,996	33,266	33,081
under the national procedure	13,960	16,366	20,813	23,746	22,371
under the Madrid Agreement	6,303	8,033	9,183	9,520	10,710
Topographies of integrated circuits	2	2	–	9	–
Qualified indications of the source of goods	1	2	2	6	2

Inventions

In 2008 a total of 5,697 applications for inventions were filed (table 2.2, fig. 2.1).

The activity of domestic applicants in the year under review has decreased by 18% as compared with the previous year. The activity of foreign applicants under the PCT procedure has increased by 6%. The share of applications filed by foreign applicants in 2008 amounted to

50% of total filings (as against 44% in 2007 and 41% in 2006).

The number of applications filed with SDIP as receiving office by domestic applicants for patenting inventions under the PCT procedure in foreign states amounted to 75 in 2008.

The largest number of foreign filings came from the USA (724 applications), Germany (540 applications), Switzerland (224 applications),

Table 2.2. Applications for patents for inventions filed

Subject matter	Number of applications filed				
	2004	2005	2006	2007	2008
Applications for inventions:	5778	5592	5930	6163	5697
<i>Under the national procedure</i>	4356	3842	3788	3766	3149
by domestic applicants	4086	3535	3472	3440	2823
by foreign applicants	270	307	316	326	326
<i>Under the PCT procedure</i>	1422	1750	2142	2397	2548
including domestic applicants	4	3	2	–	2

Fig. 2.1. Trends in filing applications for patents for inventions



France (210 applications), the United Kingdom (132 applications), Japan (94 applications), the Russian Federation (93 applications), Sweden (83 applications), the Netherlands (82 applications), Belgium (77 applications) and Italy (74 applications) (see Annexes, 1).

The distribution of applications for inventions filed under the PCT procedure by countries of origin is shown in fig 2.2.

The priorities of distribution of applications for inventions according to the IPC classes are shown in table 2.3.

The total number of decisions taken on applications for inventions in 2008 amounted to 4,342, including 4,248 decisions to grant a patent for inventions and 94 — to refuse to grant a patent. The total number of disposals in 2008 amounted to 5,516.

Fig. 2.2. Distribution of applications filed under the PCT procedure by countries of origin

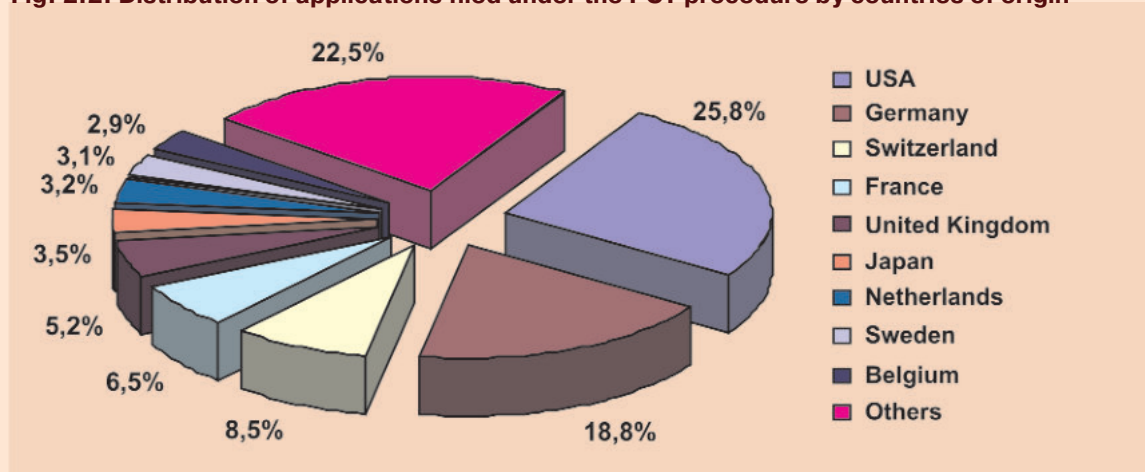


Table 2.3. Priorities of distribution of applications for inventions according to the IPC

IPC class	Class headings	Total number of applications	Domestic applicants	Foreign applicants
C07	Organic chemistry	734 (12.0%)	52 (1.8%)	682 (23.7%)
A61	Medical or veterinary science; hygiene	715 (12.6%)	238 (8.4%)	477 (16.6%)
A01	Agriculture; forestry; animal husbandry...	271 (4.7%)	93 (3.3%)	178 (6.2%)
G01	Measuring; testing	269 (4.7%)	220 (7.8%)	49 (1.7%)
B65	Conveying; packing; storing; handling thin or filamentary material	132 (2.3%)	34 (1.2%)	98 (3.4%)
B01	Physical or chemical processes or apparatus in general	125 (2.2%)	62 (2.2%)	63 (2.2%)
C12	Biochemistry; beer; spirits; wine; vinegar; microbiology...	122 (2.1%)	46 (1.6%)	76 (2.6%)
H04	Electric communication technique	111 (1.9%)	19 (0.7%)	92 (3.2%)
C21	Metallurgy of iron	111 (1.9%)	73 (2.6%)	38 (1.3%)
H01	Basic electric elements	106 (1.9%)	63 (2.2%)	43 (1.5%)
F16	Engineering elements or units; ...	96 (1.7%)	60 (2.1%)	36 (1.2%)
C01	Inorganic chemistry	95 (1.7%)	61 (2.2%)	34 (1.2%)
E21	Earth or rock drilling; mining	88 (1.5%)	74 (2.6%)	14 (0.5%)

In 2008 3,832 patents for inventions were granted. Patents granted to foreign applicants amounted to 1,433 (table 2.4, fig. 2.3).

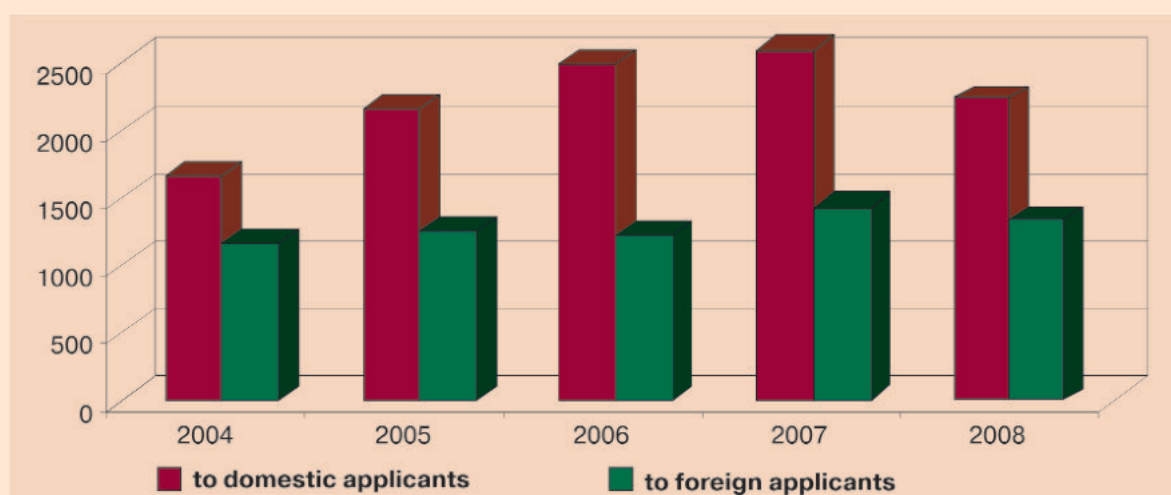
The most patents were granted to applicants from Germany — 323 (22.5%), the USA — 275 (19.2%), France — 150 (10.5%), Switzerland — 83 (5.8%), Sweden — 62 (4.3%), the Netherlands — 54 (3.8%) and the Russian Federation — 52 (3.6 %).

The priorities of distribution of patents for inventions according to the IPC classes are shown in table 2.5.

As of January 1, 2009, a total of 90,018 patents for inventions were entered to the State Register, among them 23,153 patents for inventions being in force and 3,776 patents with 6-year of validity (table 2.6).

Table 2.4. Patents for inventions granted

Subject matter	Number of patent grants				
	2004	2005	2006	2007	2008
Granted patents for inventions	2,838	3,433	3,698	4,058	3,832
to domestic applicants	1,669	2,171	2,495	2,618	2,399
to foreign applicants	1,169	1,262	1,203	1,440	1,433
patents with 6-year term of validity	7,069	286	7	2	–

Fig.2.3. Trends in granting patents for inventions**Table 2.5. Priorities of distribution of patents for inventions according to the IPC**

IPC class	Class headings	Total number of patents	To domestic applicants	To foreign applicants
A61	Medical or veterinary science; hygiene	510 (13.3%)	182 (7.6%)	328 (22.9%)
C07	Organic chemistry	307 (8.0%)	48 (2.0%)	259 (18.1%)
G01	Measuring; testing	275 (7.2%)	251 (10.5%)	24 (1.7%)
A01	Agriculture; forestry; animal husbandry...	257 (6.7%)	173 (7.2%)	84 (5.9%)
H01	Basic electric elements	112 (2.9%)	100 (4.2%)	12 (0.8%)
F16	Engineering elements or units; ...	98 (2.5%)	80 (3.3%)	18 (1.3%)
E21	Earth or rock drilling; Mining	98 (2.5%)	79 (3.3%)	19 (1.3%)
B01	Physical or chemical processes or apparatus in general	90 (2.4%)	56 (2.3%)	34 (2.4%)

Table 2.6. Number of patents in force

Number of patents in force as of 01.01.2008	28,570
including those with 6-year term of validity	7,842
Patents granted in 2008	3,832
Number of patents expired in 2008	5,473
Number of patents in force as of 01.01.2009	26,929
including those with 6-year term of validity	3,776

Utility Models

In 2008 the number of applications for utility models has increased by 8%. A total of 9,600 applications, including 9,450 (98.0%) applications from domestic applicants, were filed (table 2.7, fig. 2.4).

The Russian Federation remains the major foreign source of applications (the share of

applications from the Russian Federation is 48%). The distribution of applications for utility models from foreign applicants is shown in the fig. 2.5.

The most applications for utility models were filed in classes: A61 (Medical or veterinary science; hygiene) — 1,979 applications, 578 of which belong to subclass A61K (Preparations

Table 2.7. Applications for utility models filed and patents granted

Subject matter	2004	2005	2006	2007	2008
Applications filed:	5,232	7,286	8,171	8,870	9,600
by domestic applicants	5,141	7,156	8,027	8,745	9,450
by foreign applicants	91	130	144	125	150
Patents granted:	1,853	7,467	8,268	9,215	9,282
to domestic applicants	1,811	7,341	8,127	9,094	9,139
to foreign applicants	42	126	141	121	143

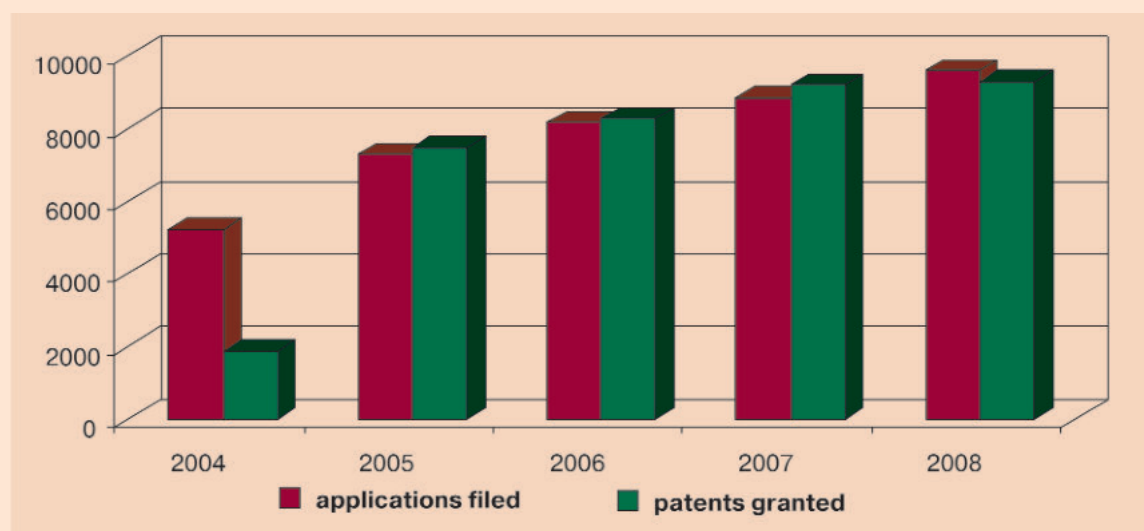
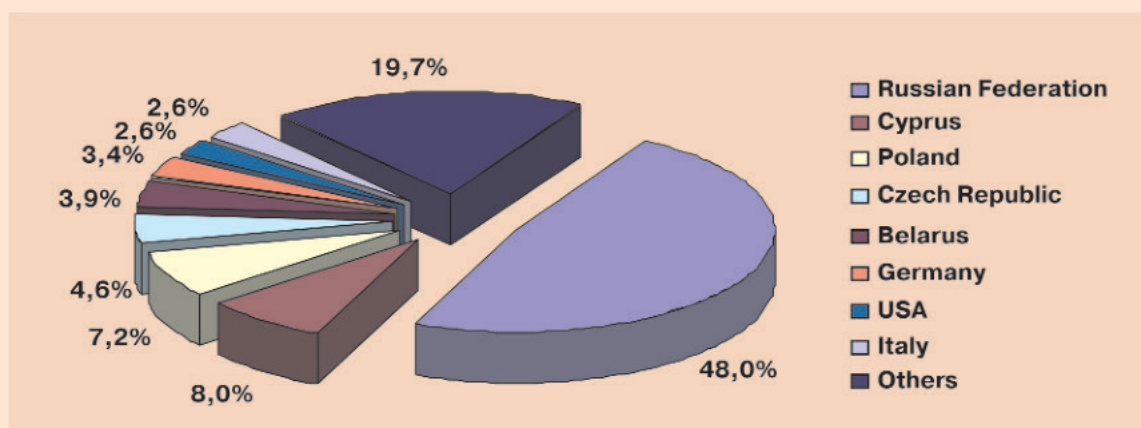
Fig. 2.4. Applications for utility models filed and patents granted

Fig. 2.5. Distribution of applications for utility models by countries of origin



for medical, dental or hygienic purposes); G01 (Measuring; testing) — 761 applications, A01 (Agriculture; forestry) — 551, A23 (Foods or foodstuffs, their treatment) — 312, E21 (Earth or rock drilling; mining) — 262, F16 (Engineering elements or units) — 183 and B01 (Basic electric elements) — 179 applications.

In 2008, 9,174 decisions concerning utility models were taken, including 9,147 those on granting a patent and 27— on refusal to grant a patent. In 2008, 9,515 applications for utility models were processed.

In the year under review 9,282 patents for utility models were granted including 9,139 —

to domestic applicants (table 2.7). 143 patents were granted to foreign applicants, including 58 grants to applicants from the Russian Federation, by 12 grants – to applicants from Cyprus and Belarus, 10 – Poland, by 7 – to applicants from Germany and Czech Republic, 5 – Italy, by 4 grants – to applicants from Switzerland and Austria. The share of patents granted to applicants from those countries is 83.0%.

As of January 1, 2009, 38,323 patents for utility models were entered to the State register, including 30,382 patents being in force (table 2.8).

Table 2.8. Number of patents in force

Number of patents in force as of 01.01.2008	25,215
Patents for utility models granted in 2008	9,282
Number of patents in force as of 01.01.2008	4,115
Number of patents in force as of 01.01.2009	30,382

Industrial designs

In 2008, 2,285 applications for industrial designs were filed, including 1,945 those from domestic applicants (table 2.9, fig. 2.6). The number of applications from foreign applicants has decreased as compared with the previous year and share of those in the total number of applications amounted nearly to 15% (as against 18.7% in 2007).

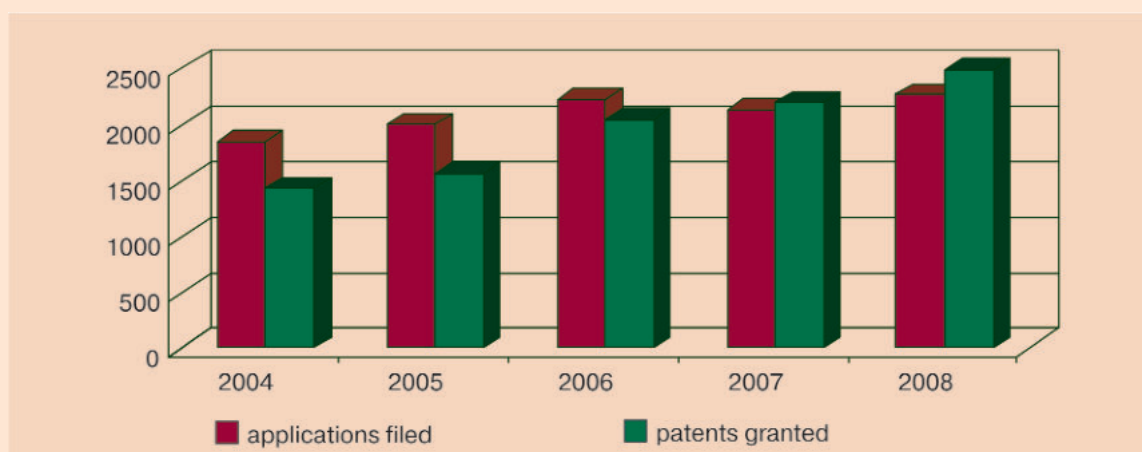
In the year under review the most active were applicants from Poland (48 applications,

14.1%), the United Kingdom (34 applications, 10.0%), Turkey (31 applications, 9.1%), the Republic of Belarus (30 applications, 8.8%), the USA (29 applications, 8.5%), the Russian Federation (21 applications, 6.2%), Japan (18 applications, 5.3%), Austria (17 applications, 5.0%), China (14 applications, 4.1%) and the Czech Republic (10 applications, 2.9%).

In 2008, 2,608 decisions on granting the patent were taken, 273 applications were withdrawn. A total of 2,503 patents for industrial

Table 2.9. Applications for industrial designs filed and patents granted

Subject matter	2004	2005	2006	2007	2008
Applications filed:	1,862	2,010	2,236	2,147	2,285
by domestic applicants	1,673	1,750	1,833	1,746	1,945
by foreign applicants	189	260	403	401	340
Patents granted:	1,436	1,569	2,061	2,213	2,503
to domestic applicants	1,348	1,423	1,803	1,803	2,085
to foreign applicants	88	146	258	410	418
Patents in force by the end of the year	6,456	7,312	8,234	9,659	11,102

Fig. 2.6. Trends in filling applications and granting patents for industrial designs

designs were granted, including 2,085 — to domestic applicants (table 2.9).

81 patents (19.4%) were granted to the applicants from the Russian Federation, 41 patents (9.8%) — the United Kingdom, 38 patents (9.1%) — Poland, 30 patents (7.2%) — China, by 26 patents (6.2%) — Turkey and the USA, and 20 patents (4.8 %) — Germany.

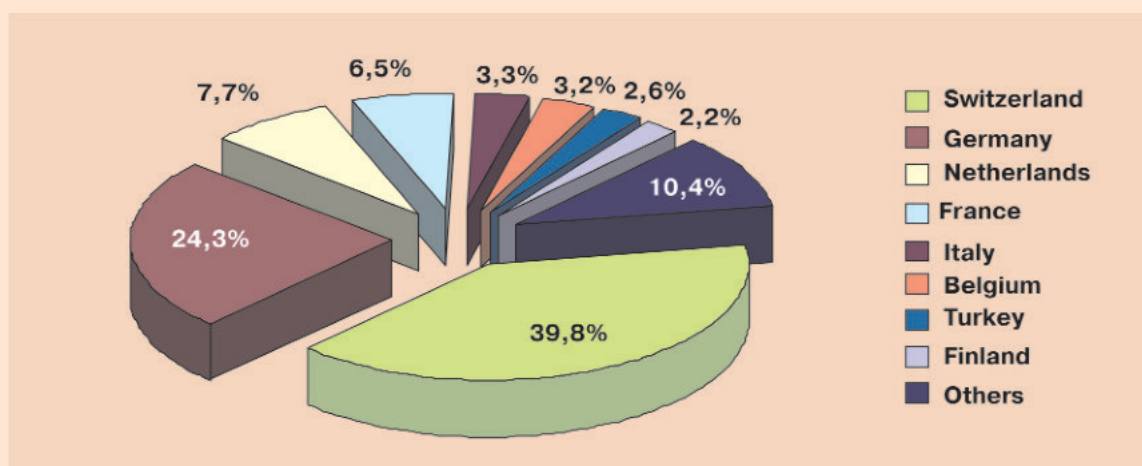
The largest number of patents was granted in classes: 19 (Stationery and office equipment, artist's and teaching materials) — 547 (21.9%), 09 (Packages and containers for the

transport or handling of goods) — 475 (19.0%), 25 (Building units and construction elements) — 232 (9.3%), 06 (Furnishing) — 223 (8.9%). 11 (Articles of adornment) — 155 (6.2%) and 12 (Means of transport or hoisting) — 108 (4.3%).

