



STATE
DEPARTMENT
OF INTELLECTUAL
PROPERTY

2009

TABLE OF CONTENTS

Foreword	3
1. Intellectual Property Legislation Improvement	5
1.1 Industrial Property Legislation Improvement	5
1.2. Copyright Legislation Improvement.....	7
2. Registration of Intellectual Property Rights	9
2.1. Examination and Registration of Industrial Property Rights.....	9
2.2. Entering the Data Concerning Contracts on Disposition of Economic.....	
Industrial Property Rights to the State Registers	20
2.3. Registration of Author's Right	21
3. Intellectual Property Rights Enforcement.....	24
3.1 Industrial Property Rights Enforcement in an Administrative Procedure.....	24
3.2 Industrial Property Rights Enforcement in a Judicial Procedure	24
3.3. Enforcement of Copyright and Related Rights.....	25
3.4. Collective Management Organizations Activities	25
3.5. Control over the Observance of Legislation in the Sphere of Intellectual Property	28
4. Information Support of the Activities in the Intellectual Property Sphere	31
4.1. Information Support of Examination of Applications for Industrial Property	
Rights. Patent Documentation File Updating.	31
4.2. Industrial Property International Classifications	34
4.3. Official and Information Publications.....	35
4.4. Automation of Office Procedures on Applications for IPRs. Information	
Technologies Implementation.	37
4.5 Internet Resources of the State System of Intellectual Property	
Rights Protection.....	41
5. International Cooperation.....	43
5.1. Cooperation with the World Intellectual Property Organization.....	43
5.2. Cooperation with European Patent Office.....	44
5.3. Ukraine Participation in the World Trade Organization (WTO)	45
5.4. Implementation of Measures Aimed at EU Integration.....	46
5.5. Formation of the Free Trade Area between Ukraine and European Free	
Trade Association	47
5.6. Bilateral Cooperation	47
5.7. Cooperation with the CIS Countries.....	48
6. Professional Training and Skill Upgrading in the Sphere of Intellectual Property.	
Creative Activity Stimulation	50
6.1. Specialist Training and Skill Upgrading	50
6.2. Scientific and Practical Conferences and Seminars	53
6.3. Creative Activity Stimulation	55
Annexes.....	59

Official Edition of the State Department of Intellectual Property

Address: 45, Urytskii St., Kyiv-35, CPS, 03680, Ukraine
Tel.: (+38044) 494-06-06,
Fax: (+38044) 494-06-56
www.sdip.gov.ua

© State Department of Intellectual Property, 2010



Dear colleagues!

Human intellect and creative work have always been an essential condition of the progress on the way of innovative development of the world community. Radical structural changes in economy, rapid advance of competitive hi-tech fields in the whole world direct toward the maximum use of intellectual property rights. Our country cannot stand aside of this process. It is intellectual property rights that gradually but steady become one of the most costly elements of the social product; they need, therefore, constant improvement of the legislative protection and government support. In the recent years the activity of the domestic inventors, scientists, innovators, authors, and creators has been constantly increasing.

Ukraine confidently gains the authority of a state with a high intellectual potential and modern state system of legal protection of intellectual property. We take vigilant care of the level of legal protection of intellectual property, refine our work for the sake of one goal: the creative community in Ukraine has to be sure that our state's development level in intellectual sphere corresponds to the European standards.

To support this direction of its activities, in 2009 the State Department of Intellectual Property ensured the maintenance of the draft law on amendments to the Law of Ukraine «On Distribution of Copies of Audiovisual Works, Phonograms, Videograms, Computer Programs, Databases» developed according to the propositions of the European Business Association and providing that the subjects of copyright and related rights will be involved in the process of issuing control marks for the mentioned copies. These innovations will serve as additional mechanisms in fighting piracy.

During the year under report works connected with accession of Ukraine to international agreements in the field of intellectual property continued. On February 18, 2009, the Verkhovna Rada of Ukraine adopted the Law of Ukraine «On the Accession of Ukraine to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks», and on April 15 of the same year – the Law of Ukraine «On the Ratification of the Singapore Treaty on the Law of Trademarks».

The support of a set of works connected with Ukraine's integration to the European Union is one of important directions of the SDIP activities.

In 2009 we achieved the most fruitful cooperation with international organizations – World Intellectual Property Organisation, World Trade Organisation, as well as the European Union. Co-work with regional international intellectual property organisations – European Patent Office and European Free Trade Association – was activated.

SDIP specialists took part in TRIPS Council meetings. On professional level they represented Ukraine, reported on the state of legislation implementation in the intellectual property sphere, received favourable responses of the member states of the World Trade Organisation, in particular European Union, Switzerland and Canada.

During 2009 SDIP continued cooperation with the Embassy of the USA in Ukraine. We joined our efforts to hold a number of meetings of Ukrainian-American Intellectual Property Enforcement Cooperation Group, as well as negotiations concerning problematic issues connected with Ukraine's removal from the Special 301 Watch List.

Within the framework of the measures on preparing and holding the final tournament of the 2012 UEFA European Football Championship, with the participation of the specialists of the state system of intellectual property rights protection, a number of practical seminars on acquisition and enforcement of intellectual property rights of the Union of European Football Associations and its commercial partners took place in host cities – Kyiv, Lviv, Donetsk and Kharkiv.

In 2010 SDIP will pay special attention to amending the legislation in the sphere of intellectual property rights protection. Detailed information on any direction of activities of the state system of intellectual property rights protection can be found on the pages of the present Report.

I hope everyone shares my certainty that Ukraine must be a highly developed state with sublime spirituality and the life level deserved by its talented people. We are determined to continue working for the sake of creative people!

*Faithfully yours,
Chairman of the State Department
of Intellectual Property*



Mykola Paladii

1 Intellectual Property Legislation Improvement

1.1. Industrial Property Legislation Improvement

Improvement of the current intellectual property legislation has always been and is an important kind of the State Department of Intellectual Property (SDIP) activity.

One of the tasks assigned for SDIP in the lawmaking sphere in 2009 was legal support of the draft Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Intellectual Property Rights Protection», drafted in 2008, at the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine. The draft law was approved by the Government, submitted to the Verkhovna Rada of Ukraine, and on November 18, 2009 approved by the Verkhovna Rada Committee on European Integration.

The purpose of the draft law is bringing the legislation of Ukraine into compliance with the requirements of the European Union legislation, introducing into the intellectual property legislation the latest international law changes, bringing the special intellectual property legislation of Ukraine into full compliance with the requirements of international treaties concluded by Ukraine, and implementation of the proposals on improvement of Ukrainian investment climate submitted by investors and participants of the Authority and Business Partnership Forum.

But for some new regulations corresponding to the European Union legislation the draft law includes the number of interesting novations aimed at providing favourable conditions for acquisition and fair use of intellectual property rights. They are the following: possibility to file an application both on paper carrier and in electronic form; extension of a design patent term to 25 years; possibility to file a multiple application



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

containing up to 100 industrial designs; publication of data on a trademark application and design application after completing formal examination at the official SDIP web-site and provision of the interested parties with the possibility to file a motivated opposition to the registration of rights within 3 months from the publication date of such applications. Moreover, the draft law provides for a possibility to oppose a decision on a trademark or design application at the Appeals Chamber both to an applicant and a person opposing this application. It is essential that the draft law contains such provisions as the specification of the indication deemed contrary to the public order and moral principles, the possibility to register a mark by consent of the earlier right holder, and regulations on the conditions of registered and non-registered geographical indications compatibility are introduced. The draft law provides an access



Seminar on UEFA issues held at the Ukrainian Industrial Property Institute

to the information on the decisions of the Appeals Chamber that came into force.

Moreover, in 2009 the Verkhovna Rada of Ukraine adopted two laws of Ukraine on the accession to international agreements drafted by SDIP: on February, 18 – the law of Ukraine «On the Accession of Ukraine to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks», on April, 15 – the law of Ukraine «On the Ratification of the Singapore Treaty on the Law of Trademarks».

The International Classification of the Figurative Elements of Marks is a unified means for classifying documents at international level and is an effective tool for searching for identical and similar marks. Joining the Vienna Agreement provided the functioning of the state intellectual property protection system on the level of developed countries and improved the process of trademark applications examination.

Provisions of the Singapore Treaty cover all types of marks including hologram, position, motion marks, and simplify formalities in the registration procedure, extend forms of communication, in particular by electronic means, set requirements to registration of licenses to use trademarks, changes and cancellations of license registrations, specify consequences of violating terms of a license etc. Implementation of these provisions in Ukraine will help to make the trademark registration process quicker and simpler, will reduce expenses and provide additional benefits for applicants and trademark holders.

The draft law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Organization and Conducting of the Final Tournament of the European Football Championship 2012 in Ukraine» was developed and on December, 16,

2009 submitted to the Cabinet of Ministers of Ukraine to regulate issues on UEFA intellectual property rights enforcement and performance of the Plan of high-priority activities on completing in 2009 a Special State Programme of Preparing and Conducting the Final Tournament of the European Football Championship 2012 in Ukraine.

The draft law provides for preventing and stopping UEFA and its commercial partners intellectual property rights infringement, ambush marketing and other measures for execution of guarantees given to UEFA and appropriate conducting of the championship.

The draft law in particular defines UEFA rights subject matter, procedure of intellectual property rights acquisition by UEFA in Ukraine, UEFA intellectual property rights holders, procedure of using intellectual property rights for information purposes, ways of using UEFA and championship reputation for commercial purposes, the order of championship tickets circulation, authority of governmental bodies on UEFA intellectual property rights protection, provision of safety at official places and protection of public order.

The draft law also defines that the central executive authority on intellectual property rights protection in the interests of the state complains to the court about UEFA intellectual property rights enforcement and stop of ambush marketing as well as takes actions provided by other laws to protect these rights.

According to the preliminary conclusion of UEFA the draft law meets the requirements in the part of enforcement of UEFA and its commercial partners intellectual property rights.

Another task set before SDIP in legislation sphere is to bring subordinate legislation into more full compliance with current laws of Ukraine. An activity on development of a revised version of regulations for drawing, filing and examining industrial property rights applications was started in 2009 to that effect.

In the year under review the effect of changes in legal regulation of relations concerning the payment of fees for the activities connected with intellectual property rights protection was felt. That was due to Ukraine's acquisition of the WTO-member status and coming into effect of the Resolution of the Cabinet of Ministers of Ukraine of September 19, 2007 No. 1148 «On Amendments to the Order of Payment of Fees for the Activities Connected with Intellectual Property Rights Protection».

These amendments provide for determination of the amount of fees for applicants from different countries irrespective of the gross national income per person and comply with requirements of Article 4 of the TRIPS Agreement on most-favoured-nation treatment that excludes discriminative system of fees payment. The practical application of this resolution was monitored in 2009.

In March 2010 two-year period of operation of the resolution passes. Monitoring the effectiveness of the resolution within this period will provide an opportunity to take measures for the improvement of its provisions in order to meet the needs of applicants, to create favourable conditions for intellectual property rights acquisition and to provide functioning of the state system of the intellectual property rights protection.

1.2. Copyright Legislation Improvement

In 2009 SDIP took significant measures related to the improvement of the copyright legislation.

In execution of the instruction of the Cabinet of Ministers of Ukraine on the proposals of the European Business Association SDIP provided legal support of 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» in the Verkhovna Rada of Ukraine. According to the mentioned amendments copyright and related rights holders are involved in the procedure of control marks distribution. This is going to be an additional tool in anti-piracy campaign.

There were considerable improvements in legal regulation of collecting remuneration for commercial use of related rights in public domain, creation and functioning of collective management organizations.

In April 2009 the Resolution of the Cabinet of Ministers of Ukraine of April 2, 2009 No. 450 «On Amendments to the Resolution of the Cabinet of Ministers of Ukraine of January 4, 2003 No. 71» was approved. According to this act the procedure of paying remuneration by economic entities for the use of phonograms, videograms and performances they contain which are published for commercial purposes is improved.

According to the changes introduced:

- a full list of commercial use subjects obliged to pay remuneration for public use of phonograms, videograms and performances they contain

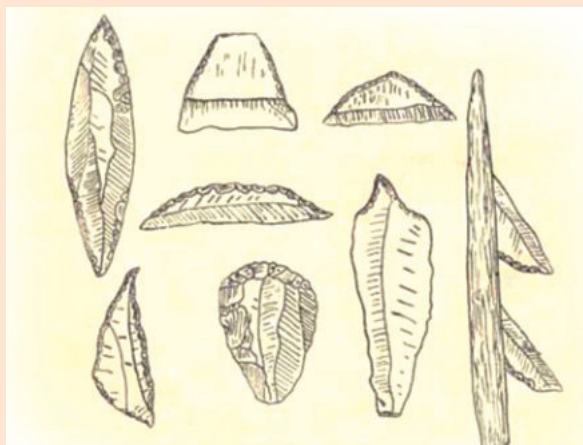
which are published for commercial purposes is defined;

- there is a specification about a compulsory conclusion of a contract on remuneration payment between authorized collective management organizations and the mentioned subjects;
- essential terms of the contract defined by the parties are stated;
- provisions concerning performing the control by the authorized collective management organizations over the legal use of phonograms, videograms and performances they contain which are published for commercial purposes are provided for.

Moreover, in January 2009 the Order of the Ministry of Education and Science of Ukraine of December 22, 2008 No. 1175 «On Approval of the Procedure for Appointing Authorized Collective Management Organizations Responsible for Collecting and Distributing Remuneration (Royalties) for the Use of Phonograms and Videograms Published for Commercial Purposes, and Amendments to the Procedure for Collective Management Organizations Registration and their Activities Supervision» was registered in the Ministry of Justice of Ukraine.

This order provides for improvement of the acting collective management system, in particular establishes a distinct and clear arrangements for:

- registration of collective management organizations;
- appointing authorized collective management organizations on the basis of corresponding criteria;
- state monitoring of their activities based on reporting information by this organizations;
- removal of authorized organizations from the register, cancellation of collective management organization registration (invalidation of certificate)





Mykola Paladii, SDIP Chairman, with popular Ukrainian songster Ruslana and Eduard Klim, General Manager of Lavina Music Holding

in case of copyright and related right legislation infringement;

- paying to copyright and related right holders collected remuneration left on the accounts of an organization as of the date when the decision to remove it from the register of authorized organizations or to cancel the registration (cancel the certificate) was made;
- giving back the original certificate to the state authority in case of its invalidation.

Taking into account a special status of authorized organizations that enables to collect and distribute remuneration to performers, phonogram

and videogram producers the mentioned order considerably strengthens requirements to collective management organizations which claim to become authorized and essentially improves provisions on their responsibilities.

The amendments of the mentioned legal acts in 2009 make it possible to substantially improve the legislation in the sphere of collective management of economic rights of copyright and related rights holders and to establish a distinct and clear mechanism of appointment, registration and removal from register of collective management organizations etc.

Actions have also been taken to introduce provisions on responsibility for camcording in Ukrainian cinemas. In particular, argumentation of the necessity and obligatoriness of introducing this provision to the legislation was submitted to the Cabinet of Ministers of Ukraine and to the Verkhovna Rada of Ukraine.

Copyright and related rights issues, including those on collective management, where specially treated at the state level. These issues were subject to discussions at hearings on the Effectiveness of Copyright and Related Rights Legislation Implementation held in the Verkhovna Rada of Ukraine Committee on Science and Education in June 2009. Recommendations to these hearings are taken into account and put to use.

2 Registration of Intellectual Property Rights

2.1. Examination and Registration of Industrial Property Rights

The global economic crisis that has negative influence on the economic development indicators in Ukraine was strongly felt in the area of industrial property rights protection as well.

In 2009 the total number of applications for industrial property rights protection filed with SDIP amounted to over 42 thousand (table 2.1). A total of over 14 thousand applications for inventions and utility models, over 1.6 thousand applications for industrial designs and nearly 26.5 thousand applications for trademarks and service marks (including 17.9 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				
	2005	2006	2007	2008	2009
Inventions	5,592	5,930	6,163	5,697	4,815
Utility models	7,286	8,171	8,870	9,600	9,203
Industrial designs	2,010	2,236	2,147	2,285	1,669
Trademarks and service marks, including under the national procedure under the Madrid Agreement	24,399	29,996	33,266	33,081	26,479
	16,366	20,813	23,746	22,371	17,866
	8,033	9,183	9,520	10,710	8,613
Topographies of integrated circuits	2	–	9	–	–
Qualified indications of the source of goods	2	2	6	2	7

Inventions

In 2009 a total of 4,815 applications for inventions were filed (table 2.2, fig. 2.1).

The activity of domestic applicants in the year under review has decreased by 13% as compared with the previous year. The activity of foreign applicants under the PCT procedure has decreased by 16%. The share of applications filed by foreign applicants in 2009 amounted to 49% of total filings (as against 51% in 2008). 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 72 in 2009.

The largest number of foreign filings came from the USA (647 applications), Germany (417 applications), Switzerland (211 applications), France (158 applications), the Russian Federation (99 applications), Japan (93 applications), the United Kingdom (81 applications), Sweden (74 applications), Belgium (72 applications), the Netherlands (60 applications) and Italy (56 applications) (Annex 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.