As of January 1, 2009, 18,096 patents for industrial designs were entered to the State register, including 11,102 patents being in force.

In 2008, the effect of 569 international registrations under the Hague Agreement Concer-

Fig 2.7. Distribution of registrations under the Hague Agreement by countries of origin



ning the International Registration of Industrial Designs was extended to the territory of Ukraine (fig. 2.7).

Trademarks and service marks

National procedure

In 2008 a total of 22,371 applications for trademarks and service marks were filed. The activity of domestic applicants has decreased by 7% as compared with the previous year (table 2.10, fig. 2.8).

The activity of foreign applicants in the year under review remained at the same level as in the previous year. A total of 3,875 applications were filed by foreign applicants, these amounted to 17.3% of the total number of applications filed under the national procedure.

The most active were applicants from the USA — (853 applications, 22.0%), the Russian Federation (381 applications, 9.8%), Switzerland (224 applications, 5.8%), the United

Kingdom (212 applications, 5.5%), Germany (199 applications, 5.1%), Poland (183 applications, 4.7%), Japan (172 applications, 4.4%) and Belarus (165 applications, 4.3%).

In 2008 most of the marks filed under the national procedure were classified in classes 35, 41, 05, 33, 16, 42, 36, 37, 09 and 30 of the Nice Classification. The priorities of distribution of domestic and foreign filings according to the classes of the Nice Classification are shown in table 2.11. The domestic applicants preferred classes 35, 41, 33, 42, 16, 36, 05, 37 and 30, and foreign applicants — 05, 35, 09, 16, 30 and 41.

There were taken 17,151 decisions on granting the certificates for trademarks and service marks, 1,657 decisions on refusal to grant the certificates, 4,324 applications were withdrawn in 2008.

In the year under review 15,357 certificates for trademarks and service marks were registered. Of the total amount of registered certificates 22% are the registrations to foreign applicants (table 2.12, fig. 2.9). 821 (24.3%) certi-

Table 2.10. Applications for trademarks and service marks filed

Subject matter	2004	2005	2006	2007	2008
Applications filed:	20,263	24,399	29,996	33,266	33,081
under the national procedure	13,960	16,366	20,813	23,746	22,371
by domestic applicants	11,527	13,184	17,170	19,888	18,496
by foreign applicants	2,433	3,182	3,643	3,858	3,875
under the Madrid Agreement	6,303	8,033	9,183	9,520	10,710

Fig. 2.8. Trends in filing applications for trademarks and service marks

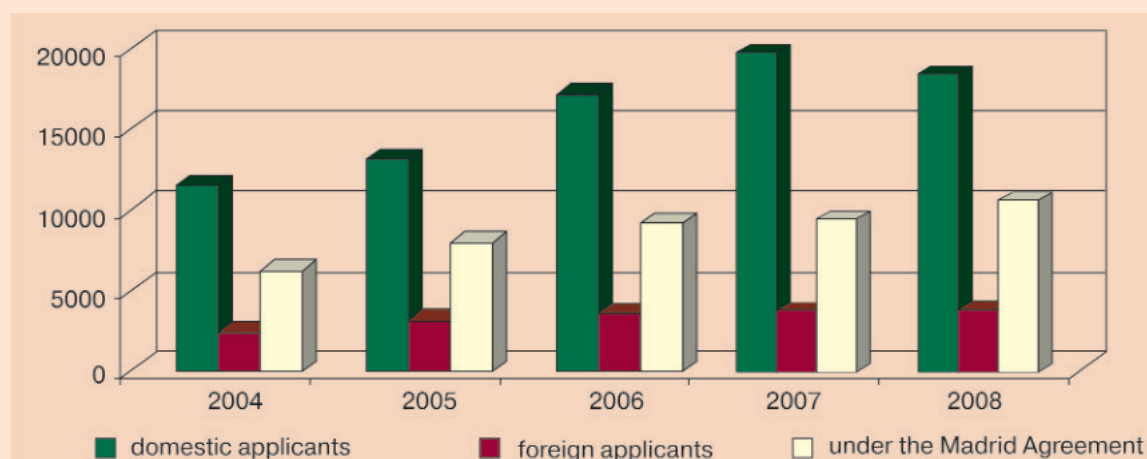


Table 2.11. Priorities of distribution of applications for marks according to the classes of the Nice Classification

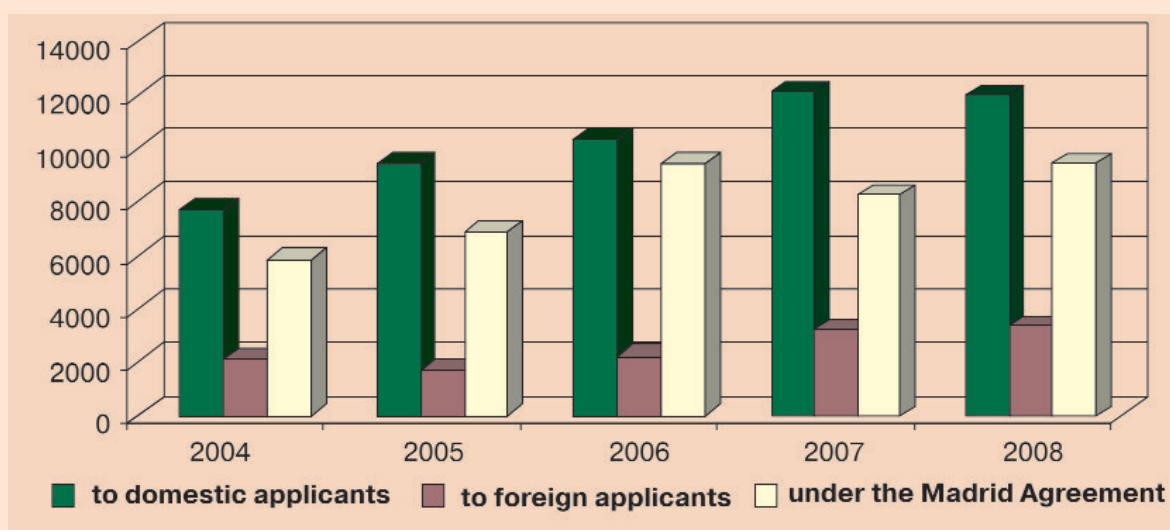
Class of the Nice Classification	Class headings	Total number of marks	Domestic applicants	Foreign applicants
35	Advertising; business management; business administration; office functions...	8,390 (17.3%)	7,580 (18.6%)	810 (10.2%)
41	Education; providing of training; entertainment; sporting and cultural activities...	3,341 (6.9%)	3,054 (7.5%)	287 (3.6%)
05	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes...	2,548 (5.2%)	1,686 (4.1%)	862 (10.9%)
33	Alcoholic beverages (except beers)	2,229 (4.6%)	1,981 (4.9%)	248 (3.1%)
16	Paper, cardboard and goods made from these materials...	2,200 (4.5%)	1,842 (4.5%)	358 (4.5%)
42	Scientific and technological services...	2,129 (4.4%)	1,871 (4.6%)	258 (3.3%)
36	Insurance; financial affairs; monetary affairs; real estate affairs.	1,985 (4.1%)	1,764 (4.3%)	221 (2.8%)
37	Building constructions; repair; installation services.	1,727 (3.6%)	1,559 (3.8%)	168 (2.1%)
09	Scientific, nautical, surveying, photographic, optical, weighing, measuring...	1,713 (3.5%)	1,288 (3.2%)	425 (5.4%)
30	Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour...	1,650 (3.4%)	1,353 (3.3%)	297 (3.8%)

Table 2.12. Trademarks and service marks registered

Subject matter	2004	2005	2006	2007	2008
Marks registered:					
under the national procedure	9,383	11,645	13,134	15,375	15,357
to domestic applicants	7,680	9,418	10,327	12,130	11,974
to foreign applicants	1,703	2,227	2,807	3,245	3,383
under the Madrid Agreement	5,853	6,899	9,396	8,298	9,459
Registrations in force by the end of the year*	42,327	52,823	64,974	78,848	92,837

* not including international registrations

Fig. 2.9. Trends in registration of trademarks and service marks



cates were registered to the applicants from the USA, 394 (11.6%) — to the applicants from the Russian Federation, 173 (5.1%) — from Switzerland, by 169 certificates to the applicants from Germany and the United Kingdom, 154 (4.6%) — Cyprus, 118 (3.5%) — from Poland and 113 (3.3%) — to the applicants from Japan.

In 2008 the most marks were registered in classes 35, 41, 05, 16, 42, 30, 09, 36, 37 and

33 of the Nice Classification (table 2.13). The domestic applicants were most active in registering marks in classes 35, 41, 16, 42, 36, 05, 30 and 37 and foreign applicants — in classes 05, 35, 30, 09, 16 and 33.

As of January 1, 2009, 101,577 certificates for trademarks and service marks were registered, of which 92,837 certificates were in force.

Table 2.13. Priorities of distribution of marks registrations by national and foreign applicants according to the classes of the Nice Classification

Class of the Nice Classification	Class headings	Total number of registered marks	To domestic applicants	To foreign applicants
35	Advertising; business management; business administration; office functions...	5,721 (15.7%)	5,119 (17.5%)	602 (8.3%)
41	Education; providing of training; entertainment; sporting and cultural activities...	2,141 (5.9%)	1,940 (6.6%)	201 (2.8%)
05	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes...	2,086 (5.7%)	1,157 (4.0%)	929 (12.8%)
16	Paper, cardboard and goods made from these materials...	1,908 (5.2%)	1,571 (5.4%)	337 (4.6%)
42	Scientific and technological services...	1,610 (4.4%)	1,417 (4.8%)	193 (2.7%)
30	Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour...	1,444 (4.0%)	1,086 (3.7%)	358 (4.9%)
09	Scientific, nautical, surveying, photographic, optical, weighing, measuring...	1,361 (3.7%)	1,016 (3.5%)	345 (4.7%)
36	Insurance; financial affairs; monetary affairs; real estate affairs.	1,352 (3.7%)	1,180 (4.0%)	172 (2.4%)
37	Building constructions; repair; installation services.	1,275 (3.5%)	1,144 (3.9%)	131 (1.8%)
33	Alcoholic beverages (except beers)	1,300 (3.6%)	1,072 (3.7%)	228 (3.1%)

International procedure

The foreign applicants were very active in filing applications for marks under the international procedure (fig. 2.9). In 2008, 10,710 international applications were received from the WIPO International Bureau, including 8,786 (82%) applications under the Madrid Agreement and 1,924 — under the Madrid Protocol.

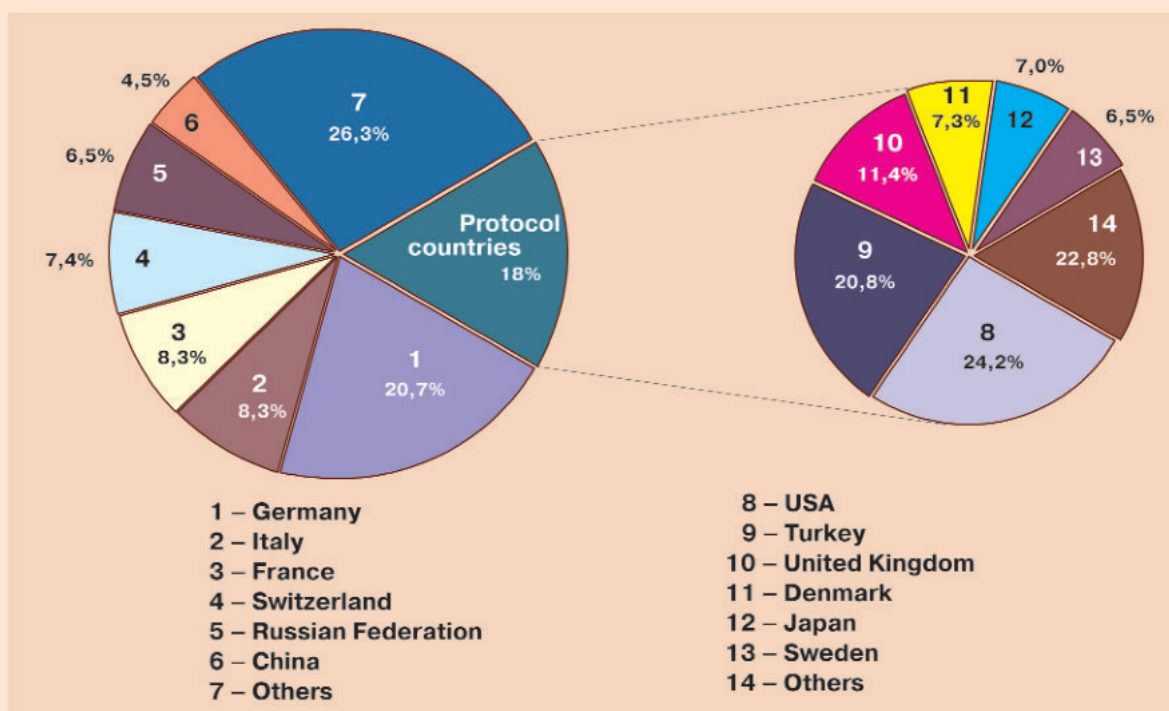
The applicants from Germany (2,218 applications), Italy (893 applications), France (889 applications), Switzerland (792 applications), the Russian Federation (697 applications), China (486 applications), Austria (370 applications), the Netherlands (320 applications), the Czech Republic (302 applications), Poland (271 applications), Belgium (210 applications)

and Hungary (155 applications) were in the lead. The share of applications from these countries amounted to 71.0% of the total filings under the international procedure in 2008 (fig. 2.10).

In 2008 the most active among the member states of the Protocol to the Madrid Agreement in filing applications with the extension to the territory of Ukraine were the USA — 466, Turkey — 400 applications, the United Kingdom — 219 applications, Denmark — 141 applications, Japan — 135 applications, Sweden — 125 applications, Finland — 97 applications and Iceland — 76 applications (fig. 2.10).

In 2008, the legal protection was granted to 9,459 international marks (table 2.12, fig. 2.9).

Fig. 2.10. Distribution of international applications filed under the Madrid Agreement and the Madrid Protocol by countries of origin



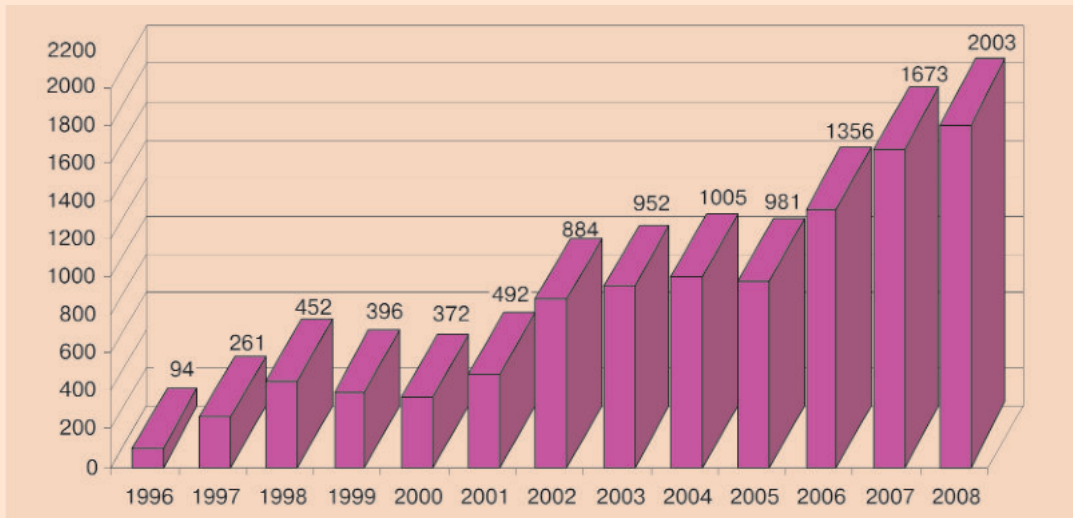
2.2. Entering the Data Concerning Contracts on Disposition of Economic Industrial Property Rights to the State Registers

In 2008 the total number of registrations of the contracts on disposition of economic industrial property rights amounted to 2,003, that is 19.7% more than in previous year (fig. 2.11), among them 1,729 registrations concerning transfer of exclusive economic industrial pro-

perty rights (86.3%); 231 registrations concerning issuance of licenses on exploitation of the industrial property rights (11.5%); 43 licenses of right to use inventions, utility models and industrial designs (2.2%).

According to the abovementioned data the number of registered data on the assignment of exclusive economic industrial property rights sufficiently exceeds the number of entries to the state registers on the issuance of licenses.

Fig 2.11. Trends in registration of contracts on disposition of economic industrial property rights in 1995-2008



Trends in registration of the license contracts are shown in the fig. 2.12.

As of January 1, 2009, data concerning 11,377 contracts on disposition of economic industrial property rights were entered to the state registers, including 2,598 contracts concerning inventions, 496 — utility models,

7,617— trademarks and service marks, 666 — industrial designs.

Information on entering the data on disposition of economic industrial property rights to the relevant registers is shown in the table 2.14.

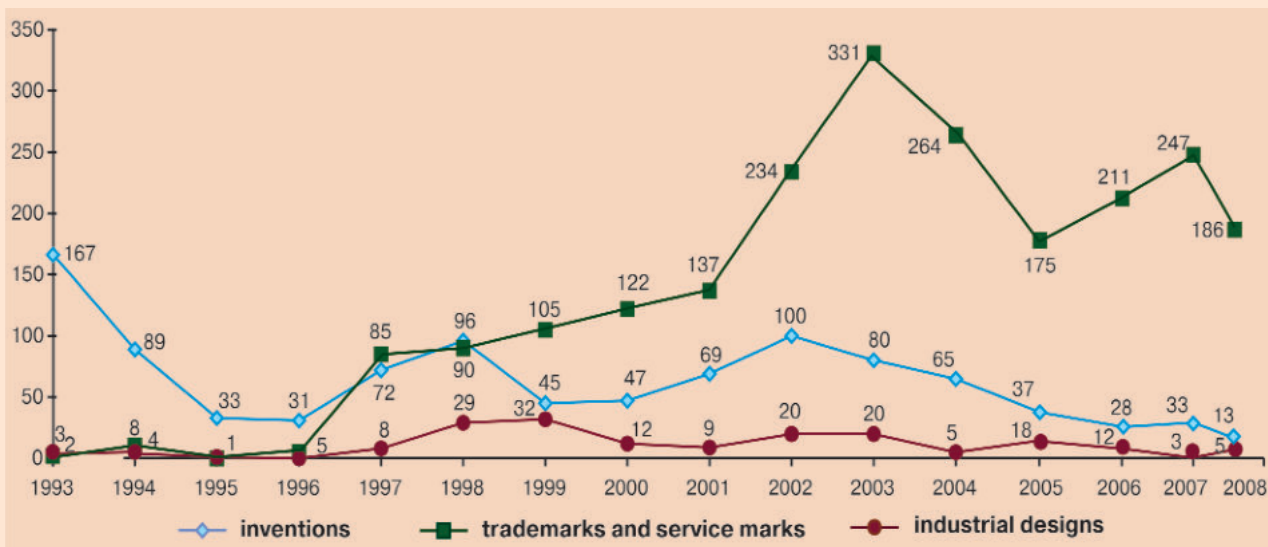
The data presented in the table 2.14 shows that in 2008 the number of entries on granting

Table 2.14. Distribution of registered contracts on disposition of economic industrial property rights by the categories

Kind of contract	Number of registrations											
	Inventions				Industrial designs				Trademarks and service marks			
	2005	2006	2007	2008	2005	2006	2007	2008	2005	2006	2007	2008
Non-exclusive licenses	23	19	19	13	11	8	2	5	150	160	214	148
Exclusive licenses	13	7	13	—	7	4	1	—	25	50	32	35
Sole licenses	1	2	1	—	—	—	—	—	—	1	1	3
Assignment of right	100	85	121	131	46	64	94	107	524	826	996	1395
Licenses of right	20	49	32	12	7	10	—	—	—	—	—	—
Total	157	162	186	156	71	86	97	112	699	1,037	1,243	1,581

* Non-exclusive license, exclusive license, assignment of ownership, license of right to utility models respectively

Fig 2.12. Trends in registration of license contracts on the exploitation of industrial property rights (1993-2008)



licenses on exploitation of inventions and trademarks and service marks, as well as the number of publications concerning licenses of right for inventions has decreased slightly as compared with the previous year.

The number of registrations concerning the assignment of exclusive economic rights in inventions, industrial designs and trademarks and service marks has increased by 8.26%, 13.8%, and 40.0%, correspondingly, as compared with 2007.

The share of contracts on the assignment of exclusive economic rights in trademarks and service marks where foreign companies are parties has decreased to 25.5% in comparison with 2007. The share of license contracts with their participation has increased to 7%. The most active were companies-owners of trademarks from the Russian Federation, the USA, Germany.

The share of contracts on the assignment of exclusive economic rights in trademarks and

Table 2.15. Participation of national and foreign persons in contracts on disposition of economic rights in trademarks and service marks

Contract parties	Contracts on assignment of exclusive economic rights				License contracts			
	2007		2008		2007		2008	
	number	%	number	%	number	%	number	%
Contract parties – Ukrainian physical and/or legal persons	640	64.3	856	61.4	194	78.5	128	68.9
Contract parties – foreign persons	263	26.4	356	25.5	14	5.7	13	7
Owner (licensor) – Ukrainian natural and/or legal person, successor (licensee) – foreign person	75	7.5	172	12.3	1	0.4	2	1
Licensor – foreign person, licensee Ukrainian natural and/or legal person	18	1.8	11	0.8	38	15.4	43	23.1
Total	996	100	1,395	100	247	100	186	100

service marks and license contracts by Ukrainian natural and legal persons has decreased in comparison with 2007 (table 2.15).

The total number of industrial property rights in respect of which the data on assignment of exclusive economic rights and granting licenses were entered in respective state registers amounted to 3,188 (as against 2,961 in 2007)

including 191 inventions, 206 utility models, 183 industrial designs and 2,538 trademarks and service marks.

Data shown in table 2.16 testify that the average number of trademarks and service marks the rights in which are transferred in one contract for Ukrainian owners is 1.5 and for foreigners 2.0 marks in one contract.

Table 2.16. Comparative data on entering information concerning disposition of economic rights in trademarks and service marks to the state registers

Kind of contract	2008	
	Number of contracts	Number of trademarks and service marks
Contracts on assignment of exclusive economic rights to marks for goods and services:	1,395	2,256
by Ukrainian owners	1,028	1,534
by foreign owners	367	722
License contracts on exploitation of trademarks and service marks:	186	282
by Ukrainian owners	130	173
by foreign owners	56	109

2.3. Registration of Author's Right in Scientific, Literary and Artistic Works

In 2008 the State Department of Intellectual Property improved the organizational, technological and methodical support of the state registration of authors' right in a work and rendered consultation services on these questions.

In accordance with the Law of Ukraine «On Copyright and Related Rights» and the Resolution of the Cabinet of Ministers of Ukraine of December 27, 2001 No.1756 «On State Registration of Author's Right and Contracts Concerning Author's Right in a Work, subject to provisions of the Civil Code of Ukraine, a total of 4,185 applications for registration of author's right in a work were filed in 2008. There were taken 3,730 decisions on registration and 9 decisions on refusal for registration. The total number of registrations of author's right in a work amounted to 3,748, that is 14.0% less than in the previous year (as against 4,361) (fig. 2.13).

Over the reporting period, the total number of registrations of author's economic right in

employee's works amounted to 736 that 13% more than in previous year. As in the previous years, 642 registrations of author's economic rights belong to employer. The registrations of rights in employee's works where the economic rights to a work jointly belong to employee who created that work and his employer amounted to 94 (as against 38 registrations in 2007).

As in the previous years the author's rights mostly were registered for literary written works of different nature (36.5%): scientific, scientific-and-practical, scientific-and-technical, technical, practical, educational, fiction, popular scientific, educational, informational; works for radio, television, cinema; works concerning arts etc; composite works (15.5%), computer programs (14.0%), musical compositions (13.9%), illustrations, drawings, sketches (7.2%), works of fine art (6.8%), (table 2.17).

In 2008, 193 contracts on author's right in a work were registered with SDIP that 4% more than in the previous year (185 contracts), and 3 decisions on refusal to register a contract were

Fig. 2.13. Trends in the state registration of author's right in 1995-2008

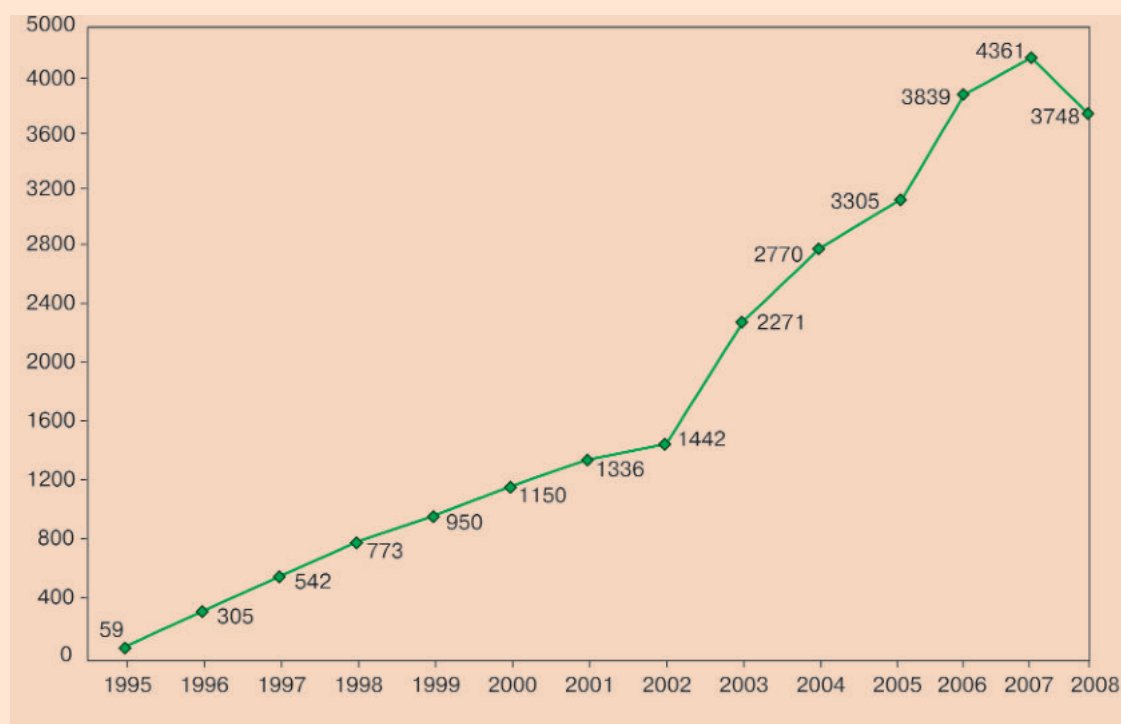
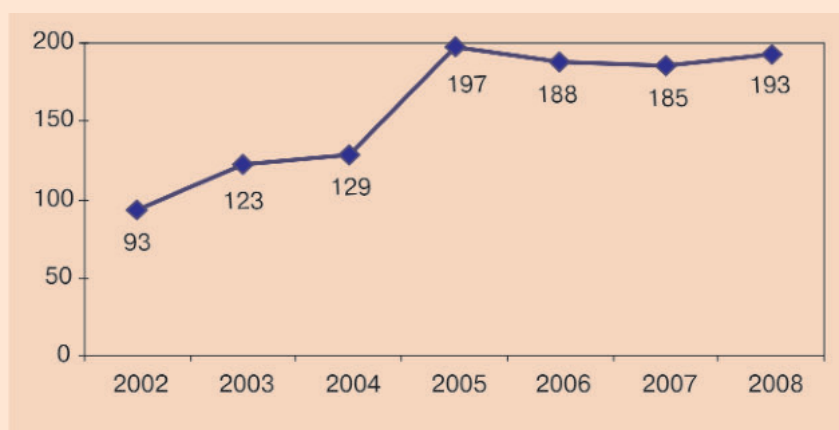


Table 2.17. Distribution of state registrations by categories of copyrighted works in 2008

Categories of copyrighted wor	Number of registrations
Literary written works	1,861
Composite works	787
Computer programs	714
Musical works with or without words	707
Illustrations, drawings, sketches	369
Works of fine art	346
Audiovisual works	91
Derivative works	52
Works of architecture, town-planning, landscape architecture	45
Photographic works	37
Works of applied art	26
Data bases	21
Works created for scenic show	21
Choreography works	5
Oral works	3
Cartographic work	2
Dramatics	2
Production of works created for scenic show	2
Folklore adaptation for scenic show	1

Fig. 2.14. Trends in the state registration of contracts in 1995-2008



taken (fig.2.14). In 2008 the total number of applications for registrations of contracts on author's right in a work amounted to 178, that is 5% less than in 2007 (188 applications). The registered contracts concern mainly the assignment (alienation) of economic rights in a work (162), including 161 contracts on the complete transfer of rights in a work and 1 contract on partial assignment. In addition, 8 con-

tracts on assignment of exclusive right to use a work and 23 contracts on assignment of non-exclusive right were registered.

The information on registrations made in 2008 was published in the Official Bulletin of the State Department of Intellectual Property «Copyright and Related Rights» (issue No. 15-17, 2008) and in 12th edition of the Catalogue of the State Registration in 2008.

3 Intellectual Property Rights Enforcement

3.1 Industrial Property Rights Enforcement in an Administrative Procedure

In the year under review the Appeals Chamber considered a total of 159 oppositions including 128 oppositions lodged in 2008 and 31 those entertained in 2007.

Oppositions lodged in 2008 broke up by the industrial property categories as follows: inventions – 23, utility models – 2, trademarks and service marks – 103.

There were held 278 sessions of the boards of the Appeals Chamber where 17 oppositions to the SDIP's decisions on patent applications, two oppositions to utility model applications, 94 oppositions to trademark and service mark applications were considered.

In 2008 the total of 109 decisions of the Appeals Chamber were sent to appellants including 36 decisions on complete satisfaction of oppositions, 15 on partial satisfaction of oppositions and 58 decisions on dismissal of oppositions. Six oppositions were not accepted for consideration, the appellants withdrew 4 oppositions

In 2008 the Appeals Chamber got 8 claims for recognition of trademarks to be well-known in Ukraine. There were held 18 meetings of the Appeals Chamber.

Ten decisions of the Appeals Chamber were sent to applicants, all of them on recognition of trademarks to be well-known in Ukraine. Two applications on recognition of trademarks to be well-known were withdrawn.

3.2 Industrial Property Rights Enforcement in a Judicial Procedure

In 2008 proceedings were commenced on 246 cases related to industrial property rights enforcement including those in:

- administrative courts (74 cases);
- economic courts (95 cases);
- courts of general jurisdiction (77 cases).



Valentyn Chebotariov, Deputy Chairman of the State Department of Intellectual Property

The Ministry of Education and Science of Ukraine and/or the State Department of Intellectual Property were litigants in those cases.

Proceedings in courts of primary jurisdiction, courts of appeal and courts of review were conducted on 531 cases.

Cases in disputes concerning industrial property rights enforcement were considered in courts of general jurisdiction (180 cases), economic courts (302 cases) and administrative courts (121 cases).

There were held 1,196 court sessions on these cases.

All the proceedings of 2008 can be distributed according to the subject matter as follows:

- invalidation of
 - decisions of the Appeals Chamber – 1;
 - trademarks and service marks certificates – 58;
 - patents for inventions and utility models – 18;
 - patents for industrial designs – 35;
 - contracts – 2;

- premature termination of
 - international registration of mark in Ukraine – 14;
 - certificates for trademarks and service marks – 22;
 - infringement of intellectual property rights – 8;
 - recognition of unjust acts – 14;
 - cancellation of the opinion (decision) – 64;
 - provocation of action – 10.

The analysis of court cases shows that the most of them deal with trademarks and service marks.

The invalidation of trademark and service mark certificates and international registration of mark and of SDIP decisions as well as premature termination of trademark and service mark certificates and international registration of mark were the matters of such disputes.

3.3. Enforcement of Copyright and Related Rights

In 2008 the State Department of Intellectual Property took part in consideration of two cases concerning authorized collective management organizations, 11 cases concerning control marks issue, 21 – concerning state registration of author's right. A total of 23 cases were under court proceeding of the State Enterprise «The Ukrainian Agency of Copyright and Related Rights» (UACRR).

Within a report year in the pre-arbitration and court procedures the UACRR addressed 20 theatres, philharmonic halls and circuses on the necessity of timely payment of remuneration for public performance of authors' works and impossibility of their unlicensed use.

Moreover, in 2008 the UACRR sent 17 claims to program service providers, concerts organizers, television and radio broadcasting companies etc.

It will be noted that most problematic cases were settled within pre-trial procedures by users' admission of the claims and further transfer of sums to the UACRR's account.

In the year under review UACRR according to the statute-established procedure represented interests of copyright subjects in 16 cases in courts of general jurisdiction, economic and other courts. At present court cases are being prosecuted on the actions brought against such television and radio broadcasting companies: Ukrainian National Television and Radio Broad-



Meeting of Valentyn Chebotariov, the SDIP Deputy Chairman, and Tamara Davydenko, Division Head, with authors

casting Company, Television and Radio Broadcasting Company «1+1» Studio», the Closed Joint-Stock Company «Independent TV-Corporation» (INTERTV-channel), program service providers (cable networks operators) – the Closed Joint-Stock Company «Priteks», the Limited Liability Company «Alfa-Media», the Limited Liability Company «Ricon», Television and Radio Broadcasting Company «Balaklavia» etc.

In addition, there are about 10 cases being under proceeding at the State Executive Service of Ukraine on enforced retention of author's remuneration and damages for infringement of exclusive economic author's rights.

UACRR has filed claims for initiation of five criminal proceedings against users of copyrighted works not satisfying judgments, in particular, Theatre Company «Beniuk & Khoshtikoiev», the Limited Liability Company «Redial», the Private Company «Ketiah» etc.

3.4. Collective Management Organizations Activities

In 2008 due attention was given to matters of collective management by the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Ministry of Education and Science of Ukraine, the State Department of Intellectual Property. Two meetings of the Committee on Science and Education of the Verkhovna Rada of Ukraine of April 16, 2008 and September 3, 2008, the Prime-Minister Y. Tymoshenko session of October 28, 2008, the National Council of Security and Defense of Ukraine meeting of November 21, 2008, number of the Cabinet of Ministers of Ukraine orders concerned, in particular, with copyright and related rights issues.

Discussions on these matters at the highest levels prove copyright and related rights in Ukraine to be one of the important factors of economic development.

Solving problematic issues in collective management area SDIP cooperates with the Section on Copyright and Related Rights at the SDIP Public Board, the Collective Management Organizations Coordination Council, the Music Industry Working Group, copyright and related rights subjects, users, collective management organizations, public organizations. At the end of 2008 SDIP developed the draft order on collective management system improvement that, in particular, provides more strict conditions as for authorized collective management organizations, their registration and deregistration matters.

Currently, 14 collective management organizations (CMO) have been established by authors, performers and phonogram producers and registered with SDIP, two of them were registered in 2008.

In 2008 three authorized CMOs collected remuneration (for commercial use of phonograms, virgin media), one of them was authorized in March 2008. It should be noted that at the end of 2006 the CMO «Oberih» was divested of authority. The lawfulness of SDIP actions was acknowledged by the decision of the Economic Court, the Kyiv District Administrative Court and the Kyiv Appeal Administrative Court.

During the year SDIP supervised CMOs activities analyzing their reports. As a result of those measures seven CMOs were warned as for necessity to resolve comments, and activity of the CMO «Ukrainian Authors Union» was suspended for three months.



SDIP specialists in the course of the meeting of the Common Working Group with European Business Association (EBA)

Amount of remuneration for the use of copyright and related rights objects collected by CMOs came to over 32 million hryvnas, that is nearly 19 % more compared to the 2007 period.

Taking into account the fact that the bulk of a total amount collected is remuneration for public performance and public broadcasting SDIP continues activities towards assistance to CMO in royalties collection and also collaborates on these matters with Music Industry Association, European Business Association, Independent Television and Radio Broadcasting Association, Ukrainian Cable Television Union, Ukrtelemerezha Association and other organizations. The issues mentioned were highlighted during conferences (in Yalta, Svaliava), at five round-table meetings.

Issues of concern on payment author's remuneration by the national television and radio broadcasting companies were discussed at the meeting of the Prime-Minister of Ukraine Y. Tymoshenko together with music industry representatives.

SDIP, as in the previous years, together with the National Television and Broadcasting Council and the State Television and Broadcasting Committee of Ukraine worked on the problem of compulsory transfer by state television and broadcasting companies of sums for paying remuneration for the use of copyright and related rights objects. The work with the National Television and Broadcasting Council on its adoption of critical decisions on obligatory payment of remuneration by broadcasting and cable tele-and-radio organizations was in process.

3.5. Control over the Observance of Legislation in the Sphere of Intellectual Property

It's the fifth year of activity of the Coordination Council on the control over law infringements in the sphere of intellectual property, created to control the state of realization of the Program of Coordinated Actions of Law-Enforcement and Controlling Authorities to provide control over the illegal production, distribution and sale of audio and video products, compact disks and other subject matters of intellectual property.

In 2008 the state intellectual property inspectors carried out 736 inspections of economic entities (Fig. 3.1). The result is that 413 administrative offence reports were drawn up and sent to courts. The counterfeit products to

the amount of more than 3.9 million hryvnas were expropriated (Fig. 3.2).

Based on the inspections carried out together with the Ministry of Internal Affairs, the Security Service of Ukraine and Tax Office 115 criminal cases were initiated.

In the regions of Ukraine, on the radio and television, in periodicals and newspapers, at seminars and panel discussions intellectual property inspectors carried out great educative work with some categories of «intellectual» production users, on constant basis consulted entrepreneurs, individuals and government institutions as for legal use of intellectual property rights and enforcement procedure. As a result authors' remuneration agreements were concluded more actively. Many intellectual property rights users address intellectual property inspectors on control measures as for legal use of these rights (Fig. 3.3).

The sphere of intellectual property inspectors' activity also includes preventive measures against law infringements. They hold specialized regional seminars and panel discussions with economic entities to explain provisions of legislation in the sphere of intellectual property, consult individuals and organizations. During the year under review 233 seminars and panel discussions on legal use of intellectual proper-

ty rights in Ukraine were held, 47 presentations were made in mass media.

In order to observe the provisions of legislation concerning manufacturing, export, import of disks for laser-reading systems in 2008 SDIP as a licensing body issued a license for manufacturing disks for laser-reading systems, matrices to the Limited Liability Company «DVD-Club Ukraine» and reissued four licenses in view of the termination of the previous ones. Currently the licensed manufacturing of disks for laser-reading systems has being carried out by nine economic entities. Moreover, 28 abstracts from the CID-codes Register were issued to corresponding economic entities on recognition of these codes on disks.

According to the Resolution of the Cabinet of Ministers of Ukraine of December 29, 2007 No. 1411 «On Approval of Lists of Goods to be Licensed while Export and Import and on Quota Limits in 2008» SDIP has issued 306 letters for carrying out customs clearance by importers and exporters which goods not subjected to licensing but classified according to the codes provided by this Resolution.