Table 2.2. Applications for inventions filed and patents granted

Subject matterk	2005	2006	2007	2008	2009
Applications filed:	5,592	5,930	6,163	5,697	4,815
Under the national procedure	3,842	3,788	3,766	3,149	2,681
by domestic applicants	3,535	3,472	3,440	2,823	2,436
by foreign applicants	307	316	326	326	245
Under the PCT procedure	1,750	2,142	2,397	2,548	2,134
including domestic applicants	3	2	–	2	–
Granted patents for inventions:	3,433	3,698	4,058	3,832	4,002
to domestic applicants	2,171	2,495	2,618	2,399	2,395
to foreign applicants	12,62	1,203	1,440	1,433	1,607
patents with 6-year term of validity	286	7	2	–	–

Fig. 2.1. Trends in filing, pendency of applications and granting patents for inventions

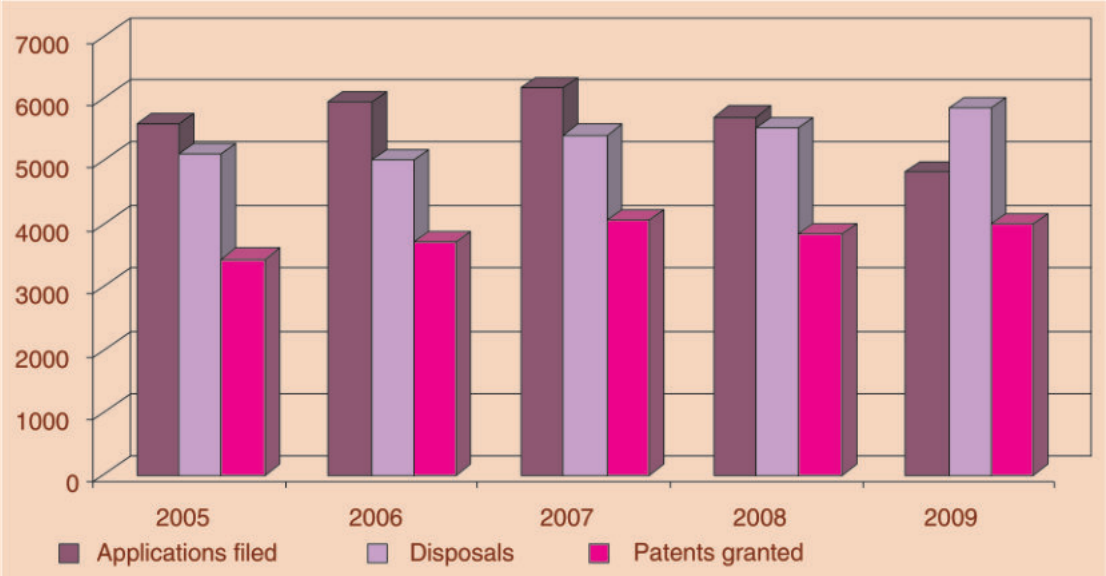


Fig. 2.2. Distribution of applications filed under the PCT procedure by countries of origin

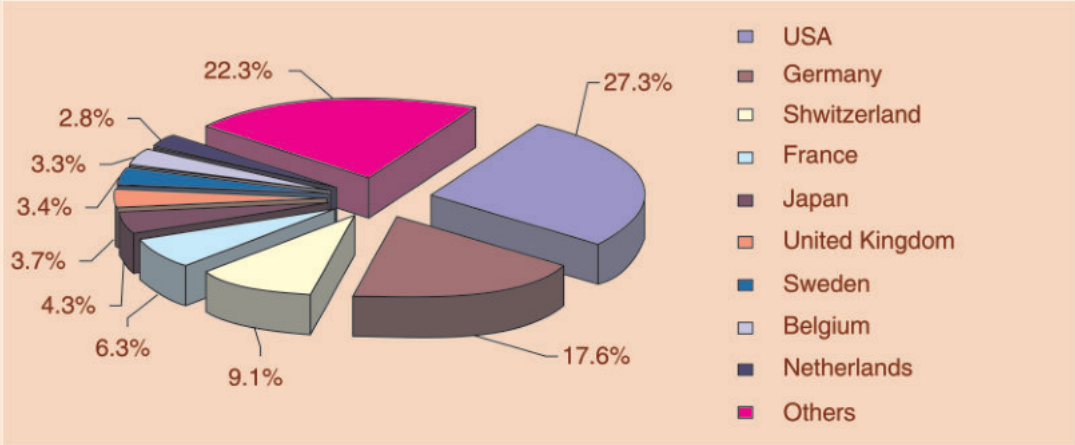


Table 2.3. Priorities of distribution of applications for inventions according to the IPC

IPC class	Class headings	Total number of applications	Domestic applicants	Foreign applicants
C07	Organic chemistry	580 (12%)	35 (1.4%)	545 (22.9%)
A61	Medical or veterinary science; hygiene	566 (11.8%)	196 (8%)	370 (15.6%)
A01	Agriculture; forestry; animal husbandry...	270 (5.6%)	103 (4.2%)	167 (7%)
G01	Measuring; testing	186 (3.9%)	166 (6.8%)	20 (0.8%)
H04	Electric communication technique	144 (3%)	10 (0.4%)	134 (5.6%)
C12	Biochemistry; beer; spirits; wine; vinegar; microbiology...	97 (2%)	35 (1.4%)	62 (2.6%)
A23	Foods or foodstuffs;...	96 (2%)	40 (1.6%)	56 (2.4%)
B01	Physical or chemical processes or apparatus in general	94 (2%)	44 (1.8%)	50 (2.1%)
C01	Inorganic chemistry	91 (1.9%)	66 (2.7%)	25 (1.1%)
H01	Basic electric elements	91 (1.9%)	68 (2.8%)	23 (1%)
E21	Earth or rock drilling; Mining	78 (1.6%)	67 (2.7%)	11 (0.5%)
B65	Conveying; packing; storing; handling thin or filamentary material	77 (1.6%)	17 (0.7%)	60 (2.5%)
E04	Building	76 (1.6%)	38 (1.6%)	38 (1.6%)
F16	Engineering elements or units;...	67 (1.4%)	37 (1.5%)	30 (1.3%)

The total number of decisions taken on applications for inventions in 2009 amounted to 4,221, including 4,171 decisions on grant of a patent and 50 decisions on refusal of a patent. The total number of disposals in 2009 amounted to 5,836 (fig. 2.1).

In 2009 4,002 patents for inventions were granted. Patents granted to foreign applicants amounted to 1,607 (table 2.2, fig. 2.1).

The most patents were granted to applicants from the USA – 357 (22.2%), Germany – 347 (21.6%), France – 122 (7.6%), Switzerland – 105

(6.5%), the Russian Federation – 72 (4.5 %), Belgium – 65 (4.0%) and Sweden – 50 (3.1%).

The priorities of distribution of patents for inventions according to the IPC classes are shown in table 2.4.

As of January 1, 2010, a total of 94,020 patents for inventions were entered to the State Register, among them 24,651 patents for inventions being in force (table 2.5).

Table 2.4. 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
A01	Agriculture; forestry; animal husbandry...	214 (5.3%)	104 (4.3%)	110 (6.8%)
A23	Foods or foodstuffs; ...	75 (1.9%)	41 (1.7%)	34 (2.1%)
A61	Medical or veterinary science; hygiene	487 (12.2%)	190 (7.9%)	297 (18.5%)
B01	Physical or chemical processes or apparatus in general	94 (2.3%)	67 (2.8%)	27 (1.7%)
B21	Mechanical metal-working without essentially removing material; punching metal	76 (1.8%)	38 (1.6%)	38 (2.4%)
B65	Conveying; packing; storing; handling thin or filamentary material	82 (2%)	33 (1.4%)	49 (3%)
C07	Organic chemistry	364 (9.1%)	67 (2.8%)	297 (18.5%)
C21	Metallurgy of iron	66 (1.6%)	51 (2.1%)	15 (1%)
E21	Earth or rock drilling; Mining	94 (2.3%)	88 (3.7%)	6 (0.4%)
F16	Engineering elements or units; general measures for...	69 (1.7%)	54 (2.3%)	15 (1%)
G01	Measuring; testing	282 (7%)	250 (10.4%)	32 (2%)
H01	Basic electric elements	122 (3%)	103 (4.3%)	19 (1.2%)
H02	Generation, conversion or distribution of electric power	71 (1.8%)	63 (2.6%)	8 (0.5%)
H04	Electric communication technique	101 (2.5%)	13 (0.5%)	88 (5.5%)

Table 2.5. Number of patents in force

Number of patents in force as of 01.01.2009	26,929
including those with 6-year term of validity	3,776
Patents granted in 2009	4,002
Number of patents expired in 2009	6,280
including those with 6-year term of validity	3,776
Number of patents in force as of 01.01.2010	24,651

Utility Models

In 2009 the number of applications for utility models decreased by 4%. A total of 9,203 applications, including 9,065 (98.5%) applications

from domestic applicants, were filed (table 2.6, fig. 2.3).

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

Table 2.6. Applications for utility models filed and patents granted

Subject matter	2005	2006	2007	2008	2009
Applications filed:	7,286	8,171	8,870	9,600	9,203
by domestic applicants	7,156	8,027	8,745	9,450	9,065
by foreign applicants	130	144	125	150	129
Patents granted:	7,467	8,268	9,215	9,282	8,391
to domestic applicants	7,341	8,127	9,094	9,139	8,270
to foreign applicants	126	141	121	143	121

Fig. 2.3. Trends in filing, pendency applications and granting patents for utility models

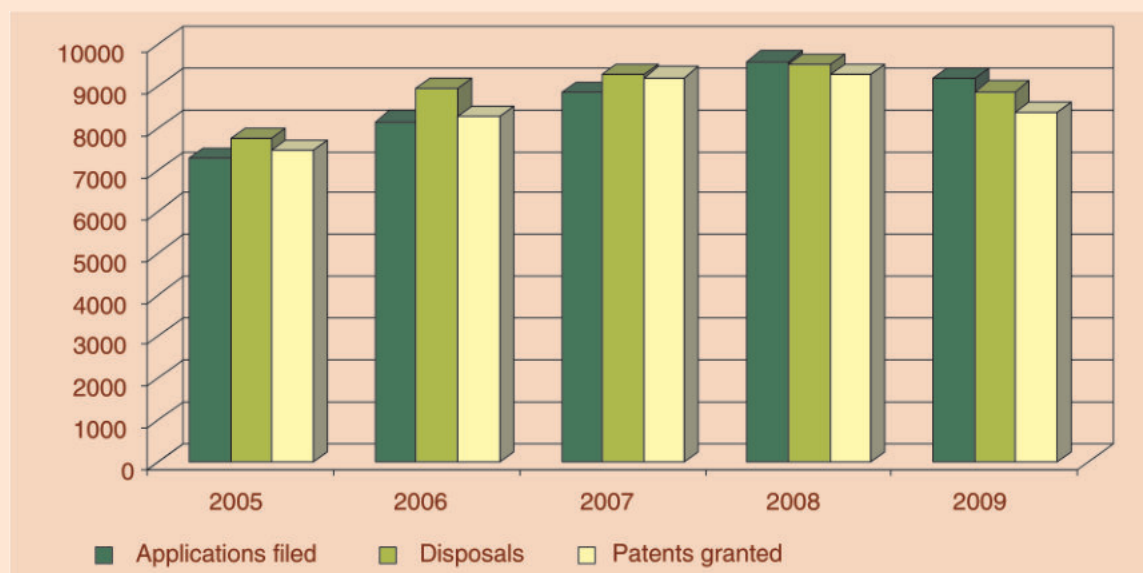
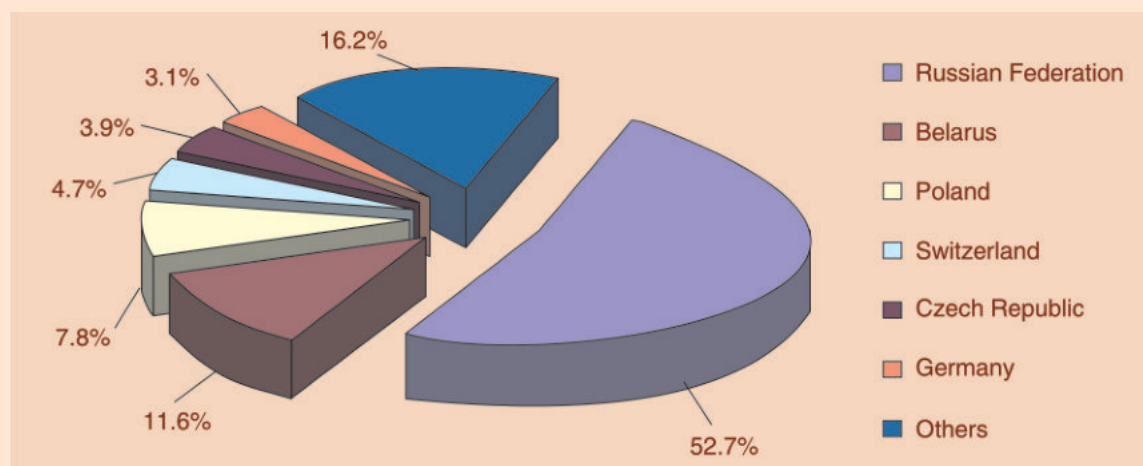


Fig. 2.4. Distribution of applications for utility models by countries of origin



cations from the Russian Federation amounts to 53%). The distribution of applications for utility models from foreign applicants is shown in the fig.2.4.

The most applications for utility models were filed in classes: A61 (Medical or veterinary science; hygiene) – 1,735 applications, 461 of which belong to subclass A61K (Preparations for medical, dental or hygienic purposes); G01 (Measuring; testing) – 735 applications, A01 (Agriculture; forestry) – 599, A23 (Foods or foodstuffs, their treatment) – 306, E21 (Earth or rock drilling; mining) – 198, F16 (Engineering elements or units) – 185 and B01 (Basic electric elements) – 153 applications.

In 2009, 8,572 decisions concerning utility models were taken, including 8,548 those on

grant of a patent and 24 – on refusal of a patent. In 2009, 8,876 applications for utility models were processed (fig.2.3).

In the year under review 8,391 patents for utility models were granted including 8,270 – to domestic applicants. 121 patents were granted to foreign applicants, including 54 grants to applicants from the Russian Federation, by 10 grants to applicants from Ciprus and Poland, by 5 – to applicants from Germany and the USA, 4 – the Czech Republic, 3 – India. The share of patents granted to applicants from those countries amounts to 72.0%.

As of January 1, 2010, 46,713 patents for utility models were entered to the State register, including 33,575 patents being in force (table 2.7).

Table 2.7. Number of patents in force

Number of patents in force as of 01.01.2009	30,382
Patents for utility models granted in 2009	8,391
Number of patents expired in 2009	5,198
Number of patents in force as of 01.01.2010	33,575

Industrial designs

In 2009, 1,669 applications for industrial designs were filed, including 1,413 those from domestic applicants (table 2.8, fig. 2.5). The number of applications from foreign applicants has decreased, and share of those in the total number of applications amounted nearly to 15% as in the previous year.

In the year under review the most active were applicants from the Russian Federation (41 applications, 16.0%), Poland (34 applications, 13.3%), the USA (19 applications, 7.4%), Belarus (17 applications, 6.6%), the Czech Republic (13 applications, 5.1%), the United Kingdom and Turkey (by 12 applications, 4.7%).

In 2009, 1,563 decisions on grant and 4 decisions on refusal of a patent were taken, 182 applications were withdrawn. The total number of disposals in 2009 amounted to 1,749 (fig.2.5).

A total of 1,754 patents for industrial designs were granted, including 1,425 – to domestic applicants (table 2.8).

51 patents (15.5%) were granted to the

applicants from Poland (15.5%), 39 patents (11.9%) – the Russian Federation, 35 patents (10.6%) – the USA, 31 patents (9.4%) – Turkey, 27 patents (8.2%) – Belarus, 16 patents (4.9%) – Japan and 14 patents (4.3%) – the United Kingdom.

The largest number of patents was granted in classes: 19 (Stationery and office equipment, artist's and teaching materials) – 403 (22.9%), 09 (Packages and containers for the transport or handling of goods) – 303 (17.9%), 06 (Furnishing – 133 (7.6%), 25 (Building units and construction elements) – 118 (6.7%), 12 (Means of transport or hoisting) – 103 (5.9%) and 11 (Articles of adornment) – 102 (5.8%).

As of January 1, 2010, 19,850 patents for industrial designs were entered to the State register, including 10,375 patents being in force.

In 2009, the effect of 440 international registrations under the Hague Agreement Concerning the International Registration of Industrial Designs was extended to the territory of Ukraine (fig. 2.6).

Table 2.8. Applications for industrial designs filed and patents granted

Subject matter	2005	2006	2007	2008	2009
Applications filed:	2,010	2,236	2,147	2,285	1,669
by domestic applicants	1,750	1,833	1,746	1,945	1,413
by foreign applicants	260	403	401	340	256
Patents granted:	1,569	2,061	2,213	2,503	1,754
to domestic applicants	1,423	1,803	1,803	2,085	1,425
to foreign applicants	146	258	410	418	329
Patents in force by the end of the year	7,312	8,234	9,659	11,102	10,816

Fig. 2.5. Trends in filing, pendency of applications and granting patents for industrial designs

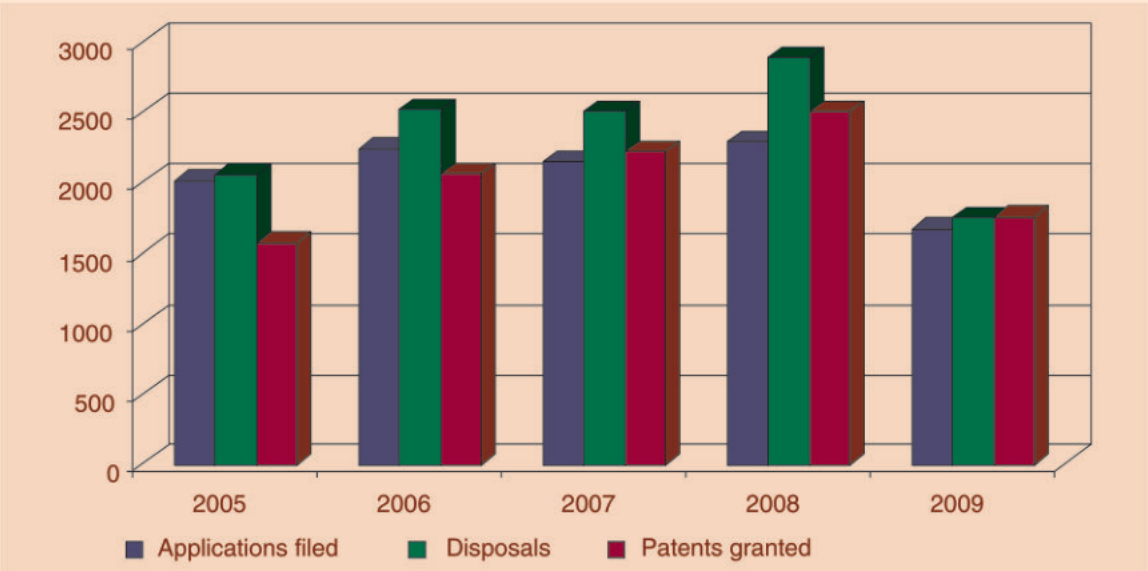
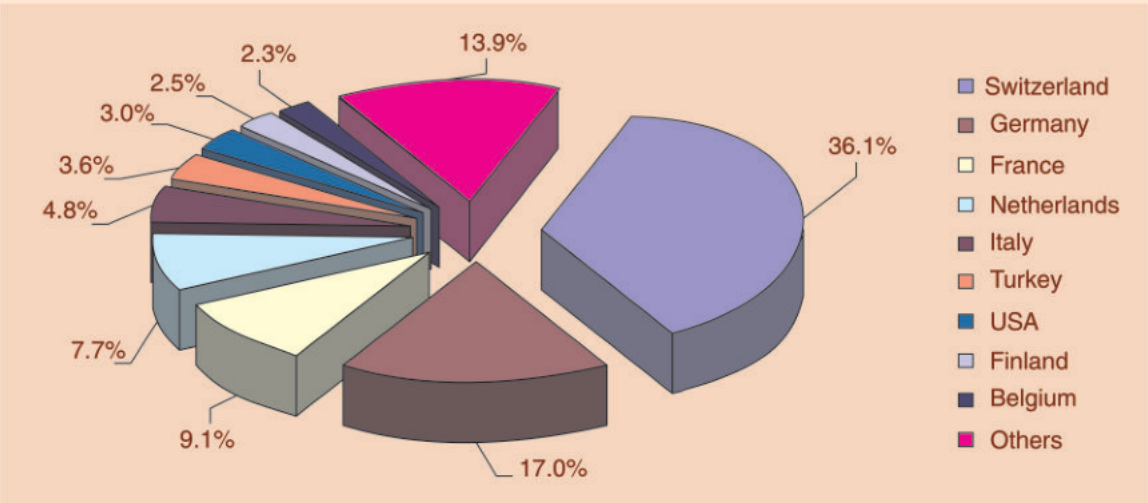


Fig 2.6. Distribution of registrations under the Hague Agreement by countries of origin



Trademarks and service marks

National procedure

In 2009 a total of 17,866 applications for trademarks and service marks were filed. The activity of domestic applicants has decreased by 20% as compared with the previous year (table 2.9, fig. 2.7). A total of 3,115 applications were filed by foreign applicants, these amounted to 17.4% of the total number of applications filed under the national procedure.