In 2008 SDIP issued 37,075,439 control stamps for copies of audiovisual works, phonograms, videograms, computer programs, databases (by 19% less as compared to the previ-

Fig. 3.1. The number of inspections carried out by regions

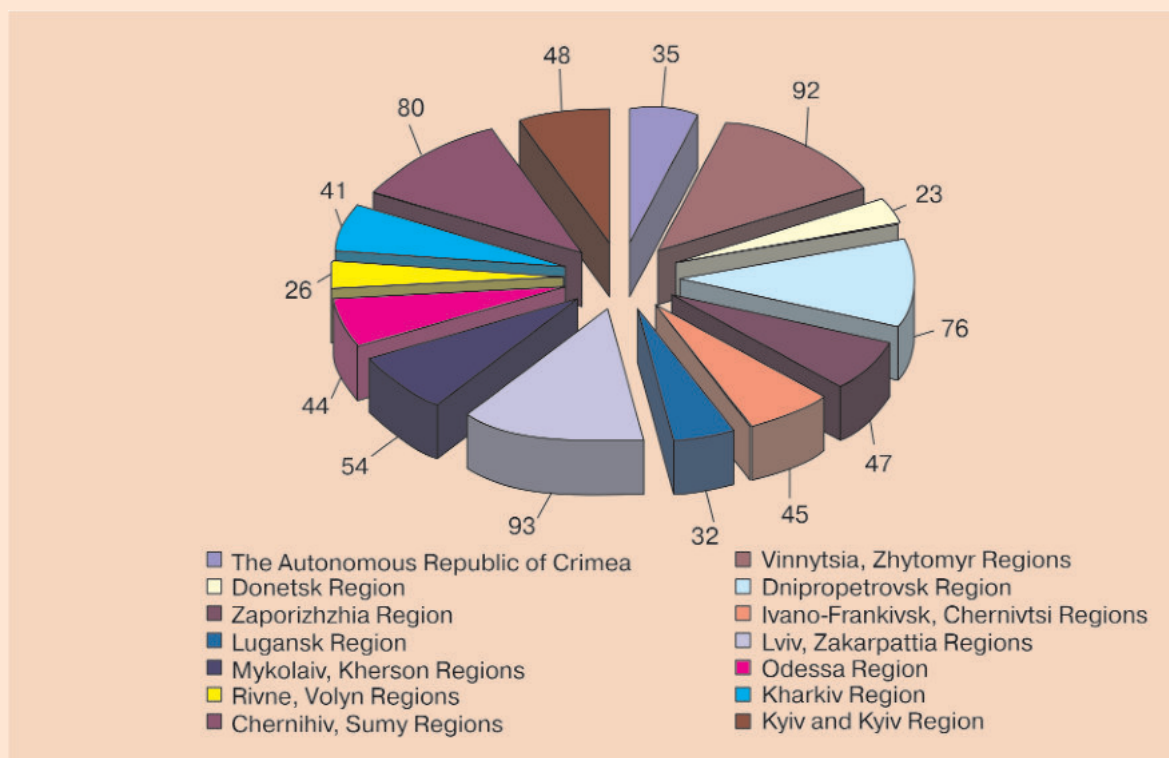


Fig. 3.2. Counterfeit products expropriated by regions (hryvnas)

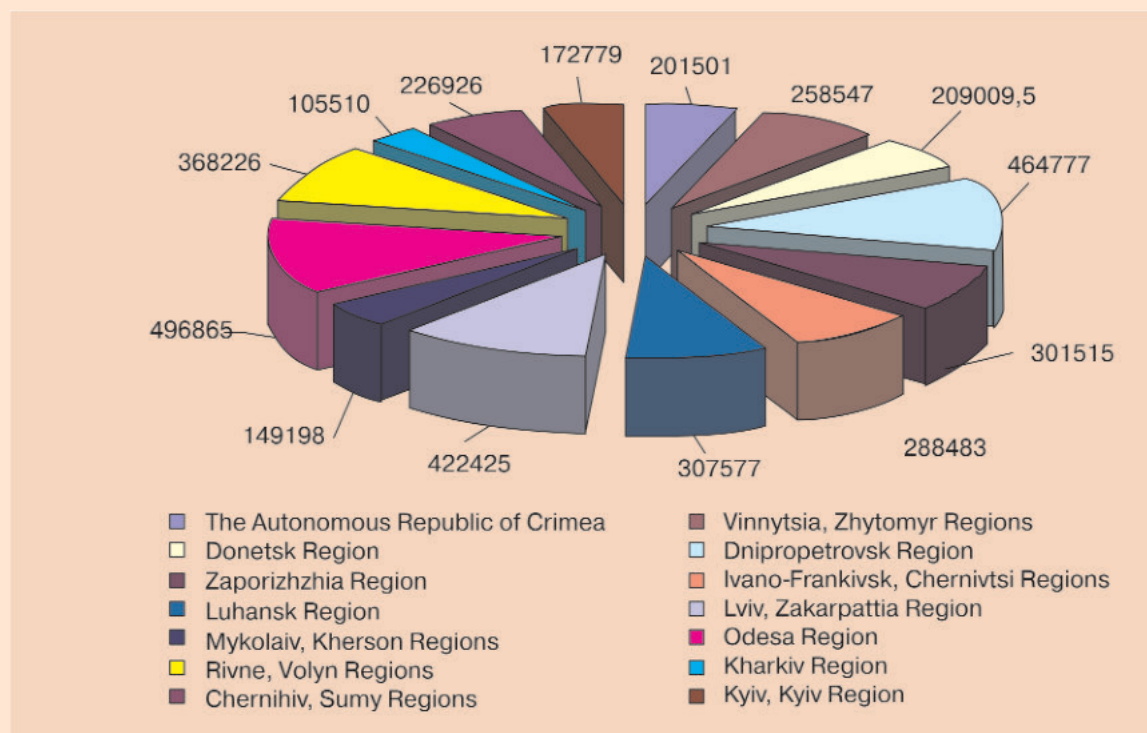
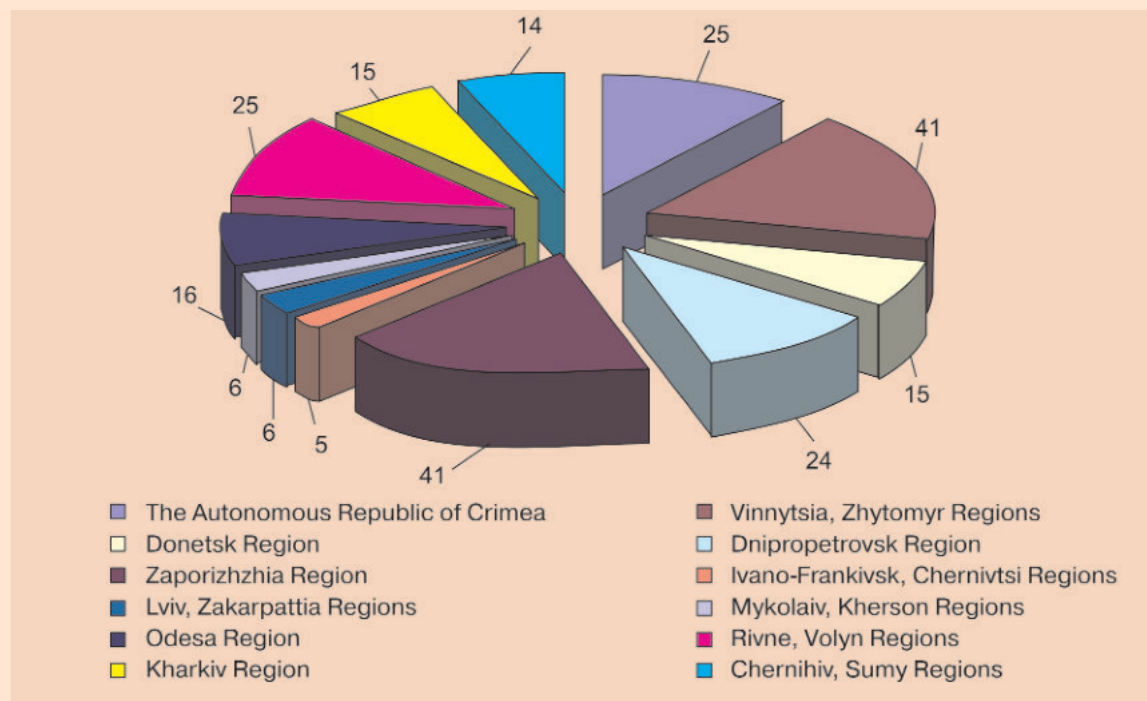


Fig.3.3. Regional seminars held by regions



ous year). This was caused, in particular, by the economic crisis, use of MP3 disks, Internet piracy.

In September 2008 to avoid counterfeit control stamps production a new type of a stamp «Control Stamp-3» was introduced. Currently arrangements are taken as for automatic check of activities of economic entities distributing copies of audiovisual works, phonograms, videograms, computer programs, databases marked with a new control stamp.

In the report year SDIP continued to take measures on computer programs legalization in executive bodies.

According to the Procedure of Computer Programs Use in the Executive Bodies, approved by the Resolution of the Cabinet of Ministers of Ukraine of March 4, 2004 No.253, the corresponding inventory was conducted in the second quarter of 2008. The results showed the 67.9 % rate of counterfeit software use in executive bodies in 2007 and 52.1 % in 2008. Based on the computer programs inventory results an analysis was made and it was ascertained that 58.55% of the most widely used computer programs are those of the Microsoft Corporation. The necessity for their legalization constitutes 39.93 %.

Irrespective the inventory results within last years showing a stable lowering trend of counterfeit software use level it is still rather high. To

increase the level of legal computer programs use SDIP has amended the Procedure mentioned above: after preliminary negotiations with right owners the Head of the Interagency Working Group submits a draft Legalization Contract for mutual approval with the Ministry of Finance of Ukraine, the Ministry of Economy of Ukraine and the State Committee on Informatization of Ukraine. After the approval the Ministry of Education and Science of Ukraine concludes legalization contracts. These amendments were approved by the Resolution of the Cabinet of Ministers of Ukraine of May 21, 2008, No. 475.

As a consequence on September 25, 2008 the Ministry of Education and Science of Ukraine concluded legalization contracts with the Close Joint-Stock Company «Kaspersky Laboratory», the Limited Liability Company «PROMT», the Limited Liability Company «Doctor Web» and ABBYY, Adobe, Corel, Nero, Borland (Embaracadero Technologies) Companies.

During the year under review the maintenance of the Register of Software Producers and Distributors was provided. Currently 1,015 software producers have been registered, including those 170 registered in 2008. This register enables copyright subjects to confirm their rights and users to get information about licensed software providers.

4 Information Support of the Intellectual Property Activities



Volodymyr Zharov, First Deputy Chairman of the State Department of Intellectual Property

4.1. Information Support of Examination of Applications for Industrial Property Rights. Patent Documentation Collections' Updating

The information support of examination of the applications for industrial property rights includes updating of the **Patent Information Base** (PIB) and providing access of the examiners to the specified electronic information resources via the Internet.

During the reporting period the PIB search collection was updated with the national and foreign patent documentation predominantly on optical carriers CD-ROM & DVD. During 2008 the PIB's total collection on optical disks increased by 551 disks and amounted to 12,440 disks.

As in the previous years, the PIB was updated with the Ukrainian and foreign patent documentation according to the List approved by the

Order of the State Department of Intellectual Property of February 2, 2006. The PIB foreign patent documentation includes in its collection the following sources of information on optical carriers: complete specifications of European applications (since 1978) and of European patents (since 1980), complete specifications of PCT applications published by WIPO since 1978, English-language abstracts of the United Kingdom, Germany, France and Switzerland patent documents for 1971–2003, abstracts and complete specifications of EAPO patents and patents of the CIS countries since 2002, specifications of inventions to the USSR author's certificates and patents for 1924–1993, complete specifications of patents for inventions of the Russian Federation since 1994, complete specifications to the patents for inventions of the USA since 1975 and complete specifications of patent applications of the USA since the beginning of their publication (2001), English-language abstracts of Japan patent applications for 1976–2001 and from the beginning of 2004. A predominant majority of these disks was received in the framework of international patent documentation exchange which is being carried out by the examination body – the State Enterprise «Ukrainian Industrial Property Institute» (UIPI) recognized as the International Exchange Center according to the UNESCO Convention on the International Exchange of Publications, or in the framework of international cooperation with WIPO and the EPO. In order to facilitate the search in the collection of the Russian patent documentation, the reference and search tool to the collections of patents for inventions and specifications of patents for utility models of the Russian Federation for 1994–2007 on DVD were additionally purchased in 2008.

The Reference and Information Collection (RIC) is a part of the PIB which is used by the

examiners during the examination of applications for industrial property rights, by specialists of the other UIPI divisions and SDIP specialists. As of January 1, 2009 the RIC has amounted up to 264,200 copies, among them: 243,600 of the Ukrainian patent specifications for inventions and utility models and 20,600 copies of scientific and technical literature (STL) and periodicals. During the report year the collection has increased by 24,100 items.

Services to SDIP and UIPI specialists on the basis of the RIC in the reading room, on loan and in inter-library exchange system remained at the level of the previous year. In particular, 13,880 documents were lent out in the year under review. The information support is based on the use of the national and foreign resources – original sources, copies of separate articles from periodicals or separate chapters of books on paper or optical carries. In 2008, the collections of 26 Kyiv enterprises and organizations were used to provide various kinds of library-information services to the UIPI examiners, mainly on the basis of agreements. The number of the requests for information sources concerning prior art for industrial property objects in application documents has run up to 2.800. The orders were fulfilled on the average within 1–3 days. To provide services to the examiners, the remote information resources were also used: the electronic network catalogues of the leading Kyiv libraries, the SPSTL of Russia, the information encyclopedic project Rubricon of the company «Russ-portal», the electronic resources of the world's greatest publishing houses Elsevier and EBSCO.

With the purpose of providing the efficient and high-quality servicing, 2 numerical indexes «Index to the author's certificates of the former USSR that were not published before and re-registered into the Ukrainian patents (1992–2007)» and «Index to the patents of Ukraine, re-registered from the author's certificates of the former USSR and not published before (1992–2007)», were prepared in the report year.

The interactive access of the UIPI specialists to reference information about STL and periodicals available in the RIC was provided by the on-line information and reference system «The Electronic Network Catalogue».

The work on the forming of the UIPI knowledge base which contains patent-associated literature in electronic form and as of January 1, 2009 amounted up to 1,441 articles was continued. The base is formed according to the

requests of the examiners and enables a considerable increase in the efficiency of use of the information and carrying out of quick searches on various criteria.

The most efficient form of providing the examiners with current information is the system of its selective distribution that continued its functioning in the year under review. 83 notices about new updates of STL and 99 thematic bibliographic lists of articles on actual issues, concerning intellectual property rights protection in Ukraine and abroad were prepared and distributed by e-mail to 20 addressees of SDIP and to 123 addressees of UIPI.

Integration of the traditional forms of work with the services based on the modern information technologies gave an opportunity to create an adequate system of the patent information support on the RIC basis.

In order to provide efficient patent search in the course of the examination of applications for inventions, «The UIPI United Integrated Search Portal» was developed in the UIPI and passed for the experimental approbation. A plurality of patent and scientific information sources (patent databases, electronic publications of journals in the Internet, articles, etc.) were integrated to it via the Internet.

The portal enables the users to carry out an efficient automated search of data in all sources of information connected to it according to the specified criteria. The automated formation of the search report which the examiners use for decision-making on the application is automatically produced by the results of the search.

The examiners used access via the Internet both to the free-of-charge and to the commercial databases. Since the beginning of 2008, the examiners have continued to receive test access to the EPO database EPOQUE NET and on September 22, 2008 the agreement concerning the complete (fee-based) access to the EPO EPOQUE NET service for the next two years was signed between the EPO and UIPI. Besides, during the year the examiners were provided with access to the commercial chemical databases (CAS Company, USA) via the European service STN International. In order to carry out the search on the applications in the field of biotechnology from the beginning of the year the access of the examiners to the commercial database GenomeQuest was provided, and at the end of September the new agreement on the use of the GenomeQuest service for the next year was concluded with the GenomeQuest Inc. (USA).



In the course of the SDIP Board session

During the year under review the examiners continued to receive fee-based access via the Internet to the VINITI databank (the Russian Federation) and to the Internet service «All the Encyclopaedias of the Rubricon» (the Russian Federation). In October 2008 the new agreement on the use of the service «All the Encyclopaedias of the Rubricon» for 25 users was concluded for another year's term. The agreement on the use of the VINITI databank acts without time-limit.

During the year under review, as before, **the Public Patent Documentation Collection** (PPDC) which contains patent documentation (official bulletins of intellectual property Offices and complete patent specifications) was updated both on paper and on electronic carriers. The total collection of the official bulletins on paper has increased in the report year by 644 copies, the collection of specifications of inventions on paper carrier has increased by 24,950 units and the collection on optical carriers has increased by over 1,200 disks. By the end of 2008, the total collection of the PPDC included: official bulletins on paper – over 19,500 copies, specifications of inventions on paper carrier – over 284,200, optical disks CD-ROM and DVD - over 14,100 items. The PPDC is updated with the aim to satisfy the Ukrainian public information needs. It contains patent documentation of 65 countries (incl. 50 countries participating in the international scientific and technical as well as military and technical cooperation with Ukraine) and 4 international and regional organizations (WIPO, the EPO, the EAPO and the OAPI). The collections of official bulletins on paper and electronic carriers, abstracts and patent specifications predominantly on CD-ROM & DVD are updated in the framework of international exchange with foreign patent

Offices and international cooperation with WIPO and the EPO.

In the first half of 2008 the Ukrainian patent documentation on optical carriers was delivered to 46 national and regional industrial property Offices and starting from the second half-year – to 45 Offices (the Canadian Intellectual Property Office declined to receive documentation on optical disks any longer as it is available in the Internet).

Due to the steady tendency of reduction of the amount of patent documentation provided by foreign offices in the framework of international exchange (in connection with the transition to the official publication only on websites), the activities on the streamlining the international exchange were started on the part of Ukraine.

The contents of the PPDC and notices on its quarterly updates are published in the Section «Information Resources» on the SDIP web-portal (<http://www.sdip.gov.ua>), on the UIPI web-site (<http://www.ukrpatent.org>) and on the web-site of the Ukrainian Centre of Innovatics and Patent Information Services, the affiliated institution of UIPI (UkrCIPIS, <http://www.ip-centr.kiev.ua>). Besides, the updated Lists of Free Patent Databases and Scientific and Technical Databases were published on the web-portal of the State Department of Intellectual Property and on the UIPI web-site.

As in the previous years, UIPI delivered free of charge the official bulletin «Promyslova Vlasnist» and the Ukrainian patent specifications both on paper and optical carriers to the patent collections of 32 Ukrainian organizations, including the national scientific and technical information (STI) institutions: UkrINTEI (only official bulletin), the State Scientific and Technical Library (SSTL) and to 19 Scientific, Technical and Economic Information Centers.

Besides, the recipients of the official bulletin on paper also received in the framework of the free-of-charge distribution the second, amended edition of the Ukrainian translation of the ninth edition of the «International Classification of Goods and Services for the Purposes of the Registration of Marks» (the Nice Classification), issued in the form of a supplement to the printed issue of the official bulletin № 14/2008, and the Ukrainian translation of the ninth edition of the «International Classification for Industrial Designs», which enters into force on January 1, 2009 issued in the form of a supplement to the printed issue of the official bulletin № 21/2008. Also, at the end of 2008 – the be-

ginning of 2009 the Ukrainian translation of the IPC-2009 (the Core level) will be sent to these organizations as soon as a separate volumes will be published.

4.2. Industrial Property International Classifications

The activities on the updating of the International Classifications according to «The Plan of the Activities on the Updating of the Ukrainian-Language Industrial Property International Classifications in Connection with the Implementation of the New Editions During 2007–2008» (hereinafter referred to as the Plan of Activities) and other corresponding administrative-organizational documents of SDIP and UIPI were carried out in 2008.

International Classification for Industrial Designs

The amendments and supplements to the 8th edition of the International Classification for Industrial Designs (the Locarno Classification) were translated from English into Ukrainian and the Ukrainian version of the 9th edition of the Locarno Classification, which enters into force on January 1, 2009, was prepared for publication.

The 9th edition of the Locarno Classification was published in the form of a supplement to the official bulletin «Promyslova Vlasnist» No. 21, 2008.

The Information and Reference System «International Classification for Industrial Designs (the Locarno Classification). The 9th Edition» has been created and posted on the SDIP web-portal and on the UIPI web-site.

International Patent Classification

The Ukrainian version of the IPC (2008.04) has been applied since April 1, 2008. The next revision of the advanced level group titles of the IPC (2008.04) and the core level (2006) carried out by WIPO and entry into force of the new version of the advanced level of the IPC (2009.01) and the core level of the IPC (2009) have caused the actualization of the Ukrainian version of the IPC (2008.04) and of the core level of the IPC (2006). In this connection the changes which should be presented in the Ukrainian version of the IPC (2008.04) were located, their translation from English into Ukrainian was performed and loaded into the new Ukrainian version of the IPC (2009.01). All amendments and supplements to the current version of the core level of the IPC (2006) which entered to the

core level of the IPC (2009), but not to the Ukrainian version of the IPC (2009.01), were additionally translated from English into Ukrainian.

On the basis of this translation, before publication on the paper carrier (in the form of the supplements to the current issues of the official bulletin «Promyslova Vlasnist» on paper), the new version of the core level of the IPC (2009) has been prepared. Starting from No. 23, 2008 of the official bulletin «Promyslova Vlasnist», the step-by-step publication of the core level of the IPC (2009) (according to the IPC sections) is being carried out and will be completed in the first quarter of 2009.

The Information and Reference Systems «Ukrainian Version of the International Patent Classification. The IPC 2008.04» and «International Patent Classification. The 9-th Edition (2009). The Core Level» have been created and posted on the SDIP web-portal and on the UIPI web-site.