The most active were applicants from the USA – (711 applications, 22.8%), the Russian Federation (285 applications, 9.1%), Germany (173 applications, 5.6%), Switzerland (159

applications, 5.1%), the United Kingdom (152 applications, 4.9%), Belarus (146 applications, 4.7%), Japan (134 applications, 4.3%), India (125 applications, 4.0%) and Cyprus (103 applications, 3.3%).

In 2009 most of the marks filed under the national procedure were classified in classes 35, 41, 05, 33, 29, 16, 09, 03, 43, 38, 32, and 25 of the Nice Classification. The domestic applicants preferred classes 35, 41, 33, 05, 29, 16, 43, 38, 09, 32 and 03, and foreign applicants – 05, 35, 03, 09, 33 and 16. The priorities of distribution of domestic and foreign filings according to the classes of the Nice Classification are shown in table 2.10.

Table 2.9. Applications for trademarks and service marks filed and registered

Subject matter	2005	2006	2007	2008	2009
Applications filed:	16,366	20,813	23,746	22,371	17,866
by domestic applicants	13,184	17,170	19,888	18,496	14,751
by foreign applicants	3,182	3,643	3,858	3,875	3,115
Marks registered:	11,645	13,134	15,375	15,357	15,137
to domestic applicants	9,418	10,327	12,130	11,974	12,027
to foreign applicants	2,227	2,807	3,245	3,383	3,110
Registrations in force by the end of the year	52,823	64,974	78,848	92,837	105,988

Fig. 2.7. Trends in filing, pendency of applications and registration of trademarks and service marks

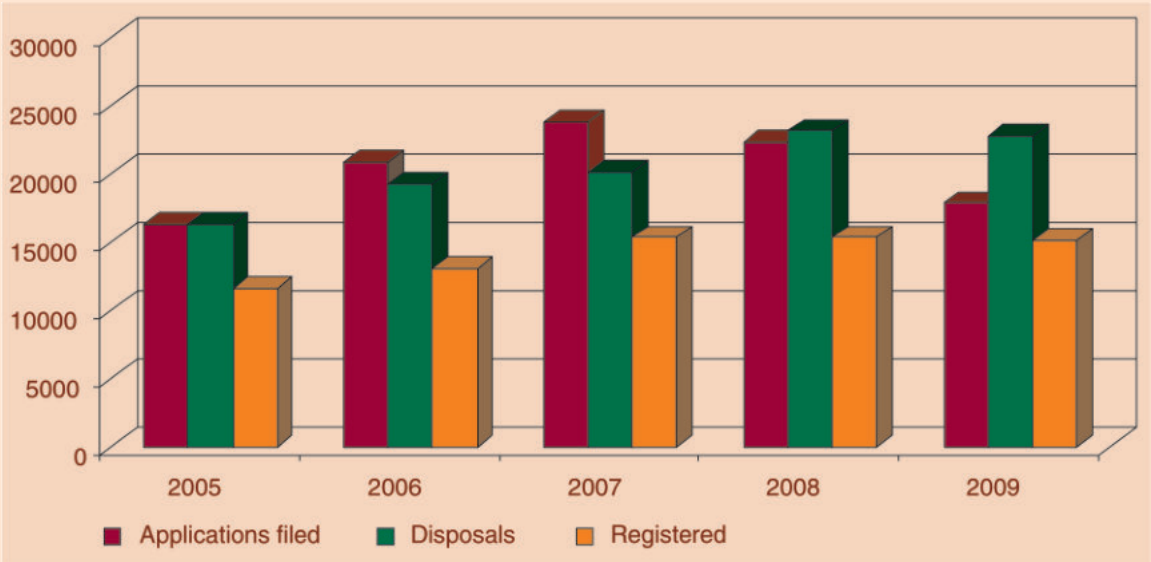


Table 2.10. Priorities of distribution of applications for marks according to classes of the Nice Classification

Class of the Nice Classification	Class headings	Total number of marks	Domestic applicants	Foreign applicants
35	Advertising; business management; business administration; office functions...	5,843 (18.0%)	5,220 (20.1%)	623 (9.7%)
41	Education; providing of training; entertainment; sporting and cultural activities...	2,068 (6.4%)	1,876 (7.2%)	192 (3.0%)
05	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes...	2,040 (6.3%)	1,194 (4.6%)	846 (13.1%)
33	Alcoholic beverages (except beers)	2,012 (6.2%)	1,733 (6.7%)	279 (4.3%)
29	Meat, fish, poultry and game; meat extracts...	1,333 (4.1%)	1,112 (4.3%)	221 (3.4%)
16	Paper, cardboard and goods made from these materials...	1,204 (3.7%)	961 (3.7%)	243 (3.8%)
09	Scientific, nautical, surveying, photographic, optical, weighing, measuring...	1,073 (3.3%)	743 (2.9%)	330 (5.1%)
03	Bleaching preparations and other substances for laundry use;...	1,042 (3.2%)	682 (2.6%)	360 (5.6%)
43	Services for providing food and drink; temporary accommodation	963 (3.0%)	844 (3.3%)	119 (1.8%)
38	Telecommunications	950 (2.9%)	844 (3.3%)	106 (1.6%)
32	Beers; mineral and aerated waters and other non-alcoholic drinks...	881 (2.7%)	690 (2.7%)	191 (3.0%)
25	Clothing, footwear, headgear	833 (2.6%)	636 (2.5%)	197 (3.1%)

There were taken 17,326 decisions on granting the certificates for trademarks and service marks, 1,755 decisions on refusal to grant the certificates, 3,683 applications were withdrawn in 2009. The total number of disposals in 2009 amounted to 22,764 (fig. 2.7).

In the year under review 15,137 certificates for trademarks and service marks were registered. Of the total amount of registered certificates the registrations to foreign applicants amounted to 20.5% (table 2.9, fig. 2.7).

691 (22.2%) certificates were registered to the applicants from the USA, 284 (9.1%) – to the applicants from the Russian Federation, 209 (6.7%) – from Switzerland, 177

(5.7%) – from Germany, 152 (4.9%) – from Poland, 146 (4.7%) – the United Kingdom, 136 (4.4%) – Japan, 116 certificates (3.7%) – from Belarus and 92 certificates (3.0%) to the applicants from Cyprus.

In 2009 the most of marks were registered in classes 35, 41, 05, 42, 16, 36, 09, 37, 33 and 30 of the Nice Classification (table 2.11). The domestic applicants were most active in registering marks in classes 35, 41, 42, 16, 37, 36, 33, 43 and 05 and foreign applicants – in classes 05, 35, 09, 16, 41, 30 and 42.

As of January 1, 2010, 106,714 certificates for trademarks and service marks were registered, of which 105,491 certificates were in force.



Table 2.11. Priorities of distribution of marks registrations by national and foreign applicants according to 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...	5,661 (15.8%)	4,980 (17.2%)	681 (9.8%)
41	Education; providing of training; entertainment; sporting and cultural activities...	2,234 (6.2%)	1,981 (6.9%)	253 (3.7%)
05	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes...	1,777 (5.0%)	1,019 (3.5%)	758 (10.9%)
42	Scientific and technological services...	1,724 (4.8%)	1,480 (5.1%)	244 (3.5%)
16	Paper, cardboard and goods made from these materials...	1,711 (4.8%)	1,359 (4.7%)	352 (5.1%)
36	Insurance; financial affairs; monetary affairs; real estate affairs.	1,359 (3.8%)	1,143 (4.0%)	216 (3.1%)
09	Scientific, nautical, surveying, photographic, optical, weighing, measuring...	1,359 (3.8%)	1,005 (3.5%)	354 (5.1%)
37	Building constructions; repair; installation services.	1,342 (3.7%)	1,215 (4.2%)	127 (1.8%)
33	Building constructions; repair; installation services.	1,320 (3.7%)	1,085 (3.8%)	235 (3.4%)
30	Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour...	1,240 (3.5%)	990 (3.4%)	250 (3.6%)
43	Services for providing food and drink; temporary accommodation	1,194 (3.3%)	1,073 (3.7%)	121 (1.7%)
38	Telecommunications	1,048 (2.9%)	899 (3.1%)	149 (2.1%)

International procedure

Foreign applicants maintained their activity in filing applications for marks under the international procedure (fig. 2.8, table 2.12). In 2009, 8,613 international applications were received from the WIPO International Bureau, including 7,230 (84.0%) applications under the Madrid Agreement and 1,383 – under the Madrid Protocol.

The largest users of the Madrid system were Germany (1,744 applications), France (789 applications), Switzerland (676 applications), Italy (655 applications), the Russian Federation (602 applications), China (425 applications), Poland (327 applications), Austria (268 applications), the Czech Republic (241 applications), the

Netherlands (231 applications), Hungary (182 applications), Belgium (162 applications), Spain (160 applications) and Slovenia (113 applications). The share of applications from these countries amounted to 76.0% of the total filings under the international procedure in 2009 (fig. 2.9).

In 2009 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 Turkey – 309 applications, the USA – 276, the United Kingdom – 213 applications, Denmark – 96 applications, Japan – 93 applications and Sweden – 82 applications (fig. 2.9).

In 2009, the legal protection was granted to 9,664 international marks (table 2.12, fig. 2.8).

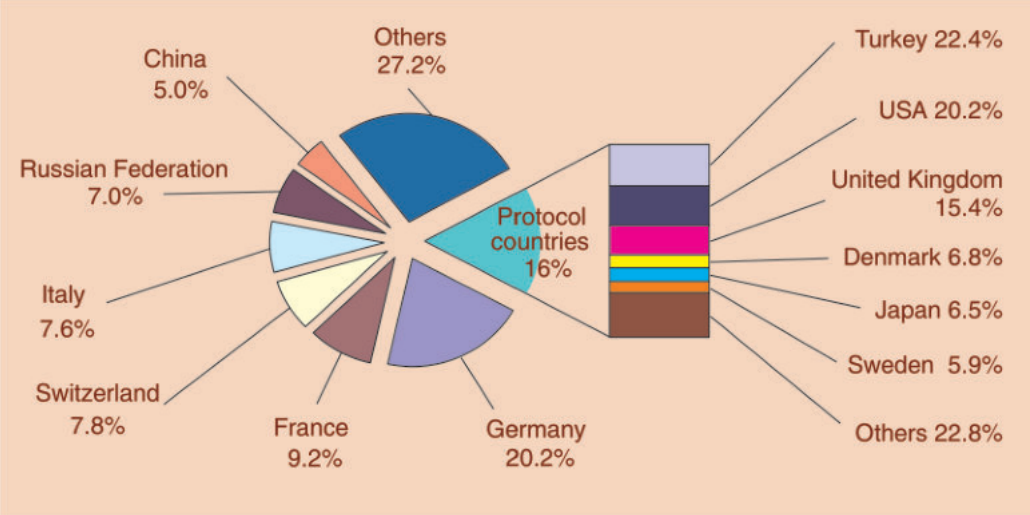
Table 2.12. Applications for trademarks and service marks filed and registered under the Madrid Agreement

Subject matter	2005	2006	2007	2008	2009
Applications filed under the Madrid Agreement,	8,033	9,183	9,520	10,710	8,613
including the Madrid Protocol	1,341	1,753	1,703	1,924	1,383
Marks registered under the Madrid Agreement	6,899	9,396	8,298	9,459	9,664

Fig.2.8. Trends in filing, pendency of applications and registration of trademarks and service marks under the Madrid Agreement



Fig.2.9. 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 2009 the total number of registrations of the contracts on disposition of economic industrial property rights amounted to 1,927, that is 3.8% less than in previous year, among them 1,530 registrations concerning transfer of exclusive economic industrial property rights (79.4%); 178 registrations concerning issuance of licenses on exploitation of the industrial property rights (9.2%); 219 licenses of right to use inventions, utility models and industrial designs (11.4%).

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.

As of January 1, 2010, data concerning 13,304 contracts on disposition of economic industrial property rights were entered to the state registers, including 2,890 contracts concerning inventions, 642 – utility models, 9,029 – trademarks and service marks, 743 – industrial designs.

Information on entering the data on disposition

of economic industrial property rights to the relevant registers is shown in the table 2.13 and fig. 2.10.

The data presented in the table 2.13 shows that in 2009 the number of registered license contracts on exploitation of inventions and trademarks and service marks as well as the number of records in state registers on the assignment of rights in utility models, industrial designs and trademarks and service marks decreased slightly as compared with the previous year.

The total number of industrial property rights in respect of which data on assignment of exclusive economic rights and granting licenses were entered in respective state registers has increased by 6.5% and amounted to 3,320 (as against 3,188 in 2008) including 374 inventions, 177 utility models, 145 industrial designs and 2,624 trademarks and service marks.

The number of publications concerning licenses of right for inventions has increased by 12.5%, as compared with 2008.

Data shown in table 2.14 testify that the average number of trademarks and service marks the rights in which are transferred in one contract for Ukrainian owners is 2.0 and for foreigners 3.0 marks in one contract.

Table 2.13. Distribution of registered contracts on disposition of economic intellectual property rights by the categories

Kind of contract	Number of registrations															
	Inventions and utility models				Industrial designs				Trademarks and service marks				Total			
	2006	2007	2008	2009	2006	2007	2008	2009	2006	2007	2008	2009	2006	2007	2008	2009
Non-exclusive licenses	19 +12*	19 +23*	13+ 22*	4 +5*	8	2	5	5	160	214	148	131	199	258	188	145
Exclusive licenses	7 +7*	13 +15*	5*	1 +3*	4	1	–	1	50	32	35	27	68	61	40	32
Sole licenses	2 +1*	1	–	1*	–	–	–	–	1	1	3	–	4	2	3	1
Assignment of right	85 +34*	121 +87*	131 +96*	137 +70*	64	94	107	69	826	996	1395	1254	1009	1298	1729	1530
Licenses of right	49 +17*	32 +22*	12 +31*	150 +67*	10	–	–	2	–	–	–	–	76	54	43	219
Total	233	333	310	438	86	97	112	77	1037	1243	1581	1412	1356	1673	2003	1927

* Utility models are marked by asterisk

Fig 2.10. Trends in registration of contracts on disposition of economic industrial property rights in 2000-2009

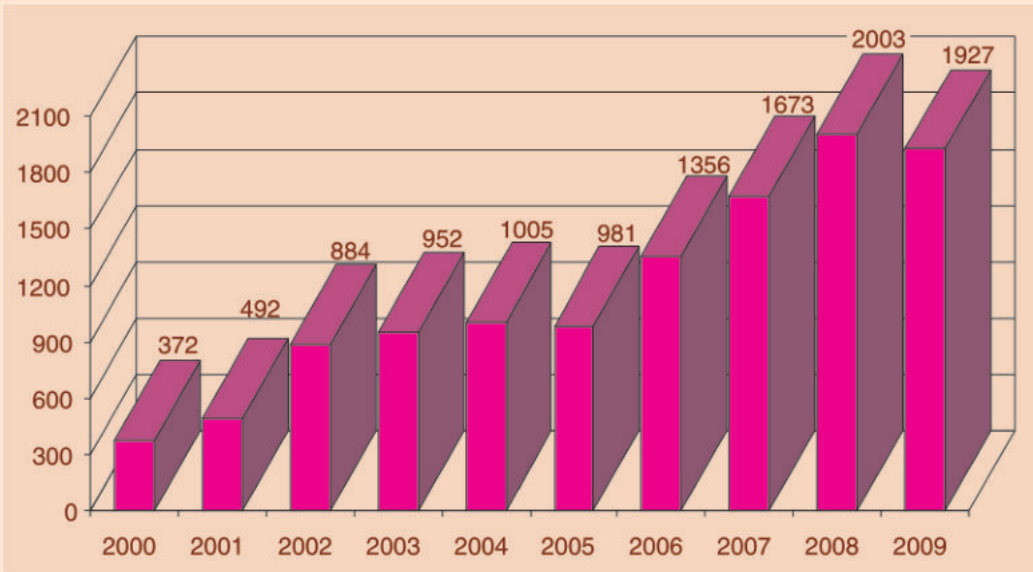


Table 2.14. Comparative data on entering data on disposition of economic rights in trademarks and service marks to the state register

Kind of contract	2009 p.	
	Number of contracts	Number of trademarks and service marks
Contracts on assignment of exclusive economic rights to marks for goods and services:		
by Ukrainian owners	1,254	2,371
by foreign owners	1,008	1,713
License contracts on exploitation of trademarks and service marks:	246	658
by Ukrainian owners	158	253
by foreign owners	115	144
	43	109

2.3. Registration of Author’s Right

In 2009 the State Department of Intellectual Property continued the state registration of author’s right and contracts concerning author’s right in a work in accordance with the Law of Ukraine “On Copyright and Related Rights».

A total of 4,286 applications for registration of author’s right were filed in 2009. There were taken 4,499 decisions on registration and 3

decisions on refusal for registration. The total number of registrations of author’s right in a work amounted to 4,458 (fig. 2.11). The trends in the registration testify that the state registration of author’s right gains in importance and popularity among authors and other persons with time.

Over the reporting period the total number of registrations of author’s economic right in employee’s works amounted to 484. As in 2008,

401 registrations of author's economic right belong to employer.

Data on distribution of registrations by categories of works show that as in the previous years the author's rights mostly were registered for literary written works of different nature 36.1%): scientific, scientific-and-practical, scientific-and-technical, technical, practical, educational, fiction, popular scientific, educational, informational; works for radio, television, cinema; works concerning arts etc. Those are followed by musical compositions

(17.1%), composite works (15.1%), computer programs (11.9%), works of fine art (7.0%), and illustrations, drawings, sketches (6.7%), (table 2.15).

In 2009, 165 contracts on author's right in a work were registered with SDIP and 1 decision on refusal to register a contract was taken (fig.2.12).

In 2009 the total number of applications for registration of contracts on autor's right in a work amounted to 141.

Fig. 2.11. Trends in the state registration of author's right in 1995-2009

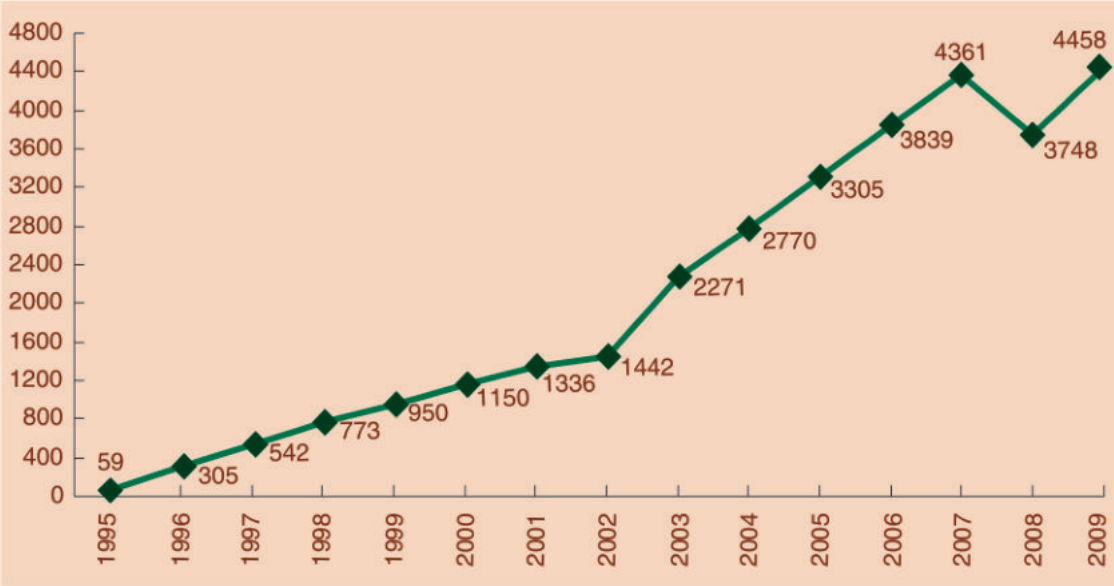


Fig. 2.12. Trends in the state registration of contracts in 2002-2009

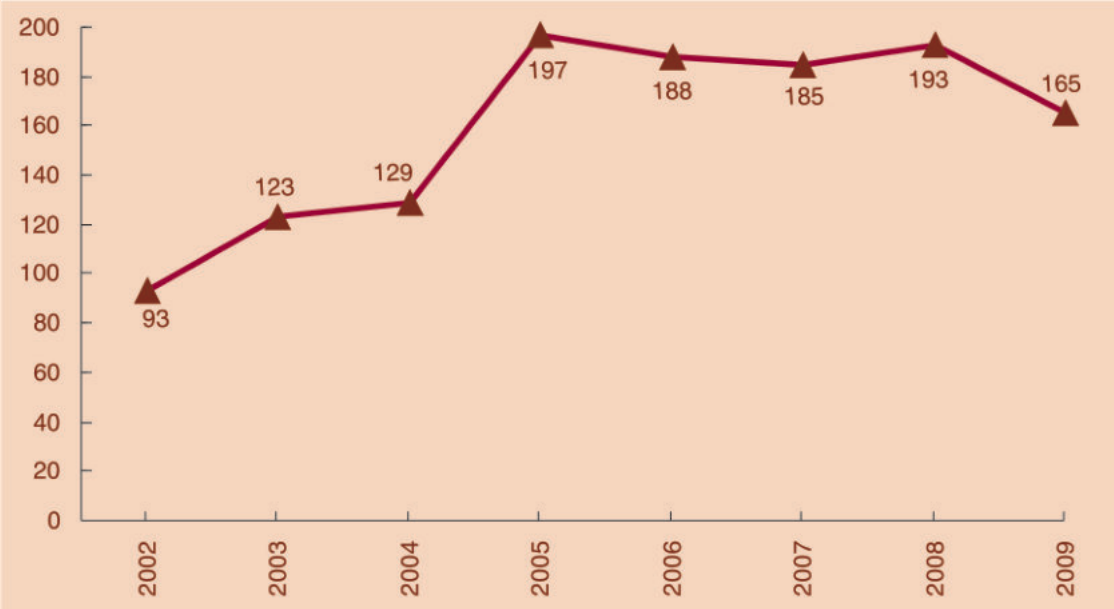


Table 2.15. Distribution of state registrations by categories of copyrighted works in 2009

No.	Categories of copyrighted works	Number of registrations
1.	Literary written works	2,201
2.	Musical works with or without words	1,044
3.	Composite works	923
4.	Computer programs	729
5.	Illustrations, drawings, sketch	427
6.	Works of fine art	411
7.	Audiovisual works	89
8.	Derivative works	69
9.	Photographic works	52
10.	Works of applied art	46
11.	Data bases	36
12.	Works of architecture, town-planning, landscape architecture	28
13.	Works created for scenic show	24
14.	Oral works	13
15.	Cartographic work	5
16.	Choreography works	1
17.	Dramatics	1
18.	Production of works created for scenic show	1

The registered contracts concern mainly the assignment (alienation) of economic rights in a work (119), almost all of them regard the complete transfer of rights in a work. In addition, 36 contracts on assignment of exclusive right to use a work and 8 contracts on assignment of non-exclusive right were registered.

The information on registrations made in 2009 was published in the Official Bulletin of the State Department of Intellectual Property «Copyright and Related Rights» (issue No. 18-20, 2009) and in the Catalogue of the State Registration (13th edition, 2009).

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 133 oppositions including 128 oppositions lodged in 2009 and 40 those entertained in 2008.

Oppositions lodged in 2009 broke up by the industrial property categories as follows: inventions – 20, utility models – 3, industrial designs – 1, trademarks and service marks – 69.

There were held 233 sessions of the boards of the Appeals Chamber where 22 oppositions to the SDIP decisions on patent applications, two oppositions to utility model applications, 80 oppositions to trademark and service mark applications were considered.

In 2009 the total of 90 decisions of the Appeals Chamber were sent to appellants including 41 decisions on complete satisfaction of opposition, 10 on partial satisfaction of opposition and 39 decisions on dismissal of opposition. Seven oppositions were not accepted for consideration, the appellants withdrew one opposition.

In 2009 the Appeals Chamber got 8 claims for recognition of trademarks to be well-known in Ukraine. There were held 12 meetings of the Appeals Chamber.

Eight decisions of the Appeals Chamber were sent to applicants, all of them on recognition of trademarks to be well-known in Ukraine. One application on recognition of trademarks to be well-known was withdrawn.



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

3.2. Industrial Property Rights Enforcement in a Judicial Procedure

In 2009 proceedings were commenced on 229 cases related to industrial property rights enforcement including those in:

- administrative courts (40 cases);
- economic courts (98 cases);
- courts of general jurisdiction (91 cases).

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

Proceedings on 515 cases were conducted in courts of primary jurisdiction, courts of appeal and courts of review (6 cases of year 2003, 4 cases of year 2004, 20 cases of year 2005, 27 cases of year 2006, 66 cases of year 2007, 163 cases of year 2008, and 229 cases of year 2009).

Correlation of cases brought before court and sustained ones in 2009

IP categories	Cases brought before court against SDIP decisions	Cancelled SDIP decisions	Actions for invalidation of patents/certificates	Invalidated patents/certificates (according to the register data)
Inventions	4	–	10	2
Utility models	–	–	7	1
Trademarks and service marks	41	2	72	28
Industrial designs	1	–	21	2
Total	46	2	110	33

Cases in disputes concerning industrial property rights enforcement were considered in courts of general jurisdiction (178 cases), economic courts (208 cases) and administrative courts (115 cases). There were held 1,206 court sessions on these cases.

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, the cancellation 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 2009 SDIP took part in consideration of three cases concerning collective management organizations, 21 – concerning state registration of author’s right.

During 2009 the State Enterprise «The Ukrainian Agency of Copyright and Related Rights» (UACRR) took part in 36 court proceedings in actions against copyright users on infringement of exclusive economic author’s rights, collection of receivables, non-compliance with the terms of license agreements etc.

In 2009 UACRR brought 14 complaints to program service providers, television and radio broadcasting companies and other users. In addition, 38 claims were sent to infringers on the matters of debts receivable, non-compliance with the terms of license agreements, unlicensed use of works etc.

Subsequent to the results of the mentioned activities more than 688,000 UAH entered to UACRR accounts as of January 1, 2010.

3.4. Collective Management Organizations Activities

In accordance with the legislation in the sphere of copyright and related rights SDIP performs the following functions:

- keeps a register of collective management organizations;
- appoints authorized collective management organizations;
- monitors collective management organizations activity and provides their methodological support;
- acts as a mediator in negotiations and in resolution of conflicts between organizations as well as between these organizations and copyright and related rights holders;
- promotes collective management organizations activity.

Currently, 11 collective management organizations have been registered. Among them the State Enterprise «The Ukrainian Agency of Copyright and Related Rights», private organization «The Ukrainian Agency of Copyright», five public organizations established by natural persons as copyright and related rights holders, four consolidated enterprises – associations established by legal entities.

Within actions aimed at monitoring collective management organizations activities to execute the order of the Cabinet of Ministers of Ukraine SDIP carried out their audit in 2009.

Three collective management organizations were deregistered because of infringement of copyright and related rights legislation (the All-Ukrainian Public Organization «Ukrainian Authors Union», the Public Organization «The Association of Right Holders in the Sphere of Fine Art and



In the course of the session at the State Department of Intellectual Property

Architecture Activities «Status», the All-Ukrainian Public Organization «Film Directors Guild 24/1»).

In 2009 SDIP also performed the following actions to execute the order of the Ministry of Education and Science of Ukraine of December 22, 2008 No. 1175:

1) appointed the following organizations as authorized collective management organizations: the Association of Enterprises «Ukrainian Music Alliance» (in the sphere of public broadcasting of phonograms, videograms, and performances they contain which are published for commercial purposes); the Association of Enterprises «Ukrainian League of Music Rights» (in the sphere of public performance of phonograms, videograms, and performances they contain which are published for commercial purposes);

2) cancelled certificates on appointment of collective management organizations as authorized organizations granted to the All-Ukrainian Association of Copyright and Related Rights Holders «Oberih», the All-Ukrainian Public Organization «The All-Ukrainian Agency of Copyright and Related Rights».

To increase amounts of the collected remuneration in the sphere of public broadcasting SDIP together with the Ministry of Finance of Ukraine and the State Treasury of Ukraine defined the sources of remuneration to be paid by state television and radio broadcasting companies to collective management organizations. Corresponding official letters were sent to the State Committee for Television and Radio Broadcasting of Ukraine and the National Television and Radio Broadcasting Council of Ukraine for further informing of state television and radio broadcasting companies.

The mechanism of payment and collection of remuneration for the use of related rights objects

in the spheres of public performance and public broadcasting by means of regulatory designation of the list of users that have to pay remuneration, including program service providers, was developed. Compulsory conclusion of agreements on payment of remuneration between authorized collective management organizations and users was also provided for.

In order to provide practical assistance to television and radio organizations and program service providers as well as to economic entities performing public use of copyright and related rights objects and use of these objects via the Internet corresponding recommendations were developed, those are available at the SDIP web-portal.

In the sphere of collection and distribution of royalties for home use of works and performances, recorded in phonograms, videograms and their copies (virgin media and equipment for recording) the Association of Enterprises «Ukrainian Music Alliance» acts as an authorized organization. SDIP developed recommendations for producers and importers of equipment and virgin media on payment of remuneration to copyright and related rights holders. These recommendations are available at the SDIP web-portal for the use by the mentioned economic entities in their activity. Moreover, the recommendations were sent to the authorized organization and interested governmental authorities, namely to the State Customs Service of Ukraine, the State Committee of Ukraine for Regulatory Policy and Entrepreneurship, the State Tax Administration of Ukraine.

According to the legislation SDIP supervises collective management organizations activities. Every half-year period the organizations provide reports according to which trends in collection, distribution and payment of remuneration are monitored. In particular, the amount of remuneration collected by all organizations in 2009 was more than 31 million UAH. The amount of paid remuneration to copyright and related rights holders was over 25 million UAH (31% more as compared to the previous year).

According to copyright and related rights legislation SDIP performs mediation in conflict resolutions between:

- collective management organizations;
- these organizations and copyright and related rights holders.

In order to consolidate activities of collective

management organizations the Coordination Council on Copyright and Related Rights functions at SDIP. The Council includes representatives from all organizations and aims its activity at considering and solving problematic issues. Moreover, section on copyright and related rights issues attached to the SDIP Public Board works. It includes representatives from collective management organizations, creative unions and other associations.

So SDIP systematically performs activities aimed at involvement of general public in solving problematic issues.

SDIP fulfils a function of promoting collective management organizations to exercise authorities provided by legislation. Support is provided in the following areas:

1) methodological support of collective management organizations in the form of recommendations and explanations of legal requirements on conclusion of agreements and payment of remuneration by economic entities. In particular, these recommendations and explanations are available at the SDIP web-portal. The Official Bulletin «Copyright and Related Rights» is published on regular basis and contains normative acts on copyright and related rights, information about organizations etc.;

2) popularization of collective management organizations activity in Ukraine. In recent years great educational work has been performed to increase public legal culture level in matters of copyright and related rights objects use, familiarization of economic entities with legal requirements in this sphere (conferences, including international ones with the assistance of international experts on copyright and related rights matters, roundtable discussions, seminars and other events were held);

3) cooperation with corresponding state institutions and coordination of activities thereof. Taking into account difficulties in the process of remuneration payments by television and radio organizations SDIP sent written notifications to the National Television and Radio Broadcasting Council of Ukraine, the State Television and Radio Broadcasting Committee of Ukraine for further forwarding of these notifications to state television and radio organizations. The notifications are based on explanations given by the Ministry of Finance of Ukraine, the State Treasury of Ukraine on the use of budgetary financing by state television and radio organizations.

In order to organize the collection of remuneration for resale of artistic works (artists resale right) arrangements for closer cooperation with fine art market participants were effected during the year. SDIP specified the list of galleries, exhibitions, auctions, involved in organization of exhibition arrangements where artistic works are sold. SDIP sent letters to these institutions of art with a notification about the necessity to conclude agreements and pay remuneration via collective management organizations. At present a collective management organization acting in the sphere of fine art the All-Ukrainian Public Organization «The All-Ukrainian Agency of Copyright» is conducting negotiations with these organizations on concluding corresponding agreements.

To create conditions for fine art market entities to act within the legislation concerning payment of remuneration for artists resale rights SDIP drafted recommendations on collecting, distribution and payment of remuneration for artists resale rights and forwarded thereof to the Ukrainian Artists Society, the Ukrainian Galleries Association for practical use.

UACRR, subordinate to SDIP, acting as a collective management organization, collected 20.07 million UAH of authors' remuneration in 2009. It's almost 0.77 million UAH more than was collected in 2008 (19,3 million UAH).

In the report year UACRR paid to national and foreign authors about 14,4 million UAH. To the state budget 2.7 million UAH were transferred. The rest of the collected remuneration will be paid within next periods in view of the necessity to identify authors.

The bulk of amount of collected author's remuneration covers the sphere of public performance that is a so-called «tradition» for the period of UACRR activity. The majority of income was provided by «grand rights» (royalties for the use of works in the dramatic performance sphere) – over 9.8 million UAH that is almost 56.3% of total royalties collected in Ukraine.

Incomes for «small rights» (royalties collected for the use of works on TV, radio stations, in cafes, restaurants, night clubs, concerts) constituted almost 3.9 million UAH that is almost 23% of total royalties collected in Ukraine (in 2008 for «small rights» 6.2 million UAH or 33% of total amount of royalties in Ukraine was collected). It is worth mentioning that decline of amounts of collected authors' remuneration

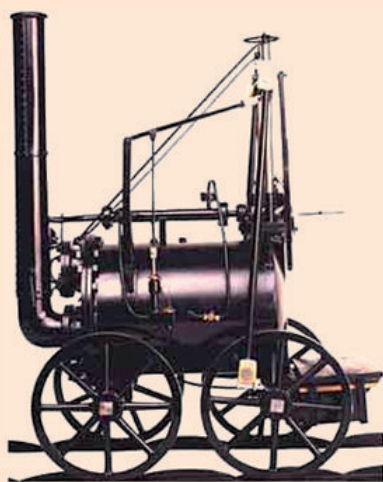
from «small rights» category users in 2009 was caused by the effect of world financial crisis. Reduction of incomes of TV-channels, radio broadcasters, cafes, restaurants, night clubs and other entertainment establishments caused reduction of royalties for authors.

Almost 2.7 million UAH was received for the use of Ukrainian authors' works from abroad. This fact witnesses a growing interest in Ukrainian artists' works all over the world. In 2008 foreign incomes constituted almost 2 million UAH.

The lowest amounts of royalties were for «mechanical recording» (royalties for the use of copyright objects on mechanical media – CD, DVD disks, magnetic tapes etc.). In 2009 «mechanical recording» incomes shortened almost by four times and amounted to 0.45 million UAH as compared with 2008. But the reasons of such a recession are objective and correspond to worldwide trends. Due to modern technical means and first of all due to Internet expansion mechanical media are becoming less popular all over the world. Besides, it is impossible not to take into account a considerable influence of «music piracy» on the remuneration collection rate in this sphere.

Nevertheless UACRR forges ahead and carefully studies new trends and applies maximum efforts to develop new markets of authors' works use. In 2009 significant advance was made in the sphere of mobile communications (royalties for the use of copyright objects in mobile phones). In 2009 incomes from payers of this type of remuneration were 0.9 million UAH that is 0.3 million UAH more than in 2008.

Like before, UACRR pays considerable attention to the work with international partners and organizations working for copyright protection purpose.



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

In 2009 a number of measures aimed at the coordination of efforts of law-enforcement and controlling authorities to provide control over the observance of legislation in the sphere of intellectual property was implemented. Joint order of the Ministry of Education and Science, the Ministry of Internal Affairs, the Security Service, the State Customs Service, the State Tax Administration and the Ministry of Cultural Affairs of Ukraine of November 24, 2009 No. 1055/491/7 53/1120/656/52 «On the Approval 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 Intellectual Property Subject Matters and to Provide UEFA Intellectual Property Rights Enforcement» was developed and signed.

The Coordination Council on the control over law infringements in the sphere of intellectual property was established in Kyiv. Its members and regulations on its activity were approved by the Order of the Kyiv State Municipal Administration of October 14, 2009 No. 1182.

In the report year the state intellectual property inspectors carried out 738 inspections of economic entities. The result is that 427 administrative offence reports were drawn up and sent to courts. The counterfeit products to the amount of more than 5.7 million UAH were expropriated (Fig. 3.1, 3.2).

Based on the inspections carried out together with the Ministry of Internal Affairs, the Security Service of Ukraine and tax police 138 criminal cases were initiated.

The state intellectual property inspectors give constant attention to the inspection of manufacturers of disks for laser-reading systems and stampers. In 2009, 63 inspections of the mentioned enterprises and 10 inspections of economic entities performing compact disks export and import were carried out.