International Classification of Goods and Services for the Purposes of the Registration of Marks

In order to improve the Ukrainian language translation of the ninth edition of the International Classification of Goods and Services for the Purposes of the Registration of Marks (the Nice Classification) which entered into force on January 1, 2007, the amendments to the translation of the ninth edition of the Nice Classification were made and its second, amended, edition which entered into force on October 1, 2008, was published (in the form of a supplement to the official bulletin «Promyslova Vlasnist» No. 14, 2008).



The Information and Reference System «International Classification of Goods and Services for the Purposes of the Registration of Marks (the Nice Classification). The 9-th Edition. The Second, Amended Edition» has been created and posted on the SDIP web-portal and on the UIPI web-site.

In order to increase the efficiency of use of the International Classifications by the wide circles of scientific and technical public of Ukraine, the patent information products on CD-ROM with search system which contain the industrial property International Classifications translated into Ukrainian are being created by the UkrCIPIS, the UIPI affiliated institution. These patent information products are distributed on the basis of agreement.

Notices on entering into force of the new editions of the industrial property International Classifications are published on the SDIP web-portal and on the UIPI web-site.

The monitoring of the Information and Reference Systems of the industrial property International Classifications created by the UIPI in the previous years and posted in the Internet was periodically carried out during the year under review and, as a result of this monitoring the proposals were prepared on their improvement, which were taken into consideration

during the creation of the Information and Reference Systems of the new editions of the specified Classifications. Access to the Information and Reference Systems of the industrial property International Classifications is granted on the free of charge base.

The industrial property International Classifications, which were created and improved under the auspices of WIPO, were implemented by the appropriate International Agreements and every WIPO member state has possibility to participate in them. Till 2008, Ukraine participated only in the Nice Agreement on the International Classification of Goods and Services for the Purposes of the Registration of Marks. In 2008 the draft laws on the accession of Ukraine to the International Agreements concerning the other industrial property International Classifications were approved. Information concerning the draft laws on the accession of Ukraine to the Locarno Agreement Establishing an International Classification for Industrial Designs, Strasbourg Agreement Concerning the International Patent Classification, Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks is presented in the Section of the Report «Improvement of Legislation in the Sphere of Intellectual Property».

Table 4.1. The number of publications concerning industrial property rights in 2008

Subject matter	Number of publications
Applications for inventions accepted for examination	6017
Ukrainian patents for inventions	3894
Ukrainian patents for utility models	9282
Ukrainian patents for industrial designs	2503
Ukrainian certificates for trademarks and service marks	15347
Marks recognized to be well-known in Ukraine	12
Applications for registration of the qualified indications of the source of goods and/or the right of utilization of the qualified indications of the source of goods accepted for examination	5
Registrations of the qualified indications of the source of goods	3
Registrations of the right for use of the registered qualified indications of the source of goods	3
Marks registered under the Madrid Agreement Concerning the International Registration of Marks and/or the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks granted protection in Ukraine	9706
Topographies of integrated circuits	2

4.3 Official and Informative Publications

The official publications of the State Department of Intellectual Property – the Official Bulletin «Promyslova Vlasnist» and patent specifications for inventions (utility models) were published in 2008 both on paper and on optical data carriers.

In the year under review the official bulletin «Promyslova Vlasnist» was published two times per month with circulation of 100 copies. 24 issues of the official bulletin with the total amount of 1832,72 publisher's signatures and the 2007 Annual Index to the bulletins in 2 volumes with the total amount of 201,19 publisher's signatures with circulation of 65 copies were published during the year.

In Table 4.1 the total amount of information concerning the industrial property rights published in 2008 is represented.

In order to ensure the appropriate level of the official publications, improvement of the form and content of the official publications and quality increase of satisfaction of the public information needs concerning the industrial property objects, protection of which is granted in Ukraine, the draft Regulations on the Official Publications of the State Department of Intellectual Property, where the list of the official publications and detailed specification of each of them, the form and content of the data presentation were set out, has been developed in the year under review.

Improvement of the structure and form of the

official publications will provide the proper quality of the national patent documentation, including patent information products on optical carriers intended for the international exchange of patent documentation — the official bulletin «Promyslova Vlasnist» on CD-ROM and the national CD-ROM «Inventions in Ukraine».

In Table 4.2 the total amount of the national patent information products on optical carriers distributed in 2008 is represented.

The patent information activity in Ukraine is based on the modern world tendencies in the field of patent documentation. The active participation of SDIP and UIPI specialists in the work of the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT) promotes to further deepening of its harmonization with the modern policy of the world community. In particular, in the year under review there were prepared and sent to the International Bureau of WIPO the data concerning:

- the practice of providing references by the national office;
- the practice of the implementation by the national patent office of the codes intended for internal needs or individual use with providing of samples of the front pages for each type of patent documents that are published in Ukraine.

This information is intended for updating the information represented in the Part 7 of WIPO Handbook on Industrial Property Information and Documentation (WIPO Handbook).

Table 4.2. The distribution of the national patent information products on optical carriers in 2008

Patent information product	Free-of-charge distribution		Fee-based distribution	Total
	Organizations of Ukraine	Intellectual Property Offices or Organizations		
CD-ROM «Official Bulletin «Promyslova Vlasnist»	45	48	15	108
CD-ROM «Inventions in Ukraine»	33	21	17	71
CD-ROM «Trademarks and Service Marks Registered in Ukraine»	1	1	26	28
Cumulative optical disks				
DVD «Trademarks and Service Marks Registered in Ukraine» (1993–2008)	–	–	7	7
DVD «Industrial Designs Registered in Ukraine» (1993–2008)	–	–	5	5

According to the corresponding Circulars of the WIPO Standing Committee on Information Technologies, the Annual Technical Reports on patent information activity, on industrial designs and trade marks information activities in 2007 were prepared for WIPO in the Ukrainian and English languages.

With the purpose of actualization of the methodical and practical manuals issued by SDIP in 2007, the second edition of the methodical manual «Patent Documentation in Ukraine», supplemented and updated due to the changes caused by the corresponding changes in the regulatory background of industrial property of Ukraine during two years, was issued at the beginning of 2008.

Within the framework of international cooperation with WIPO and in accordance with the Agreements concluded between WIPO and UIPI, the works on translation, editing and issuing of WIPO workbooks in the series of publications aimed at schoolchildren «Learn from the Past, Create the Future» were continued. The workbook «The Art and Copyright» has been translated and edited; the previously translated workbook «Inventions and Patents» has been issued with circulation of 2,000 copies. 10 copies of this workbook were sent to WIPO under the signed Agreement.

The monitoring of the UIPI web-site and the SDIP web-site (since August 2008 – web-portal) Sections devoted to the patent information, documentation and standardization issues, was steadily carried out. During 2008:

- a considerable volume of the new materials, including 13 patent information notices were prepared for posting on the web-site of UIPI and on the web-portal of the State Department;
- a new subdivision «For Users of Patent Information» was created on the UIPI web-site and materials for it were prepared;
- the official publications and WIPO standards sections were updated. By the results of the work of the ordinary sessions of the Standards and Documentation Working Group of the WIPO Standing Committee on Information Technologies, the corresponding information was systematically updated with providing hyperlinks to the official texts of the standards in Russian and English and also to the texts of their non-official translations in Ukrainian;
- the Section «Industrial Property Rights International Classifications» was updated.

With the purpose of providing public with

information concerning the fulfilment of the patent information support works, 5 articles concerning the patent information, documentation and standardization issues were prepared and passed for publication in mass media.

4.4. Implementation of the New Information Technologies while Proceeding the Applications for Industrial Property Rights

Implementation of Paperless Technologies

The year under review has been final for fulfilment of the Concept of the complex implementation of the new information technologies and integration of the independent automated systems adopted for the period of 2005-2008. All measures were directed to the achievement of the main purpose laid down in the Concept – the planned transition from the paper to electronic (paperless) technology of processing of a set of documents and the fullest meeting demands of the examination of industrial property rights applications.

Implementation of paperless technologies in the processing of applications required the modernization of the automated systems and transformation of all documents into electronic format. For this purpose the system of current scanning and digitizing of all incoming documents and loading them to the centralized electronic archive of the UIPI documents (CEAD) was created and implemented. In this regard, the formation of the formatted pdf-files of the bibliographic and figurative data of the patents for inventions (utility models) was realized.

Implementation of the said system in the examination body has given possibility to transform all incoming applications into digital form in real time, and also to start transition from paper to electronic (paperless) format of all paper back file collection of applications. Owing to this, 700,000 documents were loaded to the CEAD during 2008. In general, by the end of the year the CEAD contained over 2 millions of electronic documents concerning inventions, utility models, trademarks and service marks and industrial designs.

Transition to paperless (electronic) technologies of processing the applications for industrial property rights has stipulated the implementation in the report period of a number of measures on improvement, alterations into the automated systems and extension of their functionality.

In particular were provided:

- the integration of the CEAD with «Inventions» Automatized System, «Trademarks and Service Marks» Automatized System and «Industrial Designs» Automatized System for loading of electronic documents;
- the integration of the CEAD with the UIPI integrated search portal for searching of electronic documents in the CEAD;
- the extension of functionality of the automated system for registration of the incoming application materials in order to carry out the



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procedures of preliminary address notification of the examiners about receiving secondary applicants' documents concerning specific industrial property rights applications;

- the modernization of the «Inventions» Automatized System in the part of conversion of the technological database (DB) and rebuilding of the system structure to maintain the State Registers of the granted industrial property titles of protection and document circulation system concerning license agreements;
- the implementation of the technological document circulation in the State Registers Department;
- the development of the information-technological process for processing and examination of the applications for inventions, documents for which were submitted to the examination body in electronic form with use of the electronic digital signature;
- the integration of the decision-making support system, the search portal, the CEAD and the active information depository of the patent documents in the structure of the integrated UIPI complex.

The implemented measures on the modernization of the technological automated systems

have provided the examiners with wide perspectives for search and processing of electronic documents. There has been the possibility for simultaneous operative access of the group of the examiners to a certain application materials. The need in using documents on paper carriers has considerably decreased. For the first time it has become possible to transfer paper files on industrial property rights applications from the overloaded inner archive of UIPI documents to the long term archive storage outside the UIPI building.

The necessity of the further step-by-step planned transition to paperless technologies of processing the applications for industrial property rights has stipulated the development of the new Concept of automation development and implementation of the information technologies for the period of 2009-2012. The development of the main principals of this document was completed by the end of the year.

Development of Search Systems

The task on improvement of the search system tools was stipulated by the requirements to provide high efficiency (high-speed search) and adequacy of the search systems. These requirements equally concern both technological systems which are used in the examination body during the examination of industrial property rights applications and interactive systems which are connected to the Internet and are used by a wide circle of the national and foreign users.

To fulfil this task, the complex activities on the following directions were defined and implemented in the year under review:

- creation of the integrated Information and Reference System for the «Trademarks and Service Marks» Automatized System;
- creation of the system for search and identification of images of marks and industrial designs;
- improvement of the UIPI unified integrated search portal for efficient carrying out the simultaneous search in the multiple sources of the patent and scientific information;
- implementation of the system of accumulation and the Reference and Information Collection search tool.

The results of the fulfilment of this complex of works have provided:

- development of the unified integrated information and reference system with the implementation of the standardized access to various sources of information which are used

during the examination of applications for trademarks and service marks;

- implementation of the developed specialized software for conversion and initial populating of the database with standard data from various sources of information and their actualization;

- creation of the system for search and identification of images of trademarks and service marks, industrial designs, emblems etc. which is used during the examination of applications. This system covers all varieties of images which are included both into the national and the international data bases;

- functional optimization and integration of the UIPI united integrated search portal with the examination technological systems, its adaptation to the multitude sources of patent and scientific and technical information including the national collection and patent databases which are accessible via the Internet.

Also, with the purpose to improve and extend the search efficiency of the examination technological systems, the following works were performed:

- extension of functionality of the full-text search tool MS SQL Server 2005 for carrying out full-text searches in the centralized electronic archive of documents in the Ukrainian language with taking into account its morphology, word forms and synonyms;

- development and implementation of the full-text search system in the national collection of applications for inventions and utility models.

Development of Interactive Databases and Information and Reference Systems

During the year under review the new databases were implemented; the existing databases and reference information systems (IRS), intended for providing access to a wide circle of users via the Internet, were improved. Owing to this, by the end of the year 12 databases and 13 reference information systems were accessible free-of-charge to a wide range of users via the web-sites of SDIP and UIPI. In particular, the following sources of information were implemented and improved in the second half of 2008:

- The DB «Commercially Promising Inventions in Ukraine»;

- The specialized DB «Invention (Utility Models) in Ukraine» (test version);

- The IRS «Ukrainian Version of the International Patent Classification. The IPC 2008.04»;

- The IRS «International Patent Classification. The 9th Edition (2009). The Core Level»;

- The IRS «International Classification for Industrial Designs (the Locarno Classification). The 9th Edition».

These DB and IRS were upgraded with the purpose of improvement of the operational performances of the search tools, in particular, for improvement databases responsiveness and also for providing the relevance of search results to entered inquiries. Also, considerable attention was paid to the improvement of DB and IRS interfaces.

Due to the introduced decisions, it has been possible to expand essentially the functionality of the search systems, as regarding speed, as well as correctness of the search results. The search interface has become compact and multifunctional which has essentially simplified for numerous users its understanding and use.

Information Products on Optical Carriers

Activities on the improvement of 3 following patent information products on optical carriers were realized in 2008:

- The national CD-ROM «Trademarks and Service Marks Registered in Ukraine»;

- The cumulative optical disk DVD «Trademarks and Service Marks Registered in Ukraine»;

- The official bulletin «Promyslova Vlasnist» on CD-ROM.

With the purpose of providing data on trademarks and service marks registered in Ukraine in the unified agreed format, the activities on creation of the software complex of their automated preparation and record on optical disk DVD on the basis of the MIMOSA Authoring Tool were conducted. In order to provide standard compatibility of the software complex and to support function of bibliographic data export to XML format, the program modules and interface for access to the «Trademarks and Service Marks» Automated System were developed.

The complex has flexible configuration system which enables to output the ordered products both in chosen time interval, and in the volume of ordered data.

The improvement of the existing version of the official bulletin «Promyslova Vlasnist» on CD-ROM gives possibility to start issue its version on DVD in the volume of cumulative disk and in such way to increase considerably its usability.

4.5. Internet-Resources of the State System of Intellectual Property Rights Protection

The state system of intellectual property rights protection in Ukraine is presented in the Internet by the following Internet-resources: www.sdip.gov.ua, www.ukrpatent.org, www.ip-centr.kiev.ua, www.uacrr.kiev.ua, www.iipl.ukrpatent.org, www.intelvas.com.ua, www.fabri-kaidei.kiev.ua. The most powerful among them is the web-site of the State Department of Intellectual Property (www.sdip.gov.ua). The activity concerning its reorganization and improvement was conducted in 2008. As a result, the new information product – the SDIP official web-portal was created, updated and posted in the Internet. It has been in operation since the second half of the year under review at the same web-address.

The web-portal has been created with use of the new up-to-date web-technologies with the implementation of the powerful search module and mini-sites of the organizations of the state system of intellectual property rights protection in Ukraine. Over 500 information materials were actualized on its pages, a number of headings, which are useful as for specialists of the system, as well as for applicants and interested people, was created.

The main web-portal menu has been considerably altered as compared with the previous one and consists of over 40 subdivisions: regulatory background; information on SDIP activities; plans and reports; subject heading for media; multi-media materials; information on industrial property rights, copyright and related rights; application forms of the official documents; databases and information and reference systems, etc. The heading «Communication» has been created: the heading «Electronic Waiting Rooms of the SDIP Management» has been loaded in it as before. Over 30 answers to the web-site visitor's typical questions have been published during the existence of the web-portal. Also, the following new modules have been implemented: authorization, forum, blogs, flash-scheme «Intellectual Property – Components of Interaction», etc.

Information tabs (mini-sites) is the new service which should acquaint the web-portal users with the state system of intellectual property rights protection organizations, their activities, management, structure, contact information, etc. without visiting their web-resources.

Since implementation of the SDIP official web-portal, over 400 new information materials have been placed on its pages; the regulatory-information base and information-resources section have been updated; the new multimedia materials have been sited; all necessary amendments and supplements have been made. The news line is daily updated. Two versions are involved: Ukrainian and English.

On average, the web-portal is visited by over 7 thousand users a month. Over 36 thousand users have overlooked the web-portal pages during its existence in the Internet.

In November of the year under review, one more information resource – the official web-site of the State Enterprise «Ukrainian Agency of Copyright and Related Rights» (www.uacrr.kiev.ua) was updated in the Internet. Besides its new design, it differs by the up-to-date software and convenient system of placing the information. The site has nine headings, the majority of which have logic subheadings, which enables to find the required materials quickly. In addition, in the updated version of the web-site the users are offered a number of innovations, such as the structured and interconnected databases of authors who have entrusted their rights and works to UACCR. The subheading «Questions and Answers», where answers on questions concerning the copyright are published, was presented in the heading «Legal Affairs».

The web-site of the State Enterprise «Ukrainian Industrial Property Institute» (www.ukrpatent.org) was also changed and updated in 2008. In particular, the Section «Databases and Information and Reference Systems» was structurized and updated, new Sections of the main menu were created; the software was modernized which had positively affected on the rate of populating and loading of the web-site pages; the modules of search and archive news were improved.



5 International Cooperation in the Field of Intellectual Property



Forum on intellectual property for judicial establishment

5.1. Accession to the WTO

On January 25, 2008, in Geneva (Switzerland), the 17th official meeting of the Working Group on Ukraine's Accession to the WTO took place, where the report of the Working Group was approved. On February 5 of the same year, the Protocol on the Accession of Ukraine to the Marrakesh Agreement Establishing the World Trade Organization was signed. On April 10, 2008, the Verkhovna Rada of Ukraine ratified the above-mentioned Protocol.

Since May 16, 2008, Ukraine has become a full member of the World Trade Organization and can influence all the processes going on within the framework of this Organization. At present, 153 countries are the WTO members.

To ensure Ukraine's accession to the WTO, SDIP carried out a significant amount of work on development and passing of regulatory legal acts aimed at harmonizing the national legislation on intellectual property rights protection with the norms and requirements of the WTO agreements. SDIP took active part in processing the Report of the Working Group on Ukraine's Accession to the WTO, formal and informal meetings of the above-mentioned Working Group, in a number of rounds of negotiations on the access to the goods and servi-

ces markets with the delegations from the USA, EC and other foreign countries. SDIP, within its competence, also encouraged solving problematic issues of the negotiation process with the WTO member states.

With the aim to provide efficient asserting and enforcement of Ukraine's national interests, the Decree of the President of Ukraine No. 767/2008 was approved on August 26, 2008, creating a delegation of Ukraine for participation in negotiations within the World Trade Organization, one of the participants being the SDIP Chairman Mykola Paladii.

Within the framework of its WTO membership, Ukraine fulfils its commitments according to Article 63.2 of the TRIPS Agreement concerning preparation and sending notifications about legislative acts which are valid and concern TRIPS Agreement, other laws and regulations, as well as information about the state and practice of application of national legislation in the intellectual property field. Relevant notifications of Ukraine can be found on the WTO web-site at www.wto.org.

5.2. EC Integration

Throughout the year SDIP undertook a number of steps aimed at EC integration, proper implementation of the Agreement on Partnership and Cooperation between Ukraine and European Communities and their Member States and Ukraine – EC Action Plan.

SDIP continued its collaboration with EC in the field of intellectual property within the framework of the Dialogue on intellectual property rights enforcement between the European Commission and Ukraine, the Committee on Cooperation between Ukraine and EC, Sub-committee No. 1 «Trade and Investments» and Sub-committee No. 3 «Enterprise policy, competition, cooperation in regulatory field».

Regular meetings of Sub-committees No. 1 and No.3, where the matters of intellectual pro-

property rights enforcement, internal aspects and regulatory issues of intellectual property rights were discussed, took place in April 2008 in Brussels (Belgium).

In April of the year under review a regular meeting of the Working Group on improvement of intellectual property rights enforcement in Ukraine took place in Kyiv within the framework of the Dialogue on intellectual property rights enforcement between the European Commission and Ukraine. The following issues were considered during the meeting: legislation development in the field of intellectual property; author's remuneration payment by the broadcasters; the use of holographic marks and public performance; combating counterfeiting and piracy; destroying counterfeited products etc. In view of the results of the meeting, the European Commission representatives noted substantial positive changes made by Ukraine towards the improvement of intellectual property rights protection system and expressed their satisfaction with the level of perception of the cooperation importance by the Ukrainian part as well as with the implementation of relevant measures in practice.

In March 2008, within the framework of cooperation with the Representation Office of the European Commission in Ukraine, SDIP took part in the round table on the issues of the use of holographic marks and public performance, in July 2008 – in the round table on piracy in the field of public performance and payment of royalties by the state TV and radio companies.