One of the priorities in intellectual property inspectors' activity is educative and explanatory work aimed at prevention of law infringements in the sphere of intellectual property. During the period under review the state inspectors held 269 seminars and round-table discussions on legal use of intellectual property rights in Ukraine. More

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

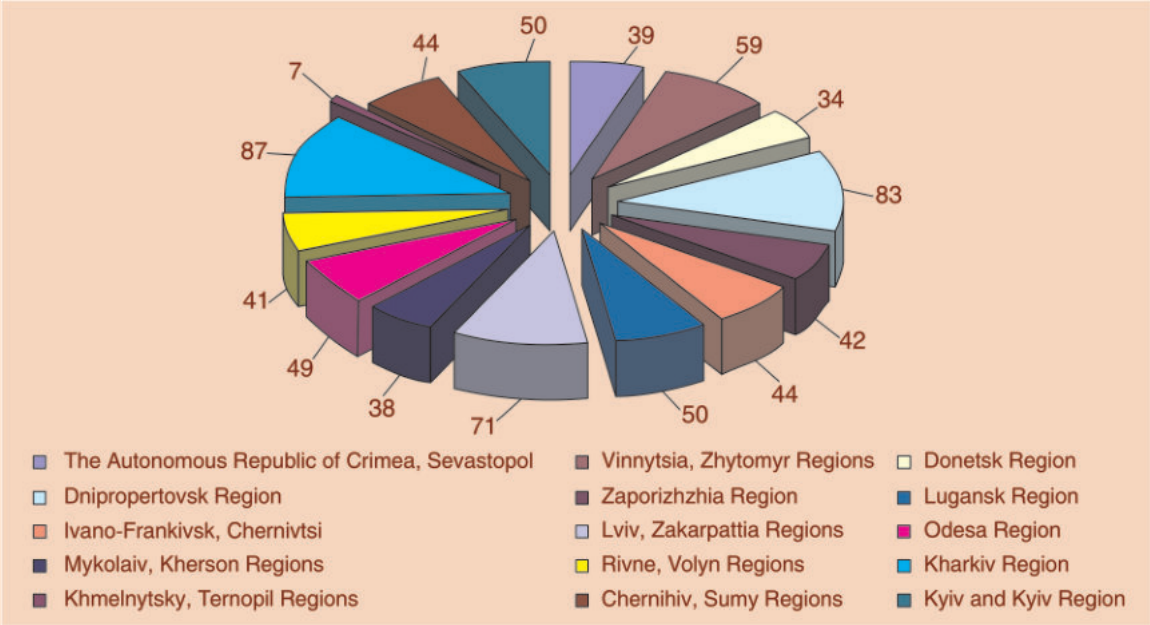
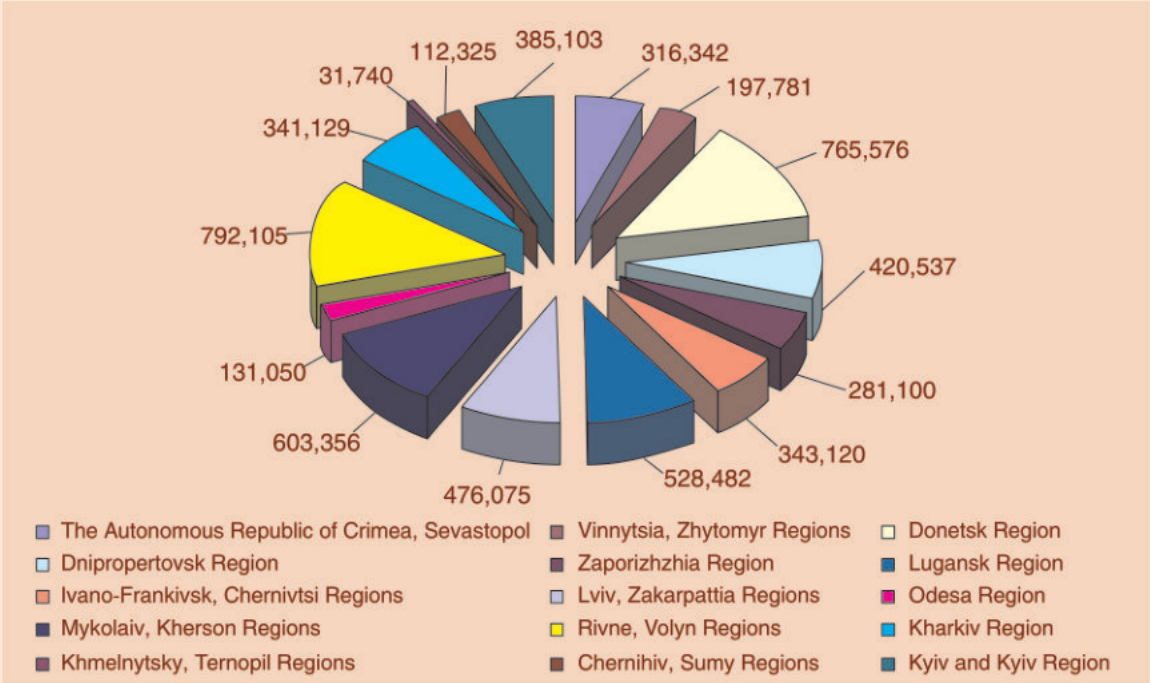


Fig.3.2. Counterfeit products expropriated by regions (UAH)



than 50 publications and presentations were made in mass media.

Recovery of conclusion of agreements on payment of authors' remuneration was observed as a result of the mentioned activities. Considerable part of intellectual property right users address state inspectors to take controlling measures on legal use of these rights.

According to the Paragraph 14 of the Procedure of Computer Programs Use in Executive Bodies,

approved by the Resolution of the Cabinet of Ministers of Ukraine of September 10, 2003 No. 1433, SDIP introduced measures to increase the level of legal computer programs use in executive bodies. In particular, the corresponding inventory was conducted, the number of computer programs to be legalized was determined, issues on including by executive bodies amounts of financing for programs legalization to budget demands for 2010 and following years were

settled with ministries and other executive departments. Results of the inventory showed that 1,451,055 items of computer programs are used in executive bodies, 772,220 of them being without a corresponding license (53.2%).

To ensure support of economic entities on the improvement of the system of computer programs legal use internal control corresponding letters were sent, and recommendations on the provision of legal use of software in their activity were provided.

Copies of legalization contracts with such companies as the Adobe Systems, Corel Corp., Embaracadero Technologies, ABBYY and Nero AG, the Limited Liability Company «PROMT», the Close Joint-Stock Company «Kaspersky Laboratory», the Limited Liability Company «Doctor Web» concluded by the Ministry of Education and Science of Ukraine together with terms of supply of the corresponding computer programs were sent to executive bodies for further conclusion of contracts on computer programs legalization with the mentioned right holders.

In 2009 the Register of Software Producers and Distributors was supplemented with the information on economic entities distributing computer programs. Information in the register is open and available to public, this provides users with an opportunity to get data about licensed software providers (<http://www.sdip.gov.ua/ukr/help/registers/register/>).

There were 229 claims on registration in the Register of Software Producers and Distributors. Within the period under review 200 claims were considered, 137 economic entities were registered.

The inquiry system on legal distribution and use of computer programs was in operation. Any interested person is able to get information by electronic means on legal foundations, ways and means of legalization (<http://www.sdip.gov.ua/ukr/help/licence/>).

SDIP has developed recommendations on the provision of legal use of free computer programs with due consideration of economic aspects of free software. The recommendations are offered to authors, distributors, free software users for practical use.

In accordance with the Law of Ukraine «On the Distribution of Copies of Audiovisual Works, Phonograms, Videograms, Computer Programs, Databases» the State Enterprise «Intelzahyst» issued 23,011,520 control marks, 538,734 of them being type «A», 1,749 – type «B», 22,471,037 – type «K».

There is a reducing trend in the number of issued control marks. The reason is in extensive development of high technologies causing copyright and related rights objects transfer into a digital area and their distribution via the Internet.

To prevent the use of counterfeit control marks their automatic check has been introduced. It is performed while distributing copies of audiovisual works, phonograms, videograms, computer programs, databases.

In 2009 according to the Law of Ukraine «On the Peculiarities of the Government Control of the Activity of Economic Entities Related to the Production, Exportation, Importation of Disks for Laser-Reading Systems» SDIP as a licensing body issued 3 licenses for production of disks for laser-reading systems and stampers. Four licenses were re-issued, one license was cancelled. At present eight licenses are issued to economic entities in total.

Pursuant to the requirements of the mentioned Law and the Resolution of the Cabinet of Ministers of Ukraine of April 26, 2003 No. 623 «On Adopting the Order of Assignment and Application a Special Identification Code on Disks for Laser-Reading Systems and Recognition of Special Identification Codes Applied on Disks and/or Stampers Exported or Imported» SDIP issued 19 abstracts from the CID-codes Register to corresponding economic entities.

4 Information Support of the Activities in the Intellectual Property Sphere

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

Information support of the examination process includes updating the Patent Information Base (PIB) and providing access of examiners to specified electronic information resources via the Internet.

Throughout the report year the PIB contents remained the same as in the previous years. The collection was updated by current acquisitions of national and foreign patent documentation and by the end of 2009 comprised 12.97 thousand optical discs, 535 of which were received in the report year.

The Reference and Information Collection (RIC) is a part of the PIB used by the examiners during the examination of applications for industrial property rights (IPRs), by specialists of other divisions of the examination body which is the State Enterprise «Ukrainian Industrial Property Institute» (UIPI), as well as specialists of the State Department of Intellectual Property. During the report period the RIC was replenished by 28.7 thousand copies of the Ukrainian patent specifications, books, booklets and periodicals and as of January 1, 2010 numbered nearly 293.0 thousand items.

The activities on updating the RIC and servicing specialists in the reading room and in the modes of lending library and selective dissemination of information have been optimised and carried out on a sufficiently high level within the current years. Considering multidisciplinary queries of examiners, the inter-library exchange system is the most called-for and efficient kind of



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

service. Given the significant number of orders for information sources (above 2.7 thousand) concerning analogues of inventions claimed in application materials, the figures of lending original sources in 2009 amounted to 77%, which is 5% higher than in 2008. The high percentage of work efficacy is achieved thanks to intensive use of modern information technologies. In particular, to provide the examination of applications for inventions with full texts of the articles from foreign periodicals, an agreement with ELSEVIER publishing company (the Netherlands) concerning providing the UIPI with fee-based on-line access to the database (DB) of the articles published in scientific and technical magazines and books of this publisher was signed in 2009.

The growth of the number of fulfilled orders for information sources activated the works on forming the knowledge base which are carried out by way of scanning the original sources. During 2009 the base was supplemented by 641 articles and by the end of December comprised 2082 articles.

The servicing of the structural departments of UIPI and SDIP in the mode of selective dissemination of information continued during the report period. To form the information to be included in thematic bibliographic lists, analysis and selection of the most significant articles from magazines and collected books on intellectual property matters were carried out. During 2009 a total of 143 addressees received 61 information notices about new acquisitions of books and 58 thematic bibliographic lists of articles.

Throughout the year a complex of organizational and coordination works aimed at providing examiners with access to commercial DBs and foreign information products on the basis of signed agreements was carried out. As a result, the examiners gained access to:

- the EPO search system within the framework of the EPOQUE Net commercial service according to the a two-year Agreement signed by this Office on 22.09.08;
- the specialized DBs in the field of organic chemistry according to the agreement signed in 2007 with the European service of STN International (FIZ Karlsruhe);
- the GenomeQuest search system of GenomeQuest Inc. (USA) for searching biological sequences;
- the information product of the «Twincom» company (Russia) «All Encyclopaedias of Rubricon», a new agreement for the use of which was signed in the IV quarter of 2009 for the period of the next year for 22 users;
- VINITI data bank (Russia), the use of which is ensured by a permanent agreement in force since 2005.

The term of agreement for the use of GenomeQuest search system expired in the III quarter of 2009 and, considering the relatively high cost of searches in this system, a decision was made not to continue using it. Free-of-charge Internet DBs will be used for biotechnology searches in the nearest period as an alternative to GenomeQuest.

All the above-mentioned information resources were used by examiners together with the PIB

collection and free-of-charge DBs provided on the web-sites of the leading patent offices.

International exchange of patent documentation with foreign offices has remained the main source of updating the foreign patent documentation files both for examination needs (PIB) and for the needs of the Ukrainian public (the Public Patent Documentation Collection, PPDC) for over 15 years. Over a period since 1993 until today, international cooperation in this area enabled Ukraine to collect significant amounts of foreign patent documentation on paper carrier and optical discs which can, by their content, basically satisfy the users' needs. However, during the last years, international exchange of patent documentation moved to a new level connected with the widespread use of the Internet for official publications and, as a consequence, offices' gradual discontinuance of traditional publications on paper, CD-ROM or DVD. The exchange of publications on material carriers progressively turns into the exchange of electronic information via the Internet. This technological process results in constant decreasing of the amounts of data received on different carriers within the framework of international exchange, which makes it impossible to update the PIB and PPDC with current patent documentation of an ever growing number of countries. So, in the foreseeable future the accumulated patent collections will turn into back file collections covering certain years and will be usable only jointly with the Internet-resources whose significance has been growing and which in prospect will replace traditional collections.

In 2009, within the above-mentioned process, the following publications stopped coming to Ukraine: official bulletins of the patent offices of Estonia, Latvia, Lithuania, Poland, Croatia (on paper), Romania (on CD-ROM), full specifications to patents of Switzerland on CD-ROM (ESPAC-CH), WIPO publication «WIPO Gazette of International Marks» (on paper).

In spite of these tendencies, during the report year the PPDC was updated by a considerable amount of foreign patent documentation, in particular on optical discs. In 2009, the official bulletins of Azerbaijan, Bulgaria and Kyrgyzstan started coming on optical discs (CD, DVD) instead of paper carrier. By the end of 2009 the PPDC comprised nearly 20.0 thousand official bulletins of patent offices on paper carriers and 15.28 thousand optical discs, among which 455

bulletins and 1.17 thousand optical discs were received within the report year. The collection of specifications to Ukrainian patents for inventions was also updated: more than 26.1 thousand items were received by the PPDC in 2009 and the total volume reached 310.36 thousand items.

The composition of the PPDC and notices about its quarterly updates are published in the «Information Resources» section of the SDIP web-portal (<http://www.sdip.gov.ua>), as well as on the web-sites of UIPI (<http://www.ukrpatent.org>) and its branch «Ukrainian Centre for Innovatics and Patent Information Services (UkrCIPIS, <http://www.ip-centr.kiev.ua>).

Availability of patent documentation from the countries with which Ukraine maintains international scientific and technical, including military and technical, cooperation, in the PPDC is constantly monitored – to date, the PPDC comprises patent documentation of 50 such countries. Besides this, the SDIP web-portal and the UIPI web-site provide updated lists of the addresses of free-of-charge foreign databases of intellectual property rights, as well as scientific and technical databases and reference resources.

In its capacity as the centre of international exchange of patent documentation, UIPI sends, and plans to send in 2010, Ukrainian patent documentation on optical carries within the framework of exchange to all partner offices excluding those which from their side initiated discontinuance of the mutual exchange. Within the process of rationalisation of the international exchange of patent documentation, the official bulletin «Promyslova Vlasnist» on CD-ROM is no longer sent to 11 offices since 2009, while the national CD-ROM «Inventions in Ukraine» was sent to 19 offices as in the previous year.

In total, the following products were sent in 2009 within the framework of the international exchange:

- 36 copies of the official bulletin «Promyslova Vlasnist» on CD-ROM (to 32 offices);
- 21 copies of the national CD-ROM «Inventions in Ukraine» (to 19 offices).

According to the notifications of the partner offices about discontinuation from 2010 of issuing the publications used for exchange, further decrease of the amounts of incoming foreign patent documentation received by exchange is expected.

In 2009, considering the important place of patent information in the set of measures for promotion of innovative activities in Ukraine, a handbook was prepared for patent information users. The publication, entitled «Patent Documentation. Acquisition and Accessibility in Ukraine. User Handbook», will be printed for free-of-charge dissemination in Ukraine in 2010.

Similar to the previous years, with the aim to build up the national patent documentation collections, the SDIP official publications were sent free of charge to certain organisations of Ukraine, namely, on paper carrier: the official bulletin «Promyslova Vlasnist» – to 29 organisations, specifications to patents – to 23 organisations; on optical carrier: the official bulletin – to 32 organisations and specifications – to 26 organisations of Ukraine, including the bodies of the national system of scientific and technical information: Ukrainian Institute for Scientific, Technical and Economic Information (only the official bulletin), State Scientific and Technical Library and 19 centres of scientific, technical and economic information. The registers of free distribution of the SDIP official publications on paper and electronic carriers have been updated for the year 2010.



Taking into account the world tendencies in transformation of information resources and rapid advance of information technologies, as well as the urgent need to create national electronic information resources in Ukraine, at the end of 2008 the SDIP Collegium made a decision about creating a Digital Patent Library (DPL). According to the respective SDIP Order and the UIPI Regulation, a joint Working Group of SDIP and UIPI was created with the aim to organise and carry out analytical researches on creating a DPL in Ukraine and to develop a draft Conception and an Action Plan for its realisation. These works are conceptually grounded and are relevant in the context of provisions of legislative and regulatory and legal acts, defining, in particular, the basics of the development of information society in Ukraine, the fundamental principles of forming a system of publically available national electronic information resources, as well as providing for the ways of developing the information infrastructure of Ukraine.

In the I-II quarters of 2009 the Working Group prepared an «Analytical report concerning possible variants and the most advisable variant of creating a Digital patent library in Ukraine», approved by the SDIP Chairman in May 2009. During the III-IV quarters the Working group continued forming the principles of drafting the Conception, analysing the conceptual decisions on the DPL general structure and the structure of its separate components.

4.2. Industrial Property International Classifications

2009 became the year of Ukraine's accession to most of the international agreements concerning international classifications of industrial property rights. In April 2009 WIPO obtained legal grounds for accession of Ukraine to:

- Strasbourg Agreement concerning International Patent Classification ratified by the Law of Ukraine of December 17, 2008 No. 683-VI. The date of the entry into force for the Agreement in respect of Ukraine is April 7, 2010;
- Locarno Agreement Establishing an International Classification for Industrial Designs ratified by the Law of Ukraine of December 17, 2008 No. 684-VI. This Agreement entered into force in respect of Ukraine on July 7, 2009;
- Vienna Agreement Establishing an International Classification of the Figurative Elements of

Marks ratified by the Law of Ukraine of February 18, 2009 No. 1000-VI. This Agreement entered into force in respect of Ukraine on July 29, 2009.

It is worth mentioning that the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks was ratified much earlier by the Law of Ukraine of June 1, 2000 No. 1762-III. The Agreement entered into force in respect of Ukraine on December 29, 2000.

Ukraine's accession to the above-mentioned international agreements enables our country not only to use the international classifications, but also to take active part in the process of their improvement.

The set of works on actualisation of the Ukrainian translations of international classifications of industrial property rights is implemented on a constant basis. In connection with the entry into force of the new versions of the IPC advanced level (2009.01) and core level (2009) as of January 1, 2009 the following works were carried out in the I quarter of 2009:

- the publication of the Ukrainian edition of the new version of the IPC core level (2009) as a supplement to the current issues of the official bulletin «Promyslova Vlasnist» on paper, from Bulletin No. 23/2008 to Bulletin No. 4/2009 inclusively;
- free distribution of the Ukrainian edition «International Patent Classification. Ninth Edition (2009). Core Level» (9 volumes) to all recipients of the Official Bulletin on paper within the Free distribution register.

According to the current practice, one copy of the printed version of the Ukrainian translation of the IPC Core Level (2009) was sent to WIPO. WIPO Questionnaire on the foreseen simplification of the reformed IPC was filled in and sent to WIPO.

In order to make the use of the electronic IPC (2009) resources – core level and Ukrainian version – convenient, the works on creating a single IRS (Information and Reference System) «International Patent Classification. Core Level (2009). Ukrainian Version (2009.01)» were completed in I quarter of 2009. The IRS is functionally and structurally similar to the WIPO search system: it enables the use of the necessary text of the Classification (core level or Ukrainian version), freely navigate from the core level text to the text of the Ukrainian version and vice versa, jump to the texts of the earlier editions of the Ukrainian version and the earlier edition of the core level. The free

access to this IRS is provided through the SDIP web-portal <http://www.sdip.gov.ua> and the UIPI web-site <http://www.ukrpatent.org>.