In 2008 the official opening of the negotiation process on creation of the free trade area between Ukraine and the European Union took place. An integral requirement of this creation is harmonization of Ukrainian legislation, in particular, in the field of legal protection of intellectual property, with the EU norms and provisions.

At the same time, the future free trade area must be based on agreements reached within the framework of multilateral negotiation process as well as on the results of the bilateral negotiations with the EU concerning Ukraine's accession to the WTO.

One of the problematic issues of cooperation between Ukraine and the EU is the issue of mutual recognition of geographical indications.

In January and April 2008, in Kyiv, the Ministry of Economics of Ukraine jointly with the General Directorate of the European Commission «Agriculture and Rural Area Development» carried out introductory seminars «Enforcement of Geographical Indications in

the European Union: Rules, Policy and Practice», with participation of specialists from concerned Ministries and Authorities as well as SDIP representatives.

In order to settle this matter, SDIP took active part in study meetings on enforcement of geographical indications between Ukraine and the EU, with the participation of representatives of the European Commission, the Ministry of Economics of Ukraine, the Ministry of Agricultural Policy, the State Committee of Food Industry, the Ministry of Foreign Affairs and the Ministry of Justice of Ukraine. During these meetings the European party provided detailed information concerning the state of the European Union legislation in the field of geographical indications enforcement and rules of origin of goods, paying special attention to the branch of wine-making and production of spirits. The Ukrainian party, in its turn, informed about the state of affairs in the Ukrainian legislation in the field of enforcement of geographical indications. A possible status of the negotiation process on the future Agreement on enforcement of geographical indications was discussed; it was stated, in particular, that the negotiations on the mutual enforcement of geographical indications may be an integrated part of the negotiation process concerning the free trade area between Ukraine and the EU.

In 2008 SDIP took active part in a number of rounds of negotiations on creating the free trade area between Ukraine and the EU. The Draft Agreement on creation of the free trade area includes a separate chapter «Intellectual Property». During the official negotiation process on creating the free trade area SDIP contributes to formulating the joint position as to the mutual enforcement of geographical indications, with due consideration of national interests of Ukraine on the basis of respective benefits and potential threats.

5.3. Cooperation with the World Intellectual Property Organization

During the report year SDIP took a number of important steps towards stirring up the cooperation with the World Intellectual Property Organization with the aim to improve the national system of intellectual property rights protection in Ukraine. Representatives of Ukraine as a WIPO member state took an active part in defining its policy, strategic goals, as well as in development and improvement of international legislation in the intellectual property field. This position of the Ukrainian part contributes to

strengthening the positive image of our country on the international scene.

In particular, in May 2008 the Ukrainian delegation took part in the meeting of the WIPO Coordination Committee electing a new WIPO Director General. An Australian national, Francis Gurry, won with as minimum breakaway. Already in September of the report year SDIP representatives met the new Director General and discussed the ways of intensification of WIPO-Ukraine cooperation with him.



In the course of the meeting with the WIPO representative Mr Kongolo

The newly elected Director General supported the Ukrainian part's proposal concerning the revival of the active dialogue between WIPO and Ukraine to a fuller satisfaction of our country's needs in the matters related to the development of intellectual property system. The SDIP representatives ensured WIPO Director General's support in implementation of joint programmes for the next year.

Within the framework of cooperation with this authoritative international organization in 2008, a lot of effort was directed to trigger and carry out programmes and measures aimed at a fuller satisfaction of needs of right holders, users and general public interested in intellectual property matters.

One of the important steps taken last year was implementation of the necessary measures concerning signing the Cooperation Programme within the framework of Patent Cooperation Treaty (PCT), which serves the purpose of simplification and speeding-up of

the users' access to technical and patent information, as well as improvement of the system of intellectual property rights protection in Ukraine.

Active work was carried out on accession of Ukraine to a number of international agreements administered by WIPO, in particular, Locarno Agreement Establishing an International Classification for Industrial Designs, Strasbourg Agreement Concerning the International Patent Classification, Vienna Agreement

Establishing an International Classification of the Figurative Elements of Marks, Singapore Treaty on the Law of Trademarks. Today all the above-mentioned agreements are at their final stages of accession.

In 2008 WIPO initiated a programme on technology transfer. SDIP engaged a number of institutes and organizations developing innovative products and propagating technologies in this project. The ultimate aim of this project is to develop practical tools for states participating in the programme in order to raise the level and efficiency of technology transfer in these

states. The presentation of the relevant manual will take place at the joint seminar.

SDIP together with the WIPO Academy initiated holding Summer School on Intellectual Property for students from all over the world involving both Ukrainian tutors and international experts. This will help create Ukraine's positive international image and popularize topics related to intellectual property among students and young professionals.

The SDIP Working Group, together with WIPO, carried out an integrated survey concerning the influence of copyright and related rights-based industries on Ukraine's economics. This was the first time such survey enabling the Working Group to evaluate the importance of copyright and related rights for the national economics had been carried out in Ukraine.

An important problem remaining unsolved is the representation of Ukraine in the WIPO Secretariat, conditioned by ensuring the even

representation of member states in the International Bureau according to the geographic criterion.

5.4. Cooperation with the European Patent Office

In the previous year cooperation between the State Department of Intellectual Property and the European Patent Office became considerably more intense. On the initiative of our colleagues from the European Patent Office, in 2008 Ukraine moved to a new level of cooperation with the EPO, where our country is considered as a potential EPO member. In October of the report year, during the visit of the EPO Principal Director for European and International Affairs Mr Gerard Giroud to Ukraine, a Cooperation Programme between SDIP and the EPO for 2008–2010 was signed.

The Programme outlines the directions of cooperation of the two Offices in the industrial property field for the coming biennium. In particular, the following events are planned: carrying out analysis of Ukraine's legislation in the field of industrial property with participation of leading European experts, training of examiners of the State Enterprise «Ukrainian Industrial Property Institute», developing mediation in the field of intellectual property, organizing joint forums and seminars on topical issues, starting collaboration between the State Institute of Intellectual Property and EPO Patent Academy on training intellectual property specialists. Besides, bearing in mind that Ukraine is viewed by our European partners as a potential EPO member, the Cooperation Programme envisages studying the experience of the new EPO member states, in particular concerning the requirements, consequences and advantages of the membership in this organization.

EPO representatives also offered the Ukrainian part to participate on a permanent basis as observers in the Meetings of the EPO Administrative Council during which crucial decisions concerning the EPO activities are made.

To fulfil the Cooperation Programme between SDIP and the EPO, the Ukrainian delegation took part in the International Industrial Property Forum held by the Enlargement Directorate General of the European Commission at the EPO headquarters in Munich (Germany) on October 28–29, 2008.

The above-mentioned event was organized with the aim to:

- inform the countries to which the European neighbourhood policy is applied on the issues of the European Union industrial property policy;
- exchange the advanced experience on patenting matters between the EU member states and the EU neighbouring countries;
- establish cooperation on intellectual property matters between the offices of the EU neighbouring countries, EU member states and the European Patent Office.

Heads of intellectual property offices taking part in the seminar gave presentations of the state systems of industrial property legal protection. The perspectives and strategic directions of the development of the state system of intellectual property legal protection in Ukraine were considered within the framework of the presentation.

A meeting with the representatives of the EPO European Integration Directorate took place during the visit of the Ukrainian delegation to the EPO headquarters. At this meeting, strategic directions of the cooperation between the EPO and Ukraine in the industrial property field were elaborated; in particular, an agreement was reached concerning implementation a number of measures aimed at introduction of electronic filing of applications for industrial property rights protection in Ukraine; carrying out a set of training events for the examiners of the State Enterprise «Ukrainian Industrial Property Institute»; establishing cooperation of the State Institute of Intellectual Property with the EPO Patent Academy and some European universities in order to create a national educational centre in the field of intellectual property; arranging collaboration between Ukraine and some European states that have recently become EPO members in order to study the advantages and economical consequences of accession to the EPO.

During the year the EPO traditionally invited Ukrainian specialists to take part in training seminars and programmes on various intellectual property matters. During such events specialists from SDIP and examiners from the State Enterprise «Ukrainian Industrial Property Institute» study the European work experience and the current trends in the intellectual property field, which is very important from the point of view of ensuring efficient functioning of the state system of intellectual property rights protection in Ukraine, specifically, the quality of examination of industrial property applications.

5.5. Cooperation with the CIS countries

Being the CIS member, Ukraine fulfils its obligations concerning a number of multilateral agreements with the CIS member-states.

In 2008, within the framework of multilateral cooperation with the CIS countries in the field of intellectual property rights protection, in order to fulfil the commitments under the Agreement on Cooperation in Termination of Law Infringements in Intellectual Property Field, representatives of SDIP participated in the meetings of the Joint Working Commission of Member States of the Agreement (the Commission)

On March 25–26, 2008, in Minsk (Republic of Belarus) the 16th meeting of the Commission was held, dealing with a number of topical issues connected with enforcement of intellectual property rights of the member-states of the Agreement. The participation of SDIP representatives in the Commission's work resulted, in particular, in elaboration of the draft Agreement on Organization of Interstate Information Exchange and Creation of National Databases of Copyright and Related Rights, as well as the draft Agreement on Legal Regulations on Indications Used on the Territory on the CIS Member States before the CIS Creation Date.

Issues concerning the draft Agreement on Legal Regulations on Indications Used on the Territory on the CIS Member States before the CIS Creation Date had repeatedly been considered at interdepartmental conferences, which made it possible to formulate a common position of Ukraine, and also during the joint meeting of the Commission and the Interstate Council on Industrial Property Protection (IC IPP).

The final decision on this draft Agreement was made on the 17th meeting of the Commission which took place on November 18–19, 2008 in Kishinev (the Republic of Moldova). Based on the results the draft Agreement consideration a decision was made on unreasonableness of signing this Agreement and finding ways of settling this issue on bilateral basis. This decision was supported by plenipotentiaries of the Republic of Moldova, the Republic of Armenia, the Kyrgyz Republic, the Russian Federation and Ukraine.

On the 17th meeting of the Commission the plenipotentiaries of the CIS member-states discussed the ways of termination of intellectual property rights infringement in the Internet global network, as well as the draft Agreement on Organization of Interstate Information

Exchange and Creation of National Databases of Copyright and Related Rights.

SDIP representatives continually take part in the IC IPP meetings. On June 3–4 in Astana (the Republic of Kazakhstan) a joint meeting of the IC IPP and Commission was held.

The main issue considered at the joint meeting of the IC IPP and the Commission was the one of the conception of establishing an Interstate Council on Legal Protection and Enforcement of Intellectual Property and harmonizing a range of normative documents (a draft Agreement «On Measures to Ensure Legal Protection and Enforcement of Intellectual Property and Establishing an Interstate Council on Legal Protection and Enforcement of Intellectual Property», regulations «On the Interstate Council on Legal Protection and Enforcement of Intellectual Property», draft protocol «On Intentions Concerning Establishing an Interstate Council on Legal Protection and Enforcement of Intellectual Property»).

The conception of an Interstate Council on Legal Protection and Enforcement of Intellectual Property provides for consolidation of the functions of the IC IPP and the Commission and widening the scope of their activities towards the field of copyright and related rights.

In the course of the mentioned meetings issues were considered concerning creation of an Interstate Register of the names of the places of origin of goods of the member states of the IC IPP of the CIS countries, development of inventing activities and encouraging small and medium-sized innovative businesses using the mechanisms of the legal protection and enforcement of intellectual property; the results of the work of the project on creating the regional patent information product of the CIS countries on CD-ROM.

5.6. Bilateral Cooperation

In 2008, one of the components of SDIP activities was active implementation of bilateral cooperation of Ukraine with foreign states in the field of intellectual property rights protection. The contractual and legal basis of such cooperation is international bilateral and multilateral agreements, concluded between Ukraine and foreign states on interstate, intergovernmental and interdepartmental levels.

On June 26, 2008, the Agreement between the Cabinet of Ministers of Ukraine (CMU) and the Government of the Russian Federation «On the Mutual Protection of the Rights for the Results of Intellectual Activity Created and

Acquired in the Course of Bilateral Military-Technical Cooperation» came into effect. The Agreement was signed on December 22, 2006.

In 2008 SDIP took part in processing and adjustment of the following:

- draft Protocol between the CMU and the Government of Azerbaijan Republic on military-technical cooperation;
- draft decree of the CMU «On Approval of the Agreement between the CMU and the Government of Algerian People's Democratic Republic on Cooperation in the Field of Research and Peaceful Use of Space»;
- draft Framework Agreement between the CMU and the Government of the Republic of Belarus on cooperation in the field of research and peaceful use of space;
- draft Agreement between the governments of the GUAM member states on certain issues of intellectual property rights enforcement;
- draft Agreement between the CMU and the government of the Republic of India on cooperation in the field of defence;
- draft Agreement between the CMU and the government of the Great Socialist People's Libyan Arab Jamahiriya on military-technical cooperation;
- draft Agreement between the CMU and the Government of the Republic of Serbia on cooperation in the field of intellectual property;
- draft Agreement between the CMU and the Government of the Republic of Angola on cooperation in the field of defence;
- draft Agreement on free trade between Ukraine and the Republic of Singapore;
- draft Agreement on free trade between Ukraine and the Republic of Serbia.

Besides, SDIP representatives constantly take part in working meetings, conferences etc., dealing with harmonizing and discussing the texts of draft interstate agreements, whose certain provisions immediately concern the SDIP competence.

In order to harmonize the text of the draft Agreement between the CMU and the government of the Republic of India on cooperation in the field of defense, on May 22 and July 17, 2008 coordinating meetings were held with the participation of representatives of different Ministries, SDIP representatives among them. In addition, a coordinating meeting of the experts took place which concerned the harmonization of the draft Agreement between the member states of the Organization for Democracy and Economical Development –



In the course of the meeting with SDIP senior officials (from left to right): Mr Christian Yarnell, Economic Officer of the USA Embassy in Ukraine, Ms Valentina Syzaya, Economic Assistant of the USA Embassy in Ukraine, Mr Bryan Marcus, Desk Officer for Ukraine of the USA State Department

GUAM – on certain matters on intellectual property rights enforcement.

A number of meetings of Ukrainian parts were held within the framework of different intergovernmental commissions, in particular, of the Ukrainian part of the Intergovernmental Ukrainian-Georgian Commission on Military-Technical Cooperation (MTO), the Ukrainian part of the joint Ukrainian-Kazakh Commission on MTO, the joint Ukrainian-Korean Commission on Cooperation in the field of Defence Industry and Material Logistics, the Ukrainian part of the Joint Ukrainian-Hungarian Commission on MTO.

During the report year, an active cooperation between SDIP and the United States of America continued. Two regular meetings of the Ukrainian-American Intellectual Property Enforcement Cooperation Group took place; the meetings focused on the issues of enforcement of copyright and related rights objects while their distribution on DVDs and CDs, broadcasting, public performance and software utilization, as well as the issues of patenting pharmaceuticals, pesticides and other chemical agents of plant protection.

The efficiency of the activities of the Government of Ukraine in bringing down the level of infringement of intellectual property rights was noted by the Government of the USA, which, in spring of 2008, made a decision to remove Ukraine within the list «Special 301» from the Priority Watch List to the Watch List, including, in particular, Canada, Greece, Italy, Spain, Norway, Poland and other countries. This proves that the Government of Ukraine has reached considerable success and substantial progress in combating infringements in the intellectual property field.

6 Professional Training and Skill Upgrading in the Sphere of Intellectual Property. Creative Activity Stimulation



V. Parkhomenko, Rector of the State Intellectual Property Institute

6.1. Professional Training and Skill Upgrading

In 2008, within the framework of reforming the education system in Ukraine, the State Department of Intellectual Property within its competence continued development and improvement of the system of training, retraining and skill upgrading of intellectual property specialists. An important milestone of this activity was the completion of a complex of works aimed at reorganizing the Institute of Intellectual Property and Law into the State Institute of Intellectual Property (Institute) – a specialized higher educational institution forming a part of the State system of intellectual property rights protection.

In 2008, the Institute started training students for master's degree in specialties 8.000012 «Consolidated Information» and 8.000014 «Innovative Activity Management».

During the report period, professional training for specialist's and master's degrees in specialty 7.000002, 8.000002 «Intellectual Property» was carried out by 16 higher education institutions throughout the country. Its total licensed volume, as of October 1, 2008, amounted to 1,480 persons, including 910 persons for specialist's degree and 570 persons for master's degree. The dynamics of the licensed volume of professional training in the intellectual property field in 1998–2008 is shown in figure 6.1.

Altogether, in 2008 the said training course was taken by 446 persons, among whom 192 persons acquired master's degree, 254 persons – specialist's degree; the Institute, in particular, gave training to 152 intellectual property professionals – 48 masters and 104 specialists. Honours degrees were received by 35 Institute graduates – government employees, professionals of the State system of intellectual property rights protection, patent and law firms and agencies, enterprises etc.

Bearing in mind the fact that the insufficient level of intellectual property rights enforcement in Ukraine can be often explained by the shortage of qualified professionals in this field, the Institute together with SDIP pay much attention to staff training for other state governing bodies such as the Ministry of Home Affairs, the Security Service of Ukraine, the State Customs Office of Ukraine etc. and courts. In 2008, the share of this category of students amounted to 30% from the total number of students (189 persons) (fig. 6.2).

In the system of continuous education in the intellectual property field, with the aim to handle the distance learning technologies for intellectual property matters and spread of basic knowledge on protection, enforcement and use of intellectual property rights, the Institute, with the SDIP support, completed development of distance learning modules on different aspects of intellectual property, using the

Fig. 6.1. The dynamics of the licensed volume of training for master's and specialist's degree in Ukraine in 1998–2008

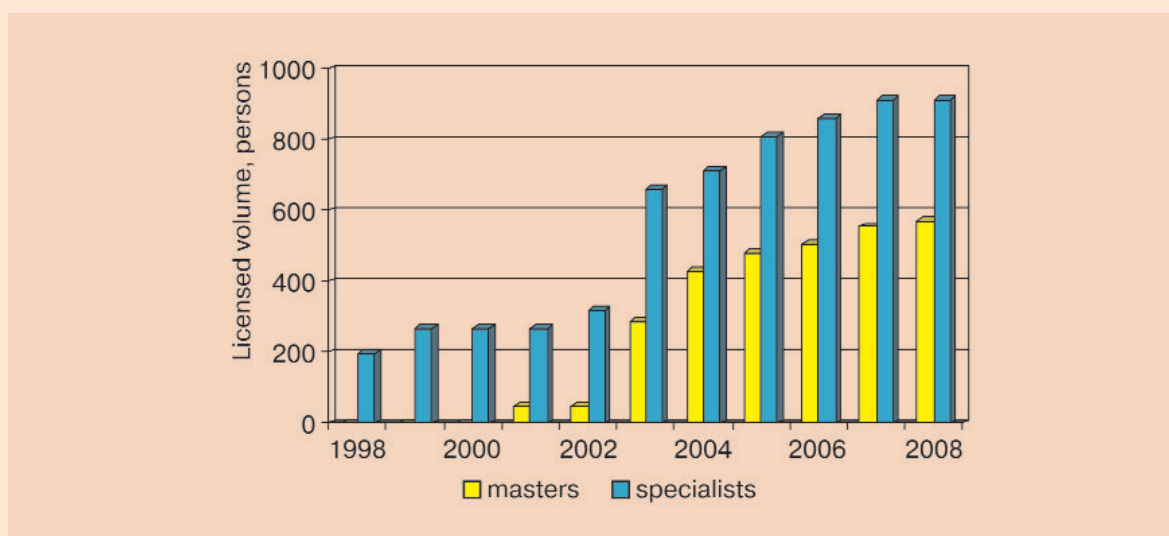
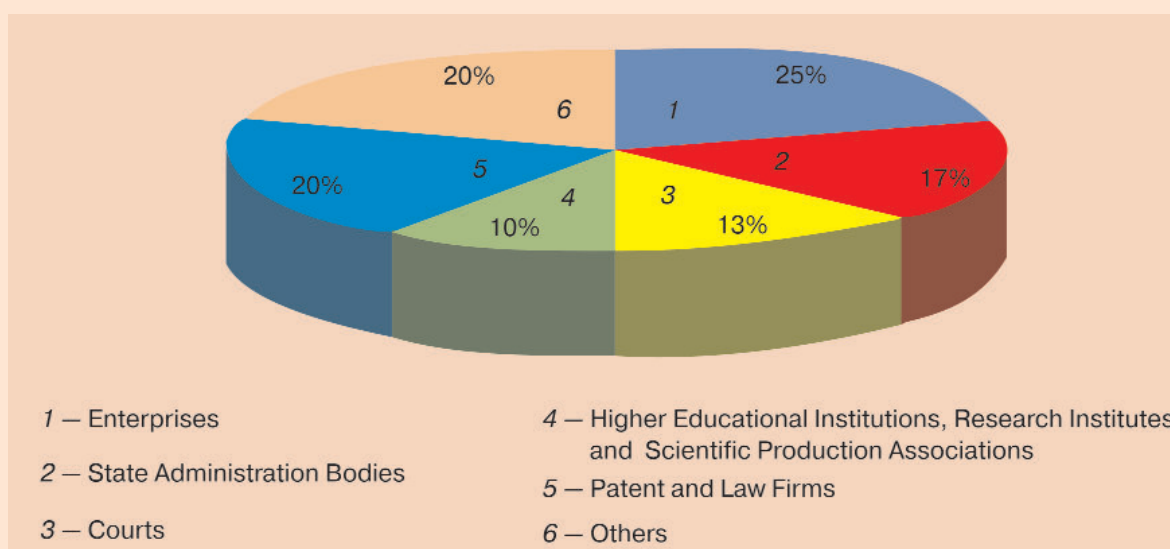


Fig. 6.2. Categories of professionals accepted as students to the State Institute of Intellectual Property in 2008



experience of the Academy of the World Intellectual Property Organization (WIPO Academy), in 2008. In the report year, a total of 14 students of higher educational institutions upgraded their skills in the intellectual property field with the help of such form of training.