In the second half of 2009, in connection with the entry into force of the new version of the IPC advanced level (2010.01) on January 1, 2010, UIPI carried out works on updating the Ukrainian version of the IPC created by the SDIP Order of October 3, 2007 No. 122: comparing the official English-language text of the new IPC version (2010.01) to the previous IPC version (2009.01), identifying the changes to be brought into the Ukrainian version, their translation from English into Ukrainian and creation of the Ukrainian version of the IPC (2010.01) by inserting these changes to the Ukrainian version of the IPC (2009.01). According to the SDIP Order of December 21, 2009 No. 272, the Ukrainian version of the IPC (2010.01) will be used in the work of the state system of legal protection of intellectual property as of January 1, 2010. In this connection, updating of the respective IRS was performed in the IV quarter of 2009 – as of January 1, 2010 access will be provided to the IRS «International Patent Classification. Core Level (2009). Ukrainian Version (2010.01)».

4.3. Official and Information Publications

Publishing of the State Department’s official bulletin «Promyslova Vlasnist» and specifications to patents for inventions (utility models) on paper and electronic carriers continued during 2009. Within the report period the official bulletin «Promyslova Vlasnist» was published twice a month with circulation of 90 copies; 24 issues of the official bulletin with the total amount of 1852.96 publisher’s signatures and the 2008 Annual Index to the bulletins with the total amount of 203.83 publisher’s signatures with circulation of 65 copies were published during the year.

Table 4.1 demonstrates the total amount of information concerning the industrial property rights published in 2009.

The official bulletin «Promyslova Vlasnist» on CD-ROM and the national CD-ROM «Inventions in Ukraine», meant, in particular, for the international exchange of patent documentation, were issued regularly.

Table 4.2 presents the data on the national patent information products on optical carriers distributed in 2009.

Table 4.1. The amount of information concerning the industrial property rights published in 2009

Publication kind	Number of publications
Applications for inventions accepted for examination	5,442
Ukrainian patents for inventions	4,005
Ukrainian patents for utility models	8,390
Ukrainian patents for industrial designs	1,754
Ukrainian certificates for trademarks and service marks	15,142
Marks recognized to be well-known in Ukraine	8
Applications for registration of the qualified indications of the source of goods and/or the right for use of the qualified indications of the source of goods accepted for examination	1
Registrations of the qualified indications of the source of goods	4
Registrations of the right for use of the registered qualified indications of the source of goods	5
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	3,735
Topographies of integrated circuits	–

To ensure a high level of information presentation on electronic carriers, including databases located on the SDIP web-portal and the UIPI web-site, the following measures were taken in 2009:

- the form of presenting information concerning industrial property rights in the «Notifications» section of the DB «Electronic Version of the Accumulative Official Bulletin «Promyslova Vlasnist» was improved;
- the form of presenting information in the Internet DB «Inventions of Foreign Countries» was developed.

Within the framework of international cooperation with the leading world intellectual property organisations – EPO and WIPO, the following data were prepared and sent in the course of 2009:

- information concerning the practice of using the (23) INID code when publishing the invention (utility model) data;
- answers to the questionnaire concerning the procedure of correcting, alternating and supplementing published patent information and the state of affairs on implementation of WIPO Standard ST.50 provisions in Ukraine;

- samples of respective publications concerning corrections, amendments and/or supplements to the published patent information in Ukraine in order to include them in Part 7.4 of the WIPO Handbook «Examples of corrections, alterations and supplements relating to patent information».

The fact that SDIP and UIPI specialists take active part in the works carried out within the scope of activities of the SCIT SDWG dealing with the WIPO Standards revision, contributes to harmonization of patent information activities in Ukraine with the world community's modern policy in the field of patent documentation and standardisation. In particular, in 2009 Ukrainian specialists took active part in the work of WIPO Target Group on revision of the WIPO Standard ST.50 «Guidelines for Issuing Corrections, Alterations and Supplements Relating to Patent Information», where they brought forward a number of substantive propositions on updating this standard and drafting its new version. Beside this, in order to inform the public on WIPO standards revision, alterations and supplements brought to them, the SDIP web-portal and the

Table 4.2. Distribution of the national patent information products on optical carriers in 2009

Patent information product	Free-of-charge distribution		Fee-based distribution	Total
	Organisations of Ukraine	Intellectual property offices or organisations		
	Yearly sets			
DVD «Official bulletin «Promyslova Vlasnist»	45	36	17	98
CD-ROM «Inventions in Ukraine»	33	21	22	82
CD-ROM «Trademarks and Service Marks Registered in Ukraine»	1	1	35	37
CD-ROM «Industrial Designs registered in Ukraine»	–	–	3	3
	Backfile cumulative discs			
DVD «Trademarks and Service Marks Registered in Ukraine» (1993–2009)	–	–	16	16
DVD «Industrial Designs Registered in Ukraine» (1993–2009)	–	–	1	1



Presidium of the conference on the Day of Inventor and Innovator at National Technical University «Kyiv Polytechnic Institute»

UIPI website underwent the following updates during the report year:

- correspondent information notices were placed;
- information concerning the versions of WIPO standards currently in force was systematically updated (hyperlinks to the official texts of the Standards in English and Russian were provided);
- unofficial translations of the following WIPO Standards into Ukrainian were updated:

ST. 9 «Recommendation Concerning Bibliographic Data on and Relating to Patents and SPCs»

ST. 14 «Recommendation for the Inclusion of References Cited in Patent Documents»

ST. 60 «Recommendation Concerning Bibliographic Data Relating to Marks»

The patent offices which are members of the Standing Committee on Information Technologies (SCIT) yearly prepare annual technical reports in order to inform other offices and general public on the development of their information activities. Annual technical reports cover three areas of information activities, namely concerning inventions, industrial designs and trademarks. WIPO pays special attention to improvements in the offices' working methods, in particular connected with automation of proceeding of applications for industrial property rights and changeover to paperless technologies. As in the previous years, according to SCIT Circulars Nos 2664, 2665, 2666 of April 1, 2009, SDIP annual technical reports for 2008, disclosing the above-mentioned areas of activities, were prepared and sent to WIPO in the III quarter of 2009. In the same year, in order to improve the ways of informing users and create a new source of information for wide circles of scientific and

technical community of Ukraine concerning the SDIP information activities, the referred annual technical reports were for the first time placed on its web-portal in «Plans and Reports» section. It is foreseen that they will be made public through the Internet yearly.

During 2009:

- a significant amount of new materials, including 6 information notices on patent information matters, was prepared and made accessible on the UIPI web-site and the SDIP web-portal;
- sections «For Patent Information Users» and «Industrial Property Classification Systems» were updated.

In 2009, 7 publications on patent information, documentation and standardisation matters were prepared; reporting materials on patent information support were continuously disclosed in quarterly issues of the statistical publication «Industrial Property in Figures: Performance of the State Department of Intellectual Property and the State Enterprise «Ukrainian Industrial Property Institute».

4.4. Automation of Office Procedures on Applications for IPRs. Information Technologies Implementation

During the report year automation of the technological processes of application proceeding and information technologies implementation in the examination body were carried out according to the accepted conception of automation development and information technologies implementation, which defines three main directions of automation development:

1. Automation of the principal (basic) procedures and functions which concern application

examination, state registration of titles of protection for IPRs, official publications.

2. Automation of the procedures and functions carried out by the structural divisions of the examination body (accounting division, analysis and economic planning department, economic analysis and statistics department and others).

3. Automation of the processes aimed to provide patent information support to the examination body and external users, namely: creating the Reference and Information Collection of examination, modernisation of the search portal and active patent information warehouse, overhauling of the existing interactive databases and information and reference systems accessible through the Internet and patent information products on optical carriers (CD-ROM and DVD) as well as creating new ones.

Automation of the Principal (Basic) Procedures and Functions

The planned measures on automation development and information technologies implementation taken in 2009 were intended for improving the examination body's computer systems. In this connection the ultimate goal is to implement technological electronic document circulation in the examination body and provide the changeover to the paperless technology of proceedings the applications for IPRs.

Due to the planned measures carried out to improve the automatized systems (AS) «Inventions», «Trademarks and Service Marks» and «Industrial Designs» the following results were achieved:

1. In AS «Inventions» the functions of controlling the proceeding of applications for inventions and utility models, selecting applications for inventions and utility models, user administration within the departments of the Division of examination of applications for inventions, utility models and integrated circuit topographies were developed.

2. Means for identifying and recording technological working time within the Division of examination of applications for inventions, utility models and integrated circuit topographies were developed and integrated into the AS «Inventions».

3. A subsystem of automatic generation of numbers for incoming and outgoing documents and means of interaction of the subsystem with the technological automated systems of the examination body was developed.

4. With the aim to automate the process of preparation of supplementary documents and carry out the full-text search by the tools of AS «Inventions», an information block was created containing data on application analogues.

5. Software enabling to select files of applications for inventions and utility models was developed in order to constantly store them in the depository.

6. Software modules were embedded in the medium of the AS «Inventions» to ensure modification of automated procedures of generating claims, abstracts and specifications to patents for inventions and utility models.

7. Software was developed and implemented ensuring automated carrying out of the following functions:

- interaction of the AS «Inventions», AS «Industrial Designs» and AS «Trademarks and Service Marks» with the system of document kind classification and identification;

- general electronic proceeding performed by the specialists of the Division of examination of applications for inventions, utility models and integrated circuit topographies and the State Registration Division.

8. Testoperation of the means of computer-aided preparation of supplements to the technological documents of the Division of examination of applications for inventions, utility models and integrated circuit topographies was performed;

thereafter the above-mentioned means was handed over to start the operation and maintenance phase.

9. Design solutions for utilisation of a single document classifier within the system of registration of incoming data flow for IPR applications were developed. To improve the technology of electronic filing of application materials, software was developed enabling to perform registration of secondary (supplementary)



paper documents concerning applications filed primarily by the means of electronic filing.

10. Design documentation on creation of a software package for automation of the production processes of the examination body's Administrative Support Department and implementation of the electronic document circulation technology in the technological AS «Industrial Designs» and AS «Trademarks and Service Marks» was developed.

11. AS «Industrial Designs» and AS «Trademarks and Service Marks» were updated with regard to incoming documents processing

12. For AS «Trademarks and Service Marks», supplementary tools were developed for automation of proceeding of applications filed by national applicants for registration to the WIPO International Bureau, as well as a software system for automation of the functions of control of payments and receipts of fees for the activities connected with acquisition and maintenance of rights for internationally registered marks was created.

13. Mechanisms and interface designs were developed and implemented, enabling collection, processing and real-time display of the statistical information concerning international registration of marks.

14. Installation and adjustment of the mechanisms of image searching and recognition according to the specified criteria were performed; the referred mechanisms were integrated into the system of electronic catalogues used in the process of examination of applications for trademarks and service marks.

15. A module «Usage Statistics» and the mechanism of intelligent analysis of search strategies for the examination body's search portal were developed.

Automation of the Procedures and Functions Carried Out by the Structural Divisions of the Examination Body not Directly Involved in the Procedure of Examination of IPR Applications

In 2009 a set of works aimed at development and modernisation of the automatized system «Payment Accounting» was carried out in order to implement up-to-date technologies and platforms. In particular, the current changes in the processes of the given area were analysed; specifications for development and modernisation of the AS «Payment Accounting» were developed;

a package of client-oriented services was designed.

In order to perform periodical reporting on the kinds of investments and kinds of fixed assets, the «System of forming the regimented accounting and reference forms» was developed and implemented.

To enhance the efficiency of the examination body performance, in 2009 changes were brought into the software of the AS «Performances» to improve the procedures of calculation of statistical indicators concerning proceeding of applications for IPRs. Due to these changes, the AS «Performances» makes it possible to monitor the quality of the proceeding and efficiency of the divisions' work according to the following criteria:

- the number of applications processed by an examiner with the account of the application complexity;
- the number of the opposed conclusions made by particular examiners;
- the number of decisions of the Appeals Chamber in favour of applicants despite examiners' conclusions;
- the number of court decisions in favour of applicants despite examiners' conclusions;
- the number of decisions on granting titles of protection;
- the number of refusals of titles of protection;
- the average term of pendency of an application;
- the average number of document exchanges between an examiner and an applicant during the examination of application.

Automation of the Processes Aimed at Patent Information Support of the Examination Body and External Users

Patent information support of the functioning of the state system of industrial property rights protection and providing individuals and legal





Round-table meeting at Supreme Economic Court of Ukraine

entities with the information concerning IPRs is among the essential tasks.

In order to fulfil this task, the following information resources and products were created in the course of previous years:

- interactive electronic databases and information and reference systems placed on servers connected to the Internet;
- databases on optical data carriers CD-ROM and DVD;
- technological and auxiliary databases for internal use by the examination body's examiners;
- the search portal of the examination body, as well as a number of information retrieval systems.

These information resources and products have been available for use since 2003. Their list is updated and supplemented yearly, users' feedback being the main condition for enhancing the functionality of the search engines, interfaces and data structure.

Significant demand for patent information resources requires their constant updating, assuring the correct functioning of search engines and usability of the means of interaction between users and search systems.

In order to satisfy these needs, new procedures were developed in 2009 for updating the information and reference systems «Information on Pending Applications for Trademarks and Service Marks» and «Industrial Design Pending Applications», as well as interactive databases «Trademarks and Service Marks Registered in Ukraine» and «Industrial Designs Registered in Ukraine»

A module of full-text search with the function of word form search was developed and put into test operation for the specialised database «Inventions (Utility Models) in Ukraine».

The collective access database «Information on Invention Applications Allowed to Proceed»

was restructured, this makes it possible prompt updating of the information contained in it.

An information and reference system «International Classification of Industrial Designs (Locarno Classification). Ninth Edition» accessible through the Internet was created and set in operation.

To monitor the user activity and take off statistical data concerning the use of databases and information and reference systems, a new administration subsystem was created and implemented in 2009.

With a view to satisfy the examination information needs, the first stage of the integrated system «Reference and Information Collection for Examination» was developed and set in operation, in particular: a database was developed; a software for automatic forming of Ukrainian and Russian characteristic thesauri of scientific and technical terms on the five levels of IPC symbols (section, class, subclass, group, subgroup) was created.

To follow the WIPO recommendations concerning the use of data formats in creating patent information products in the examination body, a software was developed in 2009 enabling to present all information arrays concerning titles of protection for inventions, industrial designs and marks for goods and services registered in Ukraine in the MIMOSA authoring tool format.

In order to unify the procedures of automated drawing up of the sections of the official bulletin «Promyslova Vlasnist», a set of measures was taken to:

- create gateways for receiving information from the existing automatized systems;
 - develop the procedures of presentation of data arriving from the AS «Inventions» and AS «Trademarks and Service Marks» in the format of the official bulletin «Promyslova Vlasnist»;
 - build an information consolidation module etc.
- In 2009 measures were taken to allow for

creating a system of building, storing, periodical updating and real-time access to bibliographic data and abstracts for inventions registered in foreign countries. This database is already in operation and available on the UIPI website at www.ukrpatent.org.

The modules providing for machine translation of abstracts of patents for inventions registered in foreign countries into Ukrainian operating in the decision support system used by examiners were updated.

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 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.fabrikaidei.kiev.ua.

The most powerful among those is the official SDIP web-portal – www.sdip.gov.ua. In 2009, a considerable amount of works was carried out to improve the usability of the resource and provide the web-portal visitors with quick access to the information stored there.

During the year, over 500 news announcements were placed in the Ukrainian and English versions of the web-portal, its static and dynamic sections were updated by topical information concerning the events which took place in the state system of the legal protection of intellectual property in 2009; over 200 photo-reports from seminars, conferences, meetings etc. were published; a number of columns intended for the specialists working in the system as well as for applicants and public representatives interested in the topic was created.

Timely coverage was given to the events taking place in the intellectual property sphere, such as seminars, conferences, meetings, round tables, visits of IP specialists from foreign countries, presentations, exhibitions, press-conferences etc. Visitors to the web-portal could also study information materials related to these events. For example, besides announcements, programmes, participants' reports, slide-shows, photo-reports and participants' and guests' comments and opinions were also made available. All this information was published during the time the event took place and was complemented after it had been finished. Moreover, in the archive

sections the previously published information is stored for the visitors to the portal who were not able to study it in due time or wish to browse through it and use it later.

On the whole, an impressive information array of materials on various topics was placed on the official web-portal in 2009: coverage of current events and activities, updating and structuring of static patent information materials, which are continuously updated and supplemented with new data, improvement of navigation with the aim of providing a quicker access to information, ensuring the contact with users by creating new headings and updating the existing ones.

In order to search for information easily and quickly, the web-portal visitors used a powerful search module enabling them to apply a single query to search for necessary data in the whole information base of the resource, in separate topical sections, use logic connectors, as well as to view search results by relevance or by the date of publication. In the next year it is planned to connect the web-portal to well-known search systems operating in the Internet to widen its range of search facilities.

Communication of the specialists of the IP sphere with the web-portal users (entrepreneurs, specialists, patent attorneys, students and other interested persons) is of great significance. For this reason, close attention was paid to the separate block «Communication» comprising such headings as «Electronic Reception Rooms», «Questions/Answers», «Forum», «Blog», «Service Catalogue». Each of these headings serves a separate goal. For example, you can use one of the «Electronic Reception Rooms» to put a question to the SDIP Chairman and each of his deputies. The answers to the questions are placed by the order they were received under the «Questions/Answers» heading. This section is very serviceable as it offers answers to situational questions interesting for a significant audience active in IP sphere. «Forum» enables the users to communicate in the off-line mode, and «Blog» is designed to give registered users the possibility to keep an Internet-diary, publishing their opinions, references and reflections of certain topics. Under the «Service catalogue» heading, comprehensive information about the services offered by SDIP to natural persons, legal entities, government employees and international community is published.

One of the most important and popular sub-sections is «Databases and Information and

Reference Systems» comprising 12 databases and 9 information and reference systems.

Statistical data reveal the users' interest to the mentioned resources. For example, the Internet database «Inventions (Utility Models) in Ukraine» has been used by over 20 thousand users. The total amount of the viewed documents monthly reaches almost 100 thousand. The database «Trademarks and Service Marks Registered in Ukraine» also enjoys great popularity. During only the last two months of 2009 the users carried out 36963 searches, viewed 698,626 bibliographic data to certificates of Ukraine for marks for goods and services and 702,587 images of marks.

Over 200 letters were received on the address of the SDIP web-resource administration in 2009. The majority of the questions concerned the matters of copyright and related rights. Users were also interested in the amounts of fees and state due, the rules of drawing up and filing applications for granting titles of protection for intellectual property rights etc. Consultations were given orally by telephone and by e-mail.

On the average, over 9 thousand users visit the web-portal monthly; in the course of 2009, over 100 thousand users viewed the pages of the web-portal.

The UIPI web-site (<http://www.ukrpatent.org>) also underwent amendments and updates in 2009. In particular, the section «Databases and Information and Reference Systems» was reconstructed and updated, over 300 news announcements were placed, almost all static sections were updated, the banner block of patent attorneys and commercial organisations was reconstructed. Almost 100 letters from users was received by the website administration in 2009. The dominant topics were those concerning the procedure of drawing up documents for filing applications for industrial property rights, the

coverage of the databases and information and reference systems available on the website etc.