Besides, in 2008 the Institute provided skill upgrading through different training forms (conferences, seminars, skill upgrade courses etc.) for around 700 persons – government employees, scientific and pedagogical staff, professionals from enterprises and organizations.

Together with the activities connected with skill upgrading and human resource development in the intellectual property field, the Institute carried on professional training on intellectual property. In particular, during the report year, 22 candidates to intellectual property representatives (patent attorneys) and 10 professional intellectual property rights appraisers were trained.

In 2008, the SDIP Examination Board certified 22 candidates to intellectual property representatives (patent attorneys). As of January 1, 2009, the total number of registered patent

attorneys in Ukraine amounts to 339 persons providing services in the field of intellectual property rights protection in 35 cities and towns of Ukraine.

During 2008, in order to provide scientific and methodological ground for the training process according to the Higher Education Branch Standard «Training for specialist's degree in specialty of specific categories 7.000002 «Intellectual Property», qualification 2419.2 «Intellectual Property Professional», the Centre of Small Offset Printing of the Institute published 20 items of scientific and methodological materials (lecture summaries, teaching aids, textbooks etc.) with the total number of printed copies reaching around 3,250.

6.2. Scientific and Practical Conferences and Seminars

One of the effective means of exchange of experience and up-to-date information in the field of intellectual property protection is organizing conferences, scientific and practical seminars, «round tables» etc.

In 2008, the State Department of Intellectual Property has organized and carried out 6 conferences, among them 3 international ones, and 26 seminars, including 2 regional ones, on topical questions concerning acquisition, use and enforcement of intellectual property rights, in particular:

On February 18–22 in Svaliava, Zakarpattia region, – the International scientific and practical conference «Actual Problems of Intellectual Property Protection» took place, organized by SDIP jointly with WIPO and EPO. Representatives of WIPO, EPO, Mission of the European Commission in Ukraine, the Embassy of the USA in Ukraine, the Patent Office of the Republic of Bulgaria, the State Administration of Zakarpattia region, the Superior Economic Court of Ukraine, the District Administrative Court of Kyiv, the judges of Pechersky and Solomyansky District Courts of Kyiv took part in the conference. The conference dealt with such topics as lawful disposal of intellectual property rights, legal protection on trade names in the context of international events – the Football Championship of Europe 2012, legal support and enforcement of intellectual property rights of UEFA; commercial names as a means of goods individualization on the market; issues of the use of copyright and related rights objects in the field of entertainment and restaurant business; mediation as a tool of non-judicial settle-

ment of disputes in the intellectual property field. Over 100 persons took part in the conference.

On February 28 – a seminar «Peculiarities of Examination of Applications for Industrial Property Rights in Ukraine» was organized.

On March 27–28 – a training seminar for specialists of executive power authorities and state privatization bodies «Intellectual Property in the Economic Activities of Enterprises, Institutions and Organizations» was held.

On April 24, within the framework of celebration of the International Intellectual Property Day, a scientific and practical conference «State and Development Prospects of the State System of Intellectual Property Protection in Ukraine» was held. The 90th anniversary of the System of intellectual property protection in Ukraine was also celebrated.

On May 14 – a seminar «On Implementation of the Decree of the Cabinet of Ministers of Ukraine of September 19, 2007 № 1148 'On Amendments to the Order of Payment of Fees for the Activities Connected with Protection of for Intellectual Property Rights'» took place.

On May 22, a seminar «Implementation of Electronic Filing of Materials of Applications Inventions Using Electronic Signature in Ukraine» was organized.

On May 21–24 jointly with the Institute, the VIII All-Ukrainian scientific and practical conference «Issues of Intellectual Property Specialists Training, Retraining and Skill Upgrade» was organized and carried out. Around 60 participants from 18 regions of Ukraine, representatives of 45 higher education institutions, branch academies of sciences, the Cabinet of Ministers of Ukraine, the Ministry of Education and Science of Ukraine and other authorities joined the conference. During its work, two plenary meetings and a «round table» were held, whose topic was «Academic Curricula and Work Programmes for Specialty 7(8).000002 'Intellectual Property' in the Light of the Bolognese Process and Requirements of the Ministry of Education and Science».

On June 5 – a regional seminar on intellectual property rights protection, commercialization, rights enforcement and managing intellectual property on enterprises (institutions, organizations) took place in Ternopil.

On June 26 – a seminar «Urgent Questions of the State Register Management» was carried out.

On September 1–5, the XIII International scientific and practical conference «Actual

Problems of Intellectual Property» was organized in Yalta by SDIP together with WIPO, EPO, the Council of Ministers of the Autonomous Republic of the Crimea and the Federation of Employers of Ukraine.

A total of 230 participants took part in the conference, in particular, representatives of the state authorities and state governing bodies, industrial enterprises, private sector, research-and-development institutions, higher educational institutions, judicial system, mass media, public organizations, lawyers and patent attorneys of Ukraine, intellectual property specialists and managers from Ukraine, national intellectual property offices of the Republic of Moldova, Germany, the Republic of Poland, the Russian Federation, the Republic of Kazakhstan, Romania, the USA, Hungary, international organizations – WIPO, EPO, the European Alliance for Copyright (CEECA, Budapest).

The conference programme included such important issues as forming the intellectual property market in Ukraine, development of the regulatory and legislative basis and improvement of the work of the examination body, enforcement of intellectual property rights and their lawful disposal. Special attention was paid to trademarks, trade names, geographic indications, copyright and related rights objects. With the aim to exchange experience and work out the strategy for further development of the education system in the field of intellectual property, SDIP introduced a new separate section «Training and Skill Upgrade of Intellectual Property Staff» to the conference programme.

On September 12–13, a regional discussion scientific and practical seminar «Disposition of Economic Intellectual Property Rights: Current

State, Experience and Problems» was held in Mariupol.

On September 17, dedicated to the Day of Inventor and Innovator, a scientific and practical conference «Inventive and Innovative Activities in Ukraine» was organized. Inventors from all parts of our country, statesmen and representatives of general public and scientific elite of Ukraine were involved in the conference. «Inventions of Ukraine», the exhibition and presentation of the achievements of domestic inventors and innovators with participation of young inventors, was held within the framework of the conference. The best inventors and innovators of Ukraine were awarded by SDIP diplomas and valuable gifts.

On September 30, a training seminar «Technological Audit of the Results of Scientific and Technical Activities» took place.

On October 15, a seminar «Ukrpatent Databases and Information and Reference Systems. Information Search and Retrieval Tools» was held.

On October 31, a training seminar «Organization of Activities of Intellectual Property Divisions in Higher Educational Institutions of III–IV Levels of Accreditation» was held for scientific and pedagogical staff of higher educational institutions of III–IV levels of accreditation. After the event had been finished, all participants received personal certificates.

On December 15–19, SDIP, supported by the UEFA Executive Committee, carried out an International scientific and practical conference «INTELPRAVO UEFA EURO 2012™». Representatives of the state authorities and state governing bodies of Ukraine, the Service of Legal Support of UEFA Competitions, the Federation of Football of Ukraine and the Polish



Presidium of the XIII International scientific and practical conference «Actual Problems of Intellectual Property», Yalta, September 2008



On the sidelines of the XIII International scientific and practical conference «Actual Problems of Intellectual Property», Yalta, September 2008

Football Association, the Committee of Rights Enforcement under the Government of the Republic of Poland and the Patent Office of the Republic of Poland, a number of ministries and offices of our country, as well as representatives of host cities, specialists of the State Department of Intellectual Property and the State Enterprise «Ukrainian Industrial Property Institute» were engaged in the conference. The aim of the event was to discuss a number of practical matters concerning UEFA policy on protection of its intellectual property rights during the preparation and holding the final of the Football Championship of Europe in Ukraine and concerning protection against illegal commercial activities causing losses to UEFA. The conference hosted 115 participants.

On December 19, «Copyright in the Field of Higher Education», a scientific and practical seminar for scientific and pedagogical staff of higher educational institutions of III–IV levels of accreditation, took place. The seminar programme highlighted practical aspects of intellectual property management, in particular authors' rights for their works, drawing up contracts concerning disposal of economic rights of copyright proprietors; payment of author's remuneration for the use of copyright objects; enforcement of authors' rights in courts.

On December 19, a regional scientific and practical conference «Information Integration: Research, Developments, Intellectual Property» was held in Kharkiv.

With the aim of upgrading skills of examiners of UIPI, two training seminars were organized in 2008, led by principal specialists of the Federal Institute of Industrial Property of the Russian Federation and EPO, in particular:

- June 21–23 – «Practice of the Federal Institute of Industrial Property of the Russian Federation Concerning Processing of Patent Applications in the Field of Computer Technologies»;
- September 9–10 – «STN Databases on Pharmaceuticals, Chemistry and Metallurgy».

During the year, a number of «round tables», consultations and meetings were held, disclosing, in particular, the following topics: «Discussion of Amendments to the Legislation on Copyright and Related Rights with Representatives of Collective Management Organizations and Creative Associations of Ukraine», «Exceptions and Limitations in the Use of Copyright and Related Rights Objects on the Internet», «Legal Protection and Enforcement of Pharmaceuticals and Agents for Plant Protection. Problems and Ways of Their Solving», «Practice of Application of Legislative Provisions concerning Payment of Royalties for «Virgin Mediums» and Equipment by Importers», «Protection of Intellectual Property Rights in Audiovisual Works in Ukraine», «Industrial Property in Ukraine: Yesterday, Today, Tomorrow», «Discussion of Proposals of Exporters, Importers and Reproducers of Audiovisual Works, Phonograms, Videograms, Computer Programmes and Databases Concerning Their Participation in the Organization of Control Marks Distribution» and others.

6.3 Creative Activity Stimulation

In order to provide overall support for the gifted youth, prepare it to active professional and social activities, introduce innovative educational methods and technologies to educational institutions of Ukraine, provide for integration of domestic education and science into the European and world space, SDIP annually takes part and provides sponsorship for the organization of the week of all-Ukrainian and international scientific and educational projects «Ukraine-Europe-World». Within its framework, on February 6-8, the All-Ukrainian contest of young innovators and inventors «Nature – Person – Industry – Ecology» was held, organized by the Ministry of Education and Science of Ukraine in association with the National

Ecological and Naturalistic Student Centre in Kyiv. Based on the results of the contest, 36 pupils and students of vocational schools and universities from 17 regions of Ukraine and the Autonomous Republic of the Crimea received SDIP diplomas for creative achievements in biology, medicine, ecology, chemistry, agricultural research and physics. Among those, 10 persons were awarded with the «Author» and 26 persons – with the «Creator» honorary badges. Besides, charitable help in the form of literature on intellectual property matters and information and reference materials was provided to the participants.

On September 25–27, 2008, SDIP acted as the co-organizer of the IV International Show of Inventions and Modern Technologies «Novyi Chas» («New Time») (Sevastopol). Within the work of the Show, the 40th anniversary of the International Federation of Inventor's Associations (IFIA) was celebrated. Representatives of the SE «Ukrainian Industrial Property Institute» took part in the work of the international jury of the contest of the youth innovations and developments. 27 schoolchildren and students from youth organizations of Ukraine, the Russian Federation, Romania, Estonia, Moldova were awarded with medals and prizes of the Show; among them, a prize of SDIP was awarded to representatives of Sevastopol Department of Small Academy of Sciences, the prize of the SE «Ukrainian Industrial Property Institute» was handed to the National Graduate Medical Academy named after P.Shupik (Kyiv). Awarding with the honorary SDIP diplomas and handling «Creator» badges took place. Participation in the work of the jury of the Show gave an opportunity to get familiar with inventions and state-of-the-art technologies of the 24 member countries, define the best among them and inform the participants about the activities of the State system of intellectual property rights protection in Ukraine.

Yearly, in all regions of Ukraine, SDIP carries out the All-Ukrainian Contest «Invention of the Year» simultaneously with the All-Ukrainian contest for the award of the World Intellectual Property Organization for small and medium-sized enterprises with innovative activities. 201 works were submitted for the «Invention-2007» contest, among them 40 – in the field of medicine and pharmacology, 26 – in agricultural sector, 24 – in machine building and instrument engineering, 21 – in armament and defence technology. Enterprises from Kyiv (56), Kharkiv



Winter International scientific and practical conference «Actual Problems of Intellectual Property», Svaliava, February 2008

region (46) and Odesa region (14) participated in the contest.

Traditionally, according to the results of the contests, winners were chosen in the following nominations: «Best Invention – 2007», «Best Invention of the Year in the Region», «Best Invention of a Young Inventor» and in 13 branch nominations. The contest commission decided to award contest winners in 34 nominations with the SDIP diplomas. The first place in the absolute nomination was won by the invention «A Way of Intensification of Solid Fuel Combustion» (patent No. 78474), which became an unquestionable leader by all criteria. Especially notable was the relevance of the topic of energy-saving and enhancing the efficiency of energy resources utilization, within which the invention was created. This development has already interested a number of district power companies who expressed their readiness for its implementation and further use. The announcement of the contest's results and the gala ceremony of awarding the winners, authors, inventors and representatives of creative professions with the SDIP certificates, diplomas, valuable gifts and certificates for the use of Internet-Exchange of industrial property took place on April 24, 2008, during the World Intellectual Property Day celebration.

The winner of the All-Ukrainian contest for the WIPO award for enterprises with innovative activities in 2007 was the private enterprise «Lamidan» (Odesa), producing medical and preventive food additive «Lamidan». In the production process, the enterprise uses its own innovative developments protected by the patents of Ukraine for utility models. «Lamidan» product, produced by the enterprise's unique

technology from laminaria algae, has a great social meaning, especially for eliminating negative effects of the Chornobyl disaster. The WIPO award was presented to the enterprise management on September 17, 2008, during the celebration of the Day of Inventor and Innovator.

In August, next contests «Invention of the Year – 2008» and for the WIPO award for enterprises with innovative activities were declared.

In the report year, for prominent achievements in development and implementation of innovative methods of prevention and treatment of varicosity, pulmonary arteries thrombosis, atherosclerosis and other cardiovascular diseases, the author of more than 50 inventions and 80 scientific works, the Honoured Inventor of Ukraine, surgeon, candidate of medical sciences, assistant lecturer of hospital surgery department of Vynnytsia National Medical Institute named after M. Pyrohov, Volodymyr Buryi, was awarded the WIPO Golden Medal in «Prominent Inventor» nomination.

The delegation of Ukraine took part in Moscow International Industrial Property Show «Archimedes», exhibiting expositions of the

State Enterprise «Ukrainian Industrial Property Institute» and its affiliated institution «Ukrainian Centre of Innovatics and Patent Information Services». Besides, the stand displayed patented developments of Ukrainian inventors of Mukachevo Technological Institute and Chernivtsy-based private enterprise «Arton». The exhibits presented by the Ukrainian delegation received the diplomas of the Show, and one of the developments of Mukachevo Technological Institute, «Optical Gas Sensor with Semiconductor Selective Emission Source» was awarded the silver medal.

The Ukrainian Centre of Innovatics and Patent Information Services participated in the Specialized Exhibition «Bank-Development-2008» within the framework of the International Forum «Financial Ukraine» which took place on October 8–10 in Kyiv, and in the I Specialized Exhibition «Nanotechnologies – 2008» within the framework of International Forum «High Technologies» held on October 1–3.

In 2008, with the aim to involve gifted students to research, experimental and inventive activities, SDIP initiated the contest among vocational schools for the best inventive work in the field of energy saving.

Annexes

Statistics

1. Applications for patents for inventions (breakdown by countries)

Code	Country	National procedure					PCT procedure				
		2004	2005	2006	2007	2008	2004	2005	2006	2007	2008
	Total:	4356	3842	3788	3766	3149	1422	1750	2142	2397	2548
UA	Ukraine	4086	3535	3472	3440	2823	4	3	2	–	2
AT	Austria	5	4	5	3	9	12	26	30	48	54
AU	Australia	1	–	–	–	–	11	14	19	28	26
BE	Belgium	2	7	7	4	4	32	47	84	98	73
BG	Bulgaria	–	–	4	1	–	2	4	–	2	3
BY	Belarus	14	22	21	15	10	1	4	1	4	–
CA	Canada	1	–	3	1	2	24	19	23	21	21
CH	Switzerland	6	16	8	13	8	88	100	118	139	216
CN	China	–	3	–	1	4	4	7	14	10	14
CZ	Czech Republic	2	–	2	1	2	7	10	17	15	15
DE	Germany	33	52	67	77	61	290	338	467	435	479
DK	Denmark	3	2	4	2	3	38	37	64	51	66
ES	Spain	–	1	1	2	3	14	14	33	26	16
FI	Finland	–	–	2	2	1	16	35	21	19	22
FR	France	82	75	47	33	45	110	118	119	140	165
GB	United Kingdom	1	–	5	3	–	48	48	65	90	132
HU	Hungary	–	–	–	–	–	19	12	30	14	34
IE	Ireland	–	–	–	–	–	5	11	16	25	11
IL	Israel	4	5	4	3	3	11	17	12	16	19
IN	India	–	–	1	–	–	14	8	18	37	27
IT	Italy	–	5	3	19	9	37	53	42	68	65
JP	Japan	2	1	6	3	6	28	53	51	77	88
KR	Republic of Korea	–	–	3	–	2	15	16	23	34	17
LU	Luxemburg	–	–	1	2	1	10	10	14	9	17
NL	Netherlands	3	2	1	–	–	59	66	82	82	82
NO	Norway	–	–	1	1	–	4	4	12	20	16
PL	Poland	4	2	–	14	16	9	9	9	8	4
RU	Russian Federation	56	66	44	36	44	39	23	48	45	49
SE	Sweden	1	3	6	8	2	78	67	82	87	81
SK	Slovakia	1	1	–	2	–	1	1	3	3	2
US	USA	36	34	54	72	67	345	520	559	676	657
	Others	13	6	16	8	24	47	56	64	70	75