In 2009, the design of the official website of the State Enterprise «Ukrainian Agency of Copyright and Related Rights» was renovated. Apart from visual elements, the functional part of the website was improved, namely, the list of sections was enlarged, the version in a third language was added (the Ukrainian-, Russian-, and English-language versions of the website are now in operation), an information block titled «Ukrainian Agency of Copyright and Related Rights is Looking for Authors» is placed on the homepage of the website. The average number of visitors of the website amounted to approximately 80-100 users per day. In 2009, a significant number of publications were placed in the news section. Besides, the materials in almost all sections were updated; SDIP quarterly reports were published.

In order to keep the public informed about the activities of the state system of intellectual property rights protection, active cooperation with the mass media was maintained during 2009.

Around 300 printed materials (comments, interviews, articles by the management and the specialists of the state system) were placed in the media.

The following topics were among those covered in the media by applicants' request: the criteria of evaluation of the examination body's performance, the peculiarities of the process of drawing up and prosecution of applications, the main principles of examination in particular fields of technology, the world experience of tax regulation in the innovation field; assessment of intellectual property rights in Ukraine; patenting in foreign countries: the advantages of the procedure under the Patent Cooperation Treaty, the criteria for patent granting; digital libraries; parasitic marketing and a number of other issues.



5 International Cooperation

5.1. Cooperation with the World Intellectual Property Organization

During the report year SDIP continued the work intended to provide efficient and mutually beneficial cooperation with the World Intellectual Property Organization. SDIP's efforts were highly appraised by WIPO Director General Francis Gurry in the letter addressed to the Prime Minister of Ukraine Yulia Tymoshenko. Specifically, he has noted that assignation of SDIP as the national coordinator for implementation of the Cooperation Programme in the framework of the Agreement between WIPO and the Cabinet of Ministers of Ukraine, signed in Kyiv on May 28, 2002, created the reliable and effective basis for initiation of the annual cooperation plans.

A number of important events were held in 2009. Particularly, Ukraine has joined several international agreements, administered by WIPO: Locarno Agreement Establishing an International Classification for Industrial Designs (entered into force on July 7, 2009), Strasbourg Agreement Concerning the International Patent Classification (will enter into force on April 7, 2010), Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (entered into force on July 29, 2009), Singapore Treaty on the Law of Trademarks.

WIPO and the Ukrainian Industrial Property Institute signed the Cooperation Programme



Mykola Paladii, SDIP Chairman, and Olena Scherbakova, Head, Division of European Integration and International Cooperation. Geneva

within the framework of the Patent Cooperation Treaty. The Program is intended to improve occupational level of Ukrainian examiners dealing with international applications for inventions under the PCT, and also the level of awareness of the users of the international system for the protection of inventions, further development of information systems and technologies in the state intellectual property system.

In view of adoption of the Conception of development of the national intellectual property system in 2009–2014, a number of tutorials with WIPO, concerning the most efficient ways of its implementation, were held.

SDIP has initiated a number of important international events, in particular, seminars on the «Management of Intellectual Property Rights



Meeting with the Director General of the World Intellectual Property Organization
Mr. Francis Gurry

in Institutions of Higher Education and Research-and-Development Centres» and «Protection of the Audiovisual Works and Performances», which were held in June, 2009. WIPO Director General Francis Gurry has highly appreciated the organizational level of those seminars.

During the report year SDIP initiated the first international WIPO-Ukraine Summer School in Odessa, which has had favourable reports from the world community and drawn the attention of participants worldwide. Taking into account its positive results, WIPO administration has supported the initiative of the Ukrainian party to hold this event on the annual basis.

SDIP has continued the work aimed at solution of the problematic issue of representation of Ukraine in the WIPO Secretariat. Specifically, Ukraine has run candidates for the post of WIPO Deputy Director General and WIPO Assistant Director General. This gives concrete chances for employment of one of the candidates in the WIPO Secretariat to a rather higher post (P4).

On the results of the 47th session of Assemblies of the WIPO member states it was decided to arrange the visit of WIPO Director General to Ukraine. WIPO Secretariat gave preliminary approval to arrange it.

Ukraine concede the right of participation in the Executive Committees of Berne and Paris Unions, and also, respectively, in the WIPO Coordination Committee, taking into account the participation of Ukraine in the WIPO Coordination Committee during the last two years, and in view of rotation in a regional group of several countries in Europe and Asia. At the same time Ukraine has reserved the right to participate in the WIPO Program and Budget Committee.

In December of the report year SDIP together with WIPO held regional seminar «Recommendations Concerning the Emerging Role of Small and Medium-Sized Enterprises in CIS Countries», which became the final stage in the survey of situation, carried out by WIPO, concerning the promotion of innovations in small and medium-sized enterprises (SMEs). The recommendations are the attempt to summarise and present the most acceptable organizational,

institutional, tax, financial and credit mechanisms of influence, which can be used to enhance the innovative component of SMEs. They were developed with due account for the achieved level of development of innovative activities of SMEs on the basis of survey and comparison of the regulatory framework of CIS countries, the approved strategies of economic and innovative development, SMEs support programs, presence of innovative and intellectual potential.

5.2. Cooperation with European Patent Office

A number of activities aimed at improvement of the state system of intellectual property rights protection in Ukraine, were held during the report year within the framework of Cooperation Programme in 2008–2010, signed by SDIP and EPO.

As is known, EPO considers Ukraine as a prospective member of European Patent Organization, taking into account occupational level of Ukrainian examiners and potential of the examination body of Ukraine in the industrial property field.

In respect that Republic of Croatia recently became a member of the European Patent Organization, and Montenegro signed the Agreement with European Patent Organization on extension of the effect of European patent on its territory, Ukraine delegation visited patent offices of those States in April, 2009. In the result of tutorials, held with administrations of the above mentioned offices, useful information concerning the conditions, advantages and consequences of the membership in the European Patent Organization, was obtained.

During the year, within the framework of implementation of the Cooperation Programme, examiners of the Ukrainian Industrial Property Institute took part in several workshop sessions and trainings of the EPO Patent Academy, which gave the opportunity to learn about new trends in the area of examination of applications for industrial property rights, and share the experience with



Meeting with U.S. Ambassador to Ukraine John Tefft

specialists from other countries. Such training seminars and tutorials are the perfect possibility for our specialists to improve their occupational level, that will eventually assist in improvement and acceleration of examination of applications for industrial property rights of Ukraine.

EPO specialists have provided expert assistance on the implementation of electronic system of filing of applications for industrial property rights in Ukraine. Experience of the European colleagues helped to forward the work in this direction significantly, and it is expectable that the system of electronic filing of applications will operate in Ukraine soon.

One of the directions of the Cooperation Programme between SDIP and the European Patent Office is closer cooperation between the State Institute of Intellectual Property and EPO Patent Academy. In 2009 representatives of the State Institute of Intellectual Property took part in the Symposium of managers of the higher education institutions, which provide education in the intellectual property field. Within the Symposium Ukrainian delegation had a meeting with administration of the EPO Patent Academy, during which the agreement on carrying out a joint seminar, aimed at familiarization with European system of education in the intellectual property field, in 2010 was reached.

In September of the report year Ukrainian delegation visited EPO headquarters to meet the administration of this organization and discuss the results obtained during the year within the framework of implementation of the Cooperation Programme, and also to define priority lines of the bilateral cooperation in 2010.

During the visit the state system of intellectual property rights protection was presented; the European party has acquainted with Ukrainian legislation on the issues relating to intellectual

property and structure of the state bodies, involved in the field of legal protection and enforcement of intellectual property rights. The primary objective of the visit – to show our European partners that efficient system of the legal protection and preservation of intellectual property rights was created and now operates in Ukraine – was achieved. This, certainly, will promote intensification of bilateral cooperation, formation of the positive investment climate in Ukraine, arrival of the greater amount of applications for industrial property objects.

5.3. Participation of Ukraine in the World Trade Organization (WTO)

In March and October of 2009 in Geneva (Swiss Confederation) meetings of the regular and special sessions of the Council on the Trade-Related Aspects of Intellectual Property Rights (TRIPS Council) took place.

Within the regular meetings of the TRIPS Council WTO members discussed the following issues: the status of notifications under the TRIPS Agreement; implementation of the provisions of the TRIPS Agreement by WTO members; revision of the provisions of the Article 27.3 (b) of the TRIPS Agreement; connection between the TRIPS Agreement and Convention on Biological Diversity; protection of traditional knowledge and folklore; application of the provisions of the TRIPS Agreement relating to the protection of geographical indications, etc. Within the framework of special sessions of TRIPS Council issues concerning multilateral system of notifications and registration of geographical indications were considered.

Representatives of SDIP took part in the sessions of the TRIPS Council, introduced Ukraine on the expert level, informed about the state of



In the course of the WIPO International seminar in Kyiv

affairs in the implementation of legislation in the area of intellectual property and achieved positive feedback of the WTO member states, particularly EU, Swiss Confederation and Canada.

On the results of participation in the sessions of the TRIPS Council a SDIP position regarding the issues of the Agenda of Doha Round of negotiations of the WTO development was prepared, specifically concerning amendments of the TRIPS Agreement, relation of the TRIPS Agreement and Convention on Biological Diversity, establishment of multilateral system of registration and notifications of geographical indications, etc.

To fulfil Ukraine's commitments under the Article 63.2 of the TRIPS Agreement in 2009 SDIP submitted notifications regarding legislative acts and practice of application of national legislation in the intellectual property field, responded the requests of the WTO member states, specifically Argentina, concerning Ukrainian legislation in the intellectual property field. Respective Ukrainian notifications can be found on the WTO website www.wto.org.

5.4. Implementation of Measures Aimed at EU Integration

In 2009 the following measures aimed at the formation of the free trade area between Ukraine and European Union were implemented: participation of SDIP representatives in four regular stages of negotiations, two video conferences, interdepartmental consultations regarding the creation of the free trade area between Ukraine and EU and signing of the appropriate Agreement, on the results of which a number of provisions of the section «Intellectual property» in the draft Agreement concerning copyright and related rights, trademarks, industrial

designs, patents, topographies of integral circuits and general aspects of intellectual property rights enforcement were agreed. An agreement on the exchange of the lists of geographical indications with EU was reached. SDIP representatives took part in three trainings and meetings with the leading manufacturers, round table and seminar to prepare position of Ukraine regarding settlement of issues on the protection and mutual recognition of geographical indications within the free trade area, taking into account national

interests of Ukraine.

In December of the report year in Kyiv, within the framework of IX stage of negotiations on establishing the free trade area between Ukraine and EU, expert trainings concerning geographical indications with representatives of European party took place. During the trainings participants discussed the list of geographical indications registered in European Union, which was submitted to Ukrainian party the day before the training was held, and also practical aspects of conduction of the public trainings concerning future geographical indications.

In 2009 SDIP continued cooperation with EU in the intellectual property field within the Dialogue on intellectual property rights enforcement between European Commission and Ukraine, the Committee on Cooperation between Ukraine and EC, Sub-committee No. 1 «Trade and Investment» and Sub-committee No. 3 «Enterprise Policy, Competition, Cooperation in Regulatory Field».

Regular meetings of Subcommittees No. 1 and No. 3, during which issues concerning intellectual property rights protection, internal aspects and regulatory matters of intellectual property rights were discussed, were held in 2009 in Kyiv; SDIP representatives on the Ukrainian delegation took part in those meetings. According to the results of the meetings European party stated the progress in the improvement of legislation on intellectual property rights enforcement in Ukraine and in the field of combating counterfeiting and piracy, and also expressed hope for the further work of the Working group on the improvement of intellectual property rights enforcement. EU representative also has pointed out that this Working group is one of the most efficient and active.

In January and November of 2009 sixth and seventh meetings of the Working group on the improvement of intellectual property rights

enforcement in Ukraine was held. During the meetings the following issues were considered: legislation development in the intellectual property field, activities of the collective management organizations, combating counterfeiting and piracy, arrangement of TAIEX seminars regarding Internet piracy, author's remuneration payment by the broadcasters, collection of royalties for the private copying, using of the holographic marks, destroying of the counterfeit pesticides, etc. In the result of the meetings active dialogue between European Commission and Ukraine is maintained and also actual state of affairs in legislation in the intellectual property field and implementation of this legislation is discussed. According to the results of these meetings participants achieved the agreement on the arrangement of the number of seminars concerning issues of intellectual property for judges, representatives of public prosecutor's office and the Ministry of Internal Affairs of Ukraine using TAIEX instrument.

In 2009 SDIP prepared the application on implementation of the project of technical support called TWINNING in Ukraine, which is aimed at conducting the number of seminars for the representatives of the state bodies involved in the field of protection and enforcement of intellectual property rights, which will be aimed at solution of actual problematic issues in this field, consultative assistance for the Ukrainian Industrial Property Institute to improve examination of applications for industrial property rights, and also for the State Institute of Intellectual Property with the purpose of improvement of the quality of education in the intellectual property field.

5.5. Formation of the Free Trade Area between Ukraine and European Free Trade Association

In January, 2009 Secretariat of the European Free Trade Association (EFTA), which comprises the Republic of Island, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation, officially informed the Ukrainian party about the readiness to start negotiations concerning the formation of the free trade area. Draft Agreement on formation of the free trade area between Ukraine and EFTA contains the separate chapter «Intellectual Property».

In the report year three rounds of negotiations on the formation of the free trade area between



Mykola Paladii and Michal Svantner, Director, Division for Certain Countries in Europe and Asia

Ukraine and EFTA were held, during which, specifically, some articles of the chapter «Intellectual Property» of the draft Agreement on formation of the free trade area between Ukraine and EFTA were agreed. Detailed consideration of the articles concerning the protection of geographical indications, measures on the border, inventions and confidential information was started.

5.6. Bilateral Cooperation

In 2009 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.

SDIP took part in processing and adjustment of the following:

- draft Agreement between the Cabinet of Ministers of Ukraine and the Government of United Arab Emirates on the cooperation in the field of military defence;
- draft Agreement between the governments of GUAM member states on certain issues of intellectual property rights enforcement;
- draft Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Serbia on the cooperation in the intellectual property field;
- draft resolution of the Cabinet of Ministers of Ukraine on «Approval of the Framework Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on Cooperation in the Field of Investigations and Use of Space for Peaceful Purposes»;
- draft resolution of the Cabinet of Ministers of Ukraine on «Approval of the Framework Agreement between the Cabinet of Ministers of Ukraine and the Government of Azerbaijan Republic on



Meeting with representatives of the Danish Patent and Trademark Office

Cooperation in the Field of Investigations and Use of Space for Peaceful Purposes»;

- draft Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on the cooperation during construction of power generating units No.3 and No.4 of Khmelnytsk NPP;

According to bilateral agreements Action plan on implementation of cooperation in the field of intellectual property rights protection between SDIP and State Agency on Intellectual Property of the Republic of Moldova in 2009–2010 was signed. Currently the possibility of conducting the meeting of examiners from Ukraine and the Republic of Moldova concerning electronic filing of documents and electronic signature is discussed.

SDIP representatives took part in the interstate Ukrainian-Swiss Commission on Trade and Economic Cooperation, during which modern system for intellectual property rights enforcement was presented, and also matters of intellectual property rights enforcement, specifically, use of indications connected with the name of State of the Swiss Confederation, in the composition of trademarks, were considered.

In 2009 an active cooperation between SDIP and the Government of the United States of America continued.

SDIP representatives took part in the meetings of Ukrainian party of the Ukrainian-American Committee on Trade and Investments, and also in the work of the second joint meeting of Ukrainian-American Committee on Trade and Investments held on October 14–15 of the report year in Washington (USA).

Ukrainian party presented measures implemented by the Government of Ukraine with the purpose of adjustment of problematic issues of intellectual property rights enforcement.

After the meeting of the Ukrainian-American Committee on Trade and Investments Action

plan was signed, this provides transfer of experience by American party concerning solution of the issues on intellectual property rights enforcement, and also disposal of the report data on the provision of intellectual property rights enforcement to the USA Government to estimate the obtained results.

During the report year two meetings of the Ukrainian-American Intellectual Property Enforcement Cooperation Group were held.

During the 9th meeting of the Cooperation Group, held on February 10, 2009, issues on destroying of infringing and pirate goods were considered. Minutes of the session of the Group, and also draft amendments to the existing legislation, provided by the European Business Association within above mentioned meeting, were sent by SDIP to relevant ministries for processing.

On December 3, 2009, 10th meeting of the Cooperation Group, during which issues of legalization of software in the executive bodies were considered, was held. Representatives of the relevant ministries and offices, companies-rights holders, and also of the Embassy of USA in Ukraine took part in the session. It was decided that participants of the session would prepare proposals on the improvement of regulatory and legal framework, implementation of educational and organizational measures for enhancing the situation with legalization of software.

Representative of the Embassy of USA in Ukraine has outlined positive shifts in the field of intellectual property rights enforcement in Ukraine, which is proved by the increase of Ukraine's rating in the «Special 301» list.

5.7. Cooperation with the CIS Countries

Being the CIS member, Ukraine fulfils its obligations concerning a number of multilateral agreements with the CIS member states. Within the framework of multilateral cooperation with the CIS countries in the field of intellectual property rights protection, in order to fulfil commitments in the bounds of the Agreement on cooperation in termination of law infringements in the intellectual property field and the Agreement on industrial property rights protection, SDIP representatives participated in 2009 in meetings of the Joint Working Commission of Member States of the Agree-

ment (the Commission) and the Interstate Council on Industrial Property Rights Protection (IC IPP).

On April 14–15, 2009, in Minsk (Republic of Belarus) the 18th meeting of the Commission dealing with a number of topical issues, concerning the enforcement of intellectual property rights in the CIS member states, was held.

Main issue of the meeting was the discussion of a draft of the Action plan, necessary to accompany stages of implementation of Economic advancement strategy of CIS for the period till 2020, which concerns prevention of infringements in the intellectual property field (Action plan). In order to solve this matter participants of the meeting decided to perform domestic procedures in each CIS member state. In turn, SDIP together with Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, Ministry of Foreign Affairs of Ukraine and State Customs Service of Ukraine processed the Action plan and submitted comments and proposals.

On September 9–10 of the report year in Yerevan (Republic of Armenia) Ukrainian delegation participated in joint meeting of IC IPP and the Commission, during which the conception of establishing of the Interstate Council on Legal Protection and Enforcement of Intellectual Property Rights and consideration of the draft Agreement «On Cooperation in the

Field of Protection and Enforcement of Intellectual Property Rights and Establishing of Interstate Council on Legal Protection and Enforcement of Intellectual Property», and also regulation «On the Interstate Council on Legal Protection and Enforcement of Intellectual Property Rights» was discussed. The conception of establishing the Interstate Council provides for consolidation of the functions of IC IPP and the Commission, and widening the scope of their activities towards the field of copyright and related rights.

During the joint meeting of IC IPP and the Commission proposals concerning implementation by the CIS member states of joint educational programs in the field of intellectual property were considered. Presently, State Institute of Intellectual Property continues cooperation within CIS in the field of education, developing educational programs aimed at the students from CIS countries.