2. Applications for patents for inventions (breakdown by IPC)

N	Technical Unit	IPC classes	National procedure					PCT procedure				
			2004	2005	2006	2007	2008	2004	2005	2006	2007	2008
1	Total:		4356	3842	3788	3766	3149	1422	1750	2142	2397	2548
	Agriculture	A 01, exept A 01N	258	245	210	198	122	18	25	25	27	46
2	Food stuffs; Tobacco	A 21– A 24	137	116	128	126	50	27	28	41	82	65
3	Personal or domestic articles	A 41–A 47	28	36	29	32	12	5	19	37	24	26
4	Health; Amusement	A 61–A 63, exept A 61K	423	296	255	194	190	60	220	68	79	94
5	Preparations for medical, dental or toilet purposes	A 61K	209	133	139	127	108	447	354	361	396	356
6	Separating; Mixing	B 01–B 09	188	150	167	185	128	40	71	64	74	87
7	Shaping (Metal)	B 21–B 23	205	144	161	154	122	50	53	65	76	89
8	Shaping (Material Processing)	B 24–B 30, B 32	69	61	42	84	61	28	41	38	63	45
9	Printing	B 41–B 44	17	12	13	8	6	21	16	15	9	15
10	Transporting	B 60–B 68	281	203	220	244	194	57	82	85	105	121
11	Micro-structural technology; Nano-technology	B 81–B 82	–	–	1	2	–	–	–	–	–	1
12	Chemistry (Inorganic)	C 01 -C 05	200	165	205	194	165	37	49	73	68	97
13	Chemistry (Organic)	C 07, A 01N	75	76	117	95	77	249	285	686	687	760
14	Chemistry (Macromolecular compounds)	C 08	38	52	39	45	24	13	20	35	39	45
15	Chemistry (Dyes, Animal and Vegetable Oils)	C 09–C 11	81	82	65	93	55	26	36	68	46	72
16	Chemistry (Biochemistry, Sugar industry, Leather)	C12–C 14	91	67	76	70	57	38	19	49	61	78
17	Metallurgy	C21–C23, C25, C30	211	181	163	164	173	44	61	48	70	79
18	Textiles; Flexible Materials	D01–D07	25	28	15	14	9	5	10	7	13	16
19	Paper (including class B31)	D21, B31	13	3	4	10	9	11	1	6	10	11
20	Building	E01–E06	115	135	110	121	98	27	49	53	70	82
21	Earth drilling; Mining	E21	119	111	124	94	76	7	10	7	11	12
22	Engines or Pumps	F01–F04, F15	268	313	242	204	144	30	21	27	21	41
23	Engineering in general	F16–F17	117	126	108	91	74	13	19	13	20	30
24	Lighting; Heating	F21–F28	123	124	151	143	134	12	23	32	40	38
25	Weapons; Blasting	F41, F42, C06	43	64	46	61	32	4	7	12	3	2
26	Instruments (Measuring, Optics, Photography)	G01–G03	339	357	302	317	233	33	18	47	46	51
27	Instruments (Horology, Regulating, Computing)	G04–G08	132	97	104	80	53	18	19	16	41	31
28	Instruments (Musical instruments, Information Storage)	G09–G12	47	49	45	31	24	10	9	17	12	7
29	Nucleonics	G 21	22	18	14	13	15	4	6	4	10	1
30	Electricity (Electric Techniques)	H01, H02, H05	245	183	212	219	145	15	19	24	63	58
31	Electricity (Electronic Circuitry, Communication Techniques)	H03, H04	73	31	63	37	41	60	143	105	129	88
32	Others (unclassified)		164	184	218	316	518	13	17	14	2	4

3. Patents for inventions (breakdown by countries)

Code	Country	2004	2005	2006	2007	2008
	Total:	2838	3433	3698	4058	3832
UA	Ukraine	1669	2171	2495	2618	2399
AT	Austria	9	25	15	26	27
AU	Australia	5	8	9	13	7
BE	Belgium	30	20	32	33	30
BG	Bulgaria	–	1	1	7	2
BY	Belarus	4	5	19	16	22
CA	Canada	8	10	15	15	16
CH	Switzerland	64	86	74	79	83
CN	China	2	2	5	4	5
CZ	Czech Republic	7	9	6	10	12
DE	Germany	223	274	254	322	323
DK	Denmark	46	28	20	28	34
ES	Spain	8	9	15	21	13
FI	Finland	24	13	15	16	25
FR	France	111	131	99	174	150
GB	United Kingdom	70	36	38	42	26
HR	Croatia	6	4	3	3	3
HU	Hungary	15	16	13	13	16
IE	Ireland	3	3	3	6	8
IL	Israel	13	9	16	6	9
IT	Italy	24	21	23	38	35
JP	Japan	14	24	30	41	40
KR	Republic of Korea	5	4	15	8	25
LI	Liechtenstein	3	2	1	2	2
LU	Luxemburg	3	7	4	7	9
NL	Netherlands	41	49	46	51	54
NO	Norway	8	10	2	6	6
PL	Poland	2	3	8	6	10
RU	Russian Federation	56	66	68	67	52
SE	Sweden	37	39	45	59	62
SK	Slovakia	1	1	3	–	1
US	USA	299	305	269	265	275
	Others	28	42	37	56	51

4. Patents for inventions (breakdown by IPC)

N	Technical Unit	IPC classes	National procedure					PCT procedure				
			2004	2005	2006	2007	2008	2004	2005	2006	2007	2008
	Total:		1860	2321	2645	2780	2609	978	1112	1053	1278	1223
1	Agriculture	A 01, exept A 01N	79	110	150	212	160	7	14	21	18	15
2	Foodstuffs; Tobacco	A 21–A 24	56	48	50	69	63	17	27	25	29	26
3	Personal or domestic articles	A 41–A 47	11	12	12	15	12	10	16	7	6	8
4	Health; amusement	A 61–A 63, exept A 61K	141	171	197	167	127	29	34	38	104	63
5	Preparations for medical, dental or toilet purposes	A 61K	76	127	128	109	92	183	153	273	370	252
6	Separating; Mixing	B 01–B 09	105	138	145	163	125	28	30	44	46	36
7	Shaping (Metal)	B 21–B 23	100	113	141	150	121	19	24	33	51	48
8	Shaping (Material Processing)	B 24–B30, B 32	46	40	51	50	43	15	13	16	25	18
9	Printing	B 41–B 44	11	6	3	11	4	10	7	6	13	5
10	Transporting	B 60–B 68	113	149	160	161	149	27	44	42	52	44
11	Micro-structural technology; Nano-technology	B 81–B 82	–	–	–	–	2	–	–	–	–	–
12	Chemistry (Inorganic)	C 01–C 05	96	130	144	136	167	31	35	25	47	35
13	Chemistry (Organic)	C 07, A 01N	72	57	60	67	78	363	399	223	264	311
14	Chemistry (Macromolecular compounds)	C 08	25	31	49	27	38	18	17	19	12	22
15	Chemistry (Dyes, Animal and Vegetable Oils)	C 09–C 11	53	82	95	79	56	11	15	18	27	25
16	Chemistry (Biochemistry, Sugar industry, Leather)	C 12–C 14	82	79	68	61	62	21	43	36	17	23
17	Metallurgy	C21–C23, C25, C30	102	107	187	173	155	17	37	35	57	48
18	Textiles; Flexible Materials	D01–D07	13	12	16	19	14	3	10	8	6	8
19	Paper (including class B31)	D21, B31	7	10	14	3	1	2	1	8	3	3
20	Building	E01–E06	40	81	60	84	72	22	31	29	23	47
21	Earth drilling; Mining	E21	72	62	58	87	90	7	8	8	5	8
22	Engines or Pumps	F01–F04, F15	96	130	132	158	176	6	22	15	17	16
23	Engineering in general	F16–F17	66	74	74	89	93	10	10	7	13	11
24	Lighting; Heating	F21–F28	48	99	69	78	92	9	11	10	8	19
25	Weapons; Blasting	F41, F42, C06	17	37	48	43	60	3	3	2	3	6
26	Instruments (Measuring, Optics, Photography)	G01–G03	142	182	283	298	275	20	14	27	16	22
27	Instruments (Horology, Regulating, Computing)	G04–G08	44	57	45	59	47	18	18	10	4	9
28	Instruments (Musical instruments, Information Storage)	G09–G12	32	23	24	15	22	11	10	8	3	10
29	Nucleonics	G 21	6	8	10	17	17	2	5	3	4	6
30	Electricity (Electric Techniques)	H01, H02, H05	92	114	143	156	165	10	22	20	13	15
31	Electricity (Electronic Circuitry, Communication Techniques)	H03, H04	16	29	29	24	31	49	39	37	22	64
32	Others (unclassified)		1	3	–	–	–	–	–	–	–	–

5. Applications and patents for utility models (breakdown by IPC)

N	Technical Unit	IPC classes	Applications					Patents				
			2004	2005	2006	2007	2008	2004	2005	2006	2007	2008
	Total:		5232	7286	8171	8870	9600	1853	7467	8268	9215	9282
1	Agriculture	A 01, exept A 01N	261	314	345	515	477	88	377	414	521	535
2	Foodstuffs; Tobacco	A 21–A 24	195	274	315	351	386	73	292	356	385	409
3	Personal or domestic articles	A 41–A 47	62	97	97	105	92	36	110	92	127	109
4	Health; amusement	A 61–A 63, exept A 61K	931	1197	1187	1445	1464	272	1362	1437	1542	1516
5	Preparations for medical, dental or toilet purposes	A 61K	330	417	461	413	578	81	512	523	473	589
6	Separating; Mixing	B 01–B 09	193	286	263	385	396	89	289	308	374	422
7	Shaping (Metal)	B 21–B 23	193	311	264	381	366	82	320	308	385	402
8	Shaping (Material Processing)	B 24–B 30, B 32	91	149	119	230	177	44	144	148	201	219
9	Printing	B 41–B 44	14	32	35	28	33	9	29	47	39	22
10	Transporting	B 60–B 68	354	436	427	505	502	183	522	527	528	533
11	Micro-structural technology; Nano-technology	B 81–B 82	–	–	1	2	5	–	–	1	–	5
12	Chemistry (Inorganic)	C 01–C 05	140	178	206	277	286	42	202	227	289	316
13	Chemistry (Organic)	C 07, A 01N	63	61	96	179	168	11	79	94	213	191
14	Chemistry (Macromolecular compounds)	C 08	24	47	40	52	62	7	31	65	46	65
15	Chemistry (Dyes, Animal and Vegetable Oils)	C 09–C 11	76	104	123	150	196	29	94	127	164	207
16	Chemistry (Biochemistry, Sugar industry, Leather)	C 12–C 14	95	155	186	238	185	23	172	188	278	212
17	Metallurgy	C21–C23, C25, C30	160	231	187	257	295	58	262	233	269	295
18	Textiles; Flexible Materials	D01–D07	20	42	48	63	73	10	35	76	62	51
19	Paper (including class B31)	D21,B31	15	4	7	14	14	5	17	3	11	17
20	Building	E01–E06	157	316	277	357	303	74	290	327	342	323
21	Earth drilling; Mining	E21	169	234	221	250	262	60	257	254	266	280
22	Engines or Pumps	F01–F04, F15	148	186	193	288	230	70	201	228	299	254
23	Engineering in general	F16 - F17	137	200	233	226	202	55	209	275	266	215
24	Lighting; Heating	F21 - F28	152	207	238	260	272	82	226	268	287	275
25	Weapons; Blasting	F41, F42, C06	74	84	96	110	84	31	91	104	123	96
26	Instruments (Measuring, Optics, Photography)	G01–G03	408	695	554	789	787	126	596	836	810	809
27	Instruments (Horology, Regulating, Computing)	G04 -G08	134	177	183	247	220	51	179	217	238	244
28	Instruments (Musical instruments, Information Storage)	G09–G12	87	102	142	142	184	44	121	135	156	170
29	Nucleonics	G 21	26	17	17	17	9	9	30	17	27	16
30	Electricity (Electric Techniques)	H01, H02, H05	241	257	257	404	290	92	326	294	359	361
31	Electricity (Electronic Circuitry, Communication Techniques)	H03, H04	47	112	118	119	105	17	92	137	135	120
32	Others (unclassified)	–	235	364	1235	71	897	–	–	2	–	4

6. Applications and patents for industrial designs (breakdown by countries)

Code	Country	Applications					Patents				
		2004	2005	2006	2007	2008	2004	2005	2006	2007	2008
	Total :	1862	2010	2236	2147	2285	1436	1569	2061	2213	2503
UA	Ukraine	1673	1750	1833	1746	1945	1348	1423	1803	1803	2085
AT	Austria	–	–	11	10	17	–	–	–	13	9
BG	Bulgaria	2	–	7	3	–	1	4	–	2	2
BY	Belarus	33	10	8	3	30	2	24	5	10	15
CH	Switzerland	1	2	9	5	5	–	2	6	6	4
CN	China	–	–	4	24	14	–	–	–	8	30
CY	Cyprus	13	13	15	4	3	–	19	8	13	3
CZ	Czech Republic	1	2	4	3	10	–	2	2	4	4
DE	Germany	4	7	16	19	9	4	8	7	15	20
FI	Finland	–	–	1	3	6	1	1	–	2	8
FR	France	13	8	8	4	6	3	10	10	9	9
GB	United Kingdom	2	2	7	16	34	8	1	3	4	41
IN	India	3	12	4	18	–	3	–	–	8	18
IT	Italy	3	8	17	17	5	3	3	7	19	16
JP	Japan	8	8	18	8	18	2	6	11	20	13
KR	Republic of Korea	8	18	8	–	9	–	4	22	8	6
MD	Republic of Moldova	–	1	4	58	2	2	–	1	5	3
NL	Netherlands	12	10	8	9	2	10	8	9	11	4
PL	Poland	3	26	57	35	48	3	3	46	45	38
SE	Sweden	1	–	–	4	10	–	–	1	–	6
RU	Russian Federation	36	56	118	94	21	34	21	58	89	81
TR	Turkey	17	45	21	22	31	1	6	15	63	26
US	USA	16	12	27	19	29	1	19	23	25	26
	Others	13	20	31	23	31	10	5	24	31	36

7. Applications and registrations of trademarks and service marks under the national procedure

Code	Country	Applications					Registrations				
		2004	2005	2006	2007	2008	2004	2005	2006	2007	2008
	Total:	13960	16366	20813	23746	22371	9383	11645	13134	15375	15357
UA	Ukraine	11527	13184	17170	19888	18496	7680	9418	10327	12130	11974
AE	United Arab Emirates	6	13	22	19	10	3	5	3	22	10
AR	Argentina	1	7	2	32	7	15	3	5	6	19
AT	Austria	9	5	30	18	63	6	8	9	23	16
AU	Australia	1	7	7	9	2	–	–	2	7	6
BE	Belgium	5	15	7	17	17	7	14	5	16	7
BG	Bulgaria	10	17	33	12	15	15	22	11	15	16
BM	Bermuda	–	5	33	25	13	–	2	3	2	10
BR	Brasilia	16	18	47	19	17	10	7	18	14	51
BY	Belarus	81	71	50	58	165	12	19	86	51	38
CA	Canada	17	36	13	26	43	11	12	20	26	10
CH	Switzerland	104	118	188	217	224	88	132	134	135	173
CL	Chile	6	10	7	1	–	3	10	4	8	3
CN	China	13	48	92	128	119	5	13	23	57	109
CY	Cyprus	23	72	97	131	111	11	40	50	68	154
CZ	Czech Republic	12	21	31	28	14	5	8	22	25	31
DE	Germany	188	161	132	198	199	93	129	225	145	169
DK	Denmark	12	13	12	27	27	14	12	12	10	15
EE	Estonia	11	2	6	4	3	6	3	9	5	6
EG	Egypt	1	5	2	1	2	–	–	4	–	1
ES	Spain	13	12	18	17	16	21	19	11	11	24
FI	Finland	19	39	32	61	42	13	10	25	44	66
FR	France	46	59	72	68	98	27	68	45	53	74
GB	United Kingdom	145	146	198	204	212	73	182	150	171	169
GE	Georgia	6	3	7	11	6	6	3	3	5	4
GR	Greece	8	3	19	14	20	5	13	6	17	10
HR	Croatia	4	5	14	19	10	2	4	4	8	12
HU	Hungary	16	7	9	20	23	9	8	4	12	13
HK	Hong Kong	8	12	19	8	14	7	5	7	16	14
IE	Ireland	4	9	34	7	11	4	12	7	15	22
IL	Israel	7	15	23	35	21	6	14	9	14	28
IN	India	139	129	140	100	100	45	103	97	155	75
IT	Italy	19	10	26	48	39	13	18	17	15	40
JP	Japan	63	74	108	111	172	55	60	97	70	113
KR	Republic of Korea	43	34	51	21	55	35	31	51	45	30

Annex 7 (continued)

Code	Country	Applications					Registrations				
		2004	2005	2006	2007	2008	2004	2005	2006	2007	2008
KZ	Kazakhstan	–	8	2	6	–	3	–	–	2	4
LB	Lebanon	11	3	5	1	–	–	8	5	4	3
LI	Liechtenstein	5	1	4	77	115	4	2	39	32	28
LK	Sri Lanka	3	1	7	3	5	1	7	3	1	4
LT	Lithuania	2	2	–	–	17	5	–	2	2	4
LU	Luxembourg	11	12	11	20	6	4	3	9	17	10
LV	Latvia	2	7	4	14	16	2	3	5	2	11
MD	Republic of Moldova	16	6	19	22	29	18	15	8	16	7
MX	Mexico	2	1	1	20	4	1	1	2	2	7
NL	Netherlands	41	59	96	86	41	44	85	48	87	87
NO	Norway	–	5	5	2	5	4	1	3	4	3
PA	Panama	11	8	2	5	2	1	6	10	4	4
PL	Poland	84	92	125	212	183	61	44	98	98	118
PT	Portugal	1	1	2	2	5	1	1	–	1	4
RO	Romania	5	10	28	31	19	3	–	5	17	13
RU	Russian Federation	619	841	589	496	381	298	368	691	596	394
SE	Sweden	16	33	53	29	19	16	15	29	58	19
SG	Singapore	5	29	–	17	15	15	24	16	19	22
SI	Slovenia	2	2	–	1	3	39	5	4	3	–
SK	Slovakia	1	7	1	2	–	1	1	4	4	4
TR	Turkey	30	48	57	91	37	15	23	36	40	91
TW	Taiwan	13	11	–	23	40	12	21	–	21	16
US	USA	390	721	831	817	853	490	540	521	829	821
VG	Virgin islands	36	14	–	47	35	15	11	–	42	66
	Others	71	59	220	120	155	25	54	91	58	105

**8. Applications for trademarks and service marks under the Madrid Agreement
(breakdown by countries)**

Code	Country	2004	2005	2006	2007	2008
	Total:	6303	8033	9183	9520	10710
AM	Armenia	16	10	12	9	8
AT	Austria	200	280	281	304	370
AU	Australia	20*	18*	43*	32*	36*
BE	Belgium	96	151	171	179	210
BG	Bulgaria	147	160	154	132	124
BY	Belarus	24	21	19	29	49
CH	Switzerland	365	493	650	688	792
CN	China	222	315	379	391	486
CY	Cyprus	12	6	14	18	28
CZ	Czech Republic	257	243	259	276	302
DE	Germany	1344	1881	1984	1930	2218
DK	Denmark	61*	103*	80*	90*	141*
EE	Estonia	28*	26*	41*	41*	43*
EG	Egypt	13	6	11	4	16
ES	Spain	166	206	197	210	240
FI	Finland	38*	55*	92*	77*	97*
FR	France	590	783	818	904	889
GB	United Kingdom	131*	210*	267*	237*	219*
GR	Greece	36*	22*	24*	37*	35*
HR	Croatia	35	39	21	35	12
HU	Hungary	118	72	87	346	155
IE	Ireland	23*	8*	25*	24*	37*
IS	Iceland	1*	7*	11*	48*	76*
IT	Italy	502	666	795	883	893
JP	Japan	70*	72*	137*	135*	135*
KR	Republic of Korea	21*	25*	23*	27*	28*
KZ	Kazakhstan	20	20	13	10	19
LI	Liechtenstein	32	18	40	44	96
LT	Lithuania	51*	41*	47*	29*	46*
LU	Luxemburg	62	84	64	43	52
LV	Latvia	45	54	57	55	90
MC	Monaco	15	10	7	18	13
MD	Republic of Moldova	44	74	50	16	28
MK	The former Yugoslav Republic of Macedonia	11	3	6	–	4
NL	Netherlands	195	207	264	263	320
NO	Norway	16*	15*	28*	24*	20*
PL	Poland	219	204	274	246	271
PT	Portugal	15	34	37	29	23
RO	Romania	38	29	52	45	26
RS	Serbia	15	20	38	48	42
RU	Russian Federation	260	417	472	448	697
SE	Sweden	47*	61*	86*	83*	125*
SG	Singapore	15*	4*	15*	17*	10*
SI	Slovenia	48	81	55	76	95
SK	Slovakia	60	66	96	66	89
TR	Turkey	217*	313*	424*	361*	400*
US	USA	172*	359*	403*	418*	466*
VN	Viet Nam	21	10	15	7	5
	Others	149	31	45	88	134

* applications under the Protocol relating to the Madrid Agreement

9. Expenses for Functioning and Development of the State System of Intellectual Property Rights Protection in 2008

Expense items	Amount, Thousands UAH
Organization expenses, expenses connected with examination and grant of titles of protection for industrial property rights	46,776.8
Expenses for information activities in the sphere of intellectual property rights protection	10,301.5
Expenses for editorial and publishing activities	2,849.6
Expenses for development of international cooperation in the sphere of intellectual property rights protection, for organization and participation in exhibitions, competitions and seminars etc.	2,787.1
Expenses for organization of training	1,204.6
Acquisition of licensed software and maintenance of automated systems	3,147.9
Expenses for research works, translation of scientific, technical and normative documents	4,798.4
Expenses for organization of control marks making	4,437.0
Expenses for organization of control marks distribution, maintenance of a uniform register of control marks holders	1,260.0
Expenses for enforcement of intellectual property rights of UEFA and its commercial partners	2,140.0
Total	79,702.9