Participants of the meeting summed up the results of the project of regional patent information product of CIS countries on CD-ROM, and also coordinated results of investigation «On the Development of Inventive Activity and Assistance to the Small and Medium-Sized Innovative Business to Use Mechanisms of Legal Protection and Enforcement of Intellectual Property», held by IC IPP together with WIPO.

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

6.1. Specialist Training and Skill Upgrading

One of the essential elements of the innovative infrastructure is its educational component. Training and upgrading of skills of specialists capable of managing the processes of acquisition of protection, use and enforcement of intellectual property is one of the vehicles transferring the national economy to the innovative development model.

In 2009, 16 higher educational institutions of Ukraine trained students for specialist's and master's degrees in the specialty «Intellectual Property». Altogether during the report period, 507 such specialists were trained: 248 masters and 259 specialists.

The state order for personnel training in intellectual property field in the report year amounted to 194 persons, including 117 persons for master's degree and 77 persons for specialist's degree.

A significant contribution to the training of such specialists was made by the State Institute of Intellectual Property (Institute) responsible for the scientific and methodological support of the educational specialty «Intellectual Property». Students of the full-time and extra-mural courses defended their written qualifying papers for

master's and specialist's degrees in specialty «Intellectual Property» in the period between June 9 and June 30, 2009. Based on the results of the papers defence, 43 masters and 119 specialists got state-recognised diplomas. The State Examination Board recommended 10 works for practical application in the state system of intellectual property.

The dynamics of the specialist and master graduation in the Institute in 2001–2009 is shown in fig. 6.1.

In view of the fact that the Law of Ukraine «On the State Regulation of Activity in the Sphere of Transfer of Technologies» provides for creation of divisions dealing with innovative activities,

technology transfer and intellectual property in the state run public authorities, and considering the growing number of productions before the court on intellectual property rights infringement, SDIP together with the Institute paid special attention to the training of intellectual property specialists for executive bodies and judicial power authorities. Thus, 73 state employees and 11 judges were enrolled to the Institute in 2009, which made up 42% of the total number of the persons enrolled for the study (200 persons).



Deputy Minister of Education and Science of Ukraine Maksym Strikha with graduates of the State Institute of Intellectual Property in 2009

Fig. 6.1. The dynamics of the specialist and master graduation by the specialty «Intellectual Property»

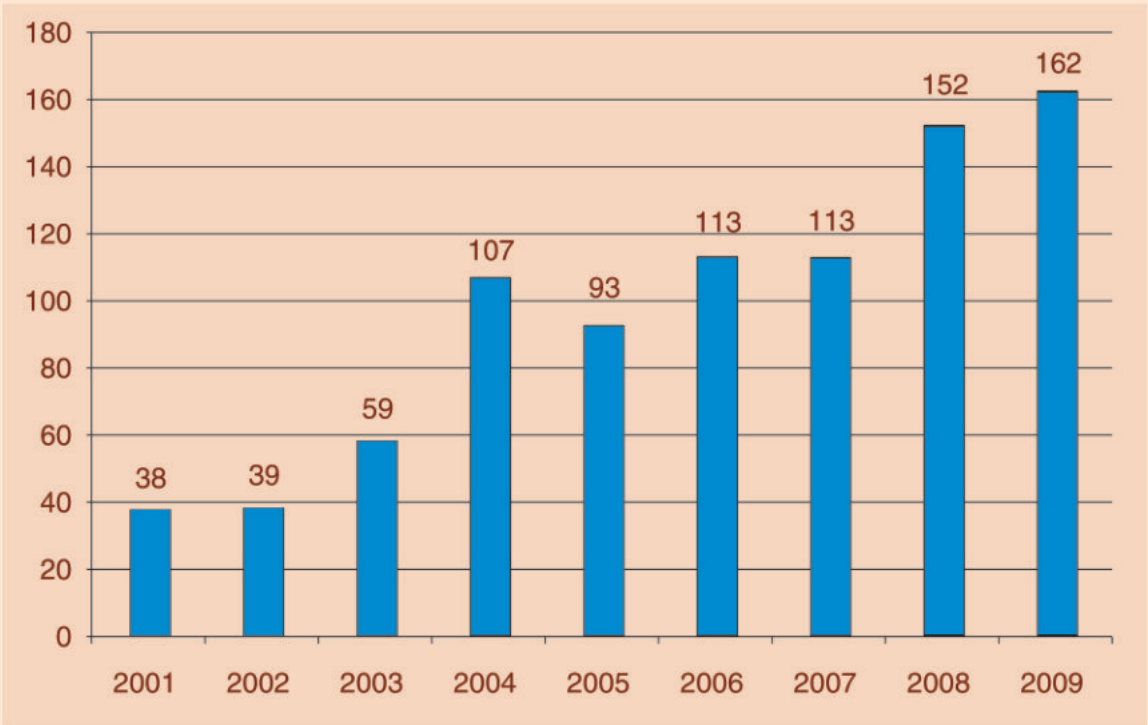
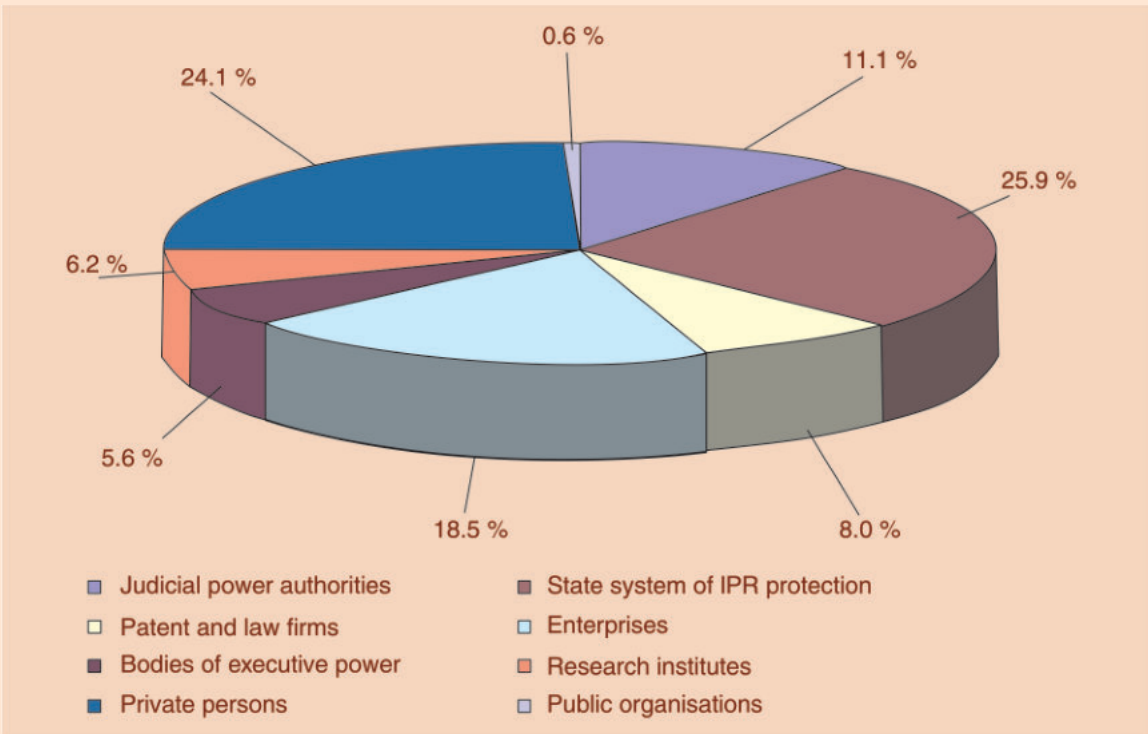


Fig. 6.2. Distribution of the Institute’s graduates by the specialty «Intellectual Property» by the place of employment

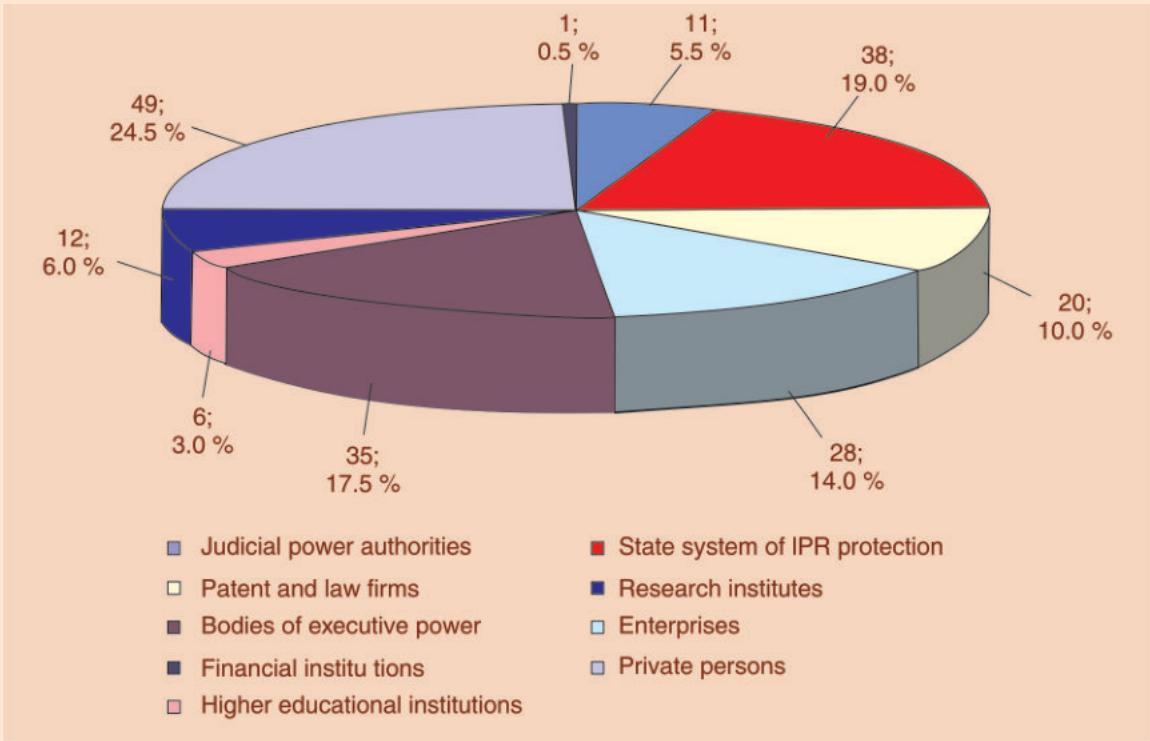


Those interested in enriching their knowledge on intellectual property matters, continued their study in the Institute by the means of distance learning programme of the WIPO Academy,

course DL-101 «General Course on Intellectual Property» (Ukrainian-language modules).

In order to upgrade the skills of scientific workers in intellectual property field, the Institute, supported

Fig. 6.3. Categories of persons accepted as students to the Institute in specialty «Intellectual Property» in 2009



by the intergovernmental organization «Ukrainian Scientific and Technological Centre» developed a training programme «Commercialisation of the Results of Scientific Research». It is intended for 160 academic hours, includes two audiovisual modules for distance learning, three business games (cases) for interactive learning, two individual tasks and computerised tests for the control of knowledge level. The programme was tested in the Institute of Radio Physics and Electronics of the National Academy of Sciences of Ukraine (Kharkiv) in the group consisting of 23 scientific workers.

In 2009 the Institute together with SDIP ensured skills upgrading for teachers of institutions of general education, academic teaching staff active in the fields of intellectual property and innovative activity, specialists in technology transfer, namely candidates to technologic brokers – all in all over 700 persons.

In the course of 2009, in order to provide scientific and methodological support of training the specialists in specialty «Intellectual Property» the Centre of Small Offset Printing of the Institute published nine titles of textbooks and teaching aids with the total number of printed copies reaching around 2500.

To improve the international image of the state system of the protection of intellectual

property rights and enable the Institute to enter the international structures carrying out training and skills upgrading of intellectual property specialists, the creation of an International training and scientific centre was initiated. The aim of this Centre’s activities is the realisation of international master’s programmes for training specialists in the field of intellectual property, technology transfer and innovative activities, as well as training of specialists from CIS countries in specialties «Intellectual Property», «Consolidated Information» and «Innovative Activity Management». The Institute’s initiative was approved by the Decision of the SDIP Collegium of November 14, 2008 and supported by the Ministry of Education and Science of Ukraine, which on July 16, 2009 gave the educational institution a licence for carrying out educational activities in training foreign citizens in basic accredited areas (specialties).

Training of patent attorneys and professional intellectual property rights appraisers remained an important task throughout the report period. During the year 7 professional intellectual property rights appraisers and 28 candidates to intellectual property representatives (patent attorneys) were trained.

SDIP also carried out qualifying evaluation of intellectual property representatives (patent

attorneys), administered complaints about the actions of patent attorneys connected with undue performance of their professional duties, controlled the observance of the requirements of the existing legislation on the IP field by patent attorneys, maintained the State Register of Patent Attorneys.

In 2009, the SDIP Examination Board certified 20 candidates to intellectual property representatives (patent attorneys). As of January 1, 2010, the total number of registered patent attorneys in Ukraine amounted to 360 persons providing services in the field of intellectual property rights protection in 37 cities and towns of 19 regions of Ukraine and the Autonomous Republic of Crimea.

6.2. Scientific and Practical Conferences and Seminars

In 2009 SDIP organised and held 5 conferences, including 2 international, and 14 seminars, including 3 international and 3 regional, concerning topical issues of acquisition, use and enforcement of intellectual property rights (Annex 2).

In particular, within the framework of the World Intellectual Property Day celebration, a scientific and practical conference «Situation and Prospects for the Development of the State System of Intellectual Property Rights Protection in Ukraine» was held on April 24.

Jointly with the State Institute of Intellectual Property the IX All-Ukrainian scientific and practical conference «Problems of Training, Retraining and Professional Improvement of Specialists on Intellectual Property, Research-and-Information and Innovation Activities in Ukraine» was prepared and held, hosting 83 participants from all regions of Ukraine, representing 32 higher educational institutions, as well as representatives of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Ministry of Education and Science of Ukraine and SDIP. This proves the great interest the scientific and pedagogical community of Ukraine takes in the matters of training specialists in intellectual property, information and analytical and innovative activities. During the conference a round table meeting was held on the matters of drawing up textbooks and teaching aids to supply the academic activity in specialties «Intellectual Property», «Consolidated Information», «Innovative Activity Management»; a general discussion on the topic of the conference took place.

In July 20–30, a two-week WIPO International Intellectual Property Summer School was held on the basis of Odessa National Academy of Law. Its holding was initiated by SDIP jointly with WIPO within the framework professional development programme. The Summer school offers a unique educational programme covering all aspects of intellectual property. Its mission is to provide opportunity for senior students and young professionals to refine their knowledge in the field of intellectual property which is a tool of economic, social, cultural and technological development of the society, and to display WIPO's role in the global administration of intellectual property. To date such training programmes are realised in a number of countries, Ukraine being the seventh among them. It is substantial that the working language of the Summer school was English, which made it possible to engage students and teachers from 11 countries of the world in participating in it. SDIP Chairman Mykola Palaliy expressed his hope that the Intellectual Property Summer School would become a yearly event in Ukraine.

The traditional XIV International Scientific and Practical Conference «Actual Problems of Intellectual Property» (August 31 – September 4, Yalta) organised by SDIP jointly with WIPO, EPO and the Council of Ministers of the Autonomous Republic of Crimea welcomed the representatives of the state authorities and state governing bodies, industrial enterprises, judicial system, research-and-development institutions, higher educational institutions, public organizations, lawyers and patent attorneys of Ukraine and foreign countries, as well as representatives of international organisations and businesses, intellectual property specialists and managers from Latvia, the Republic of Poland, Russian Federation, Czech Republic, Ukraine, national intellectual property offices of the Republic of Kazakhstan and the Republic of Slovenia, the Embassy of the USA in Ukraine, international organizations – WIPO and the European Alliance for Copyright (Budapest, Hungary) – a total of 209 persons. The focus was on such important issues as the strategy of development of the state system of protection of intellectual property rights; amendments to the legislation in intellectual property field; the use of intellectual potential for the development of business, industry and enhancing competitiveness of the products manufactured by domestic enterprises;



In the course of the scientific and practical seminar on the preparation to EURO 2012 Championship

acquisition of protection, use and enforcement of rights for trademarks and service marks and other designations; international registration of intellectual property rights and rising the export capacity of Ukrainian enterprises; the problems of technology transfer in the modern economy; the role and functions of collective management organisations in regulation of the use of copyright and related rights objects; intellectual property specialist training.

On September 16, Scientific and Practical Conference «Problems of Development of Inventive and Rationalization Activities in Ukraine» took place on the occasion of the Day of Inventor and Innovator. It was organised by SDIP together with the National Technical University of Ukraine «Kyiv Polytechnic Institute». The participants of the event examined the exhibition of the developments of the «Kyiv Polytechnics» Science Park and the display of the State Polytechnic Museum of Ukraine. During the ceremonial meeting, the inventors were awarded with WIPO gold medals.

Throughout the year, round tables, councils and meetings were held regularly. In particular, the round tables were dedicated to the following topics: «Interpreting the notions «misleading» and «able to mislead». Practical application of these criteria during examination of applications for trademarks and service marks and legal expertise», «Essential features of industrial designs and analysis of their use in case of disputes», «Use of intellectual property rights for the development of the Ukrainian business», «Discussion of the problems of the activities of regional representative offices of collective management organisations», «Novelties in the

legislation in the field of industrial property», «Enforcement of intellectual property rights in case of technology transfer», «Peculiarities of realisation of copyright in the areas of architecture, design and visual art», «Matters of preparation to the state registration of author's right in a work and registration of agreements concerning author's rights in a work; jointly with the National Writers' Union of Ukraine and the National Journalists' Union of Ukraine the problematic issues were considered with the aim to find solutions for relevant directions; for the areas of use of copyright and related rights objects, the necessity of remuneration was discussed with the

users of these objects (the National League of Ukrainian Composers, the National All-Ukrainian Music Union, the National Composers' Union of Ukraine) etc. Also, a number of consultations were held concerning the development of mechanisms of realisation of legislative amendments regarding creation and functioning of the information base of names of copies, the list of titles of creative works for which requests for control marks were filed, in order to engage right owners in the process of distribution of control marks; a number of problematic issues were discussed with the Ministry of Culture and Tourism of Ukraine, the National Union of Film-Makers of Ukraine, the National Union of Theatre Workers of Ukraine in order to improve the activities of collective management organisations and authorised collective management organisations; together with the State Committee for Informatization, the issue of expediency and possible utilisation of the free (open) software in the bodies of executive power in order to ensure efficient application of budget funds was discussed.

Besides this, a meeting of the SDIP Public Board took place on February 23, where the draft Conception of the development of the state system of protection of intellectual property rights for 2009-2014 was discussed.

On February 28 a meeting of the students of the Pryazovskyi State Technical University with the SDIP specialists was held, which was dedicated to the matters of legislation in the area of legal protection of intellectual property, copyright and related rights and their registration. The students were interested in such questions as protection of computer software by a separate legislative act; protection of innovation proposals;

transfer of copyright for photographic works and resolution of disputes between a photographer and a model; creation of specialised intellectual property courts; compliance of education in specialty «Intellectual Property» to the international requirements.

Within the framework of the State purpose-oriented programme of preparation and conducting of the final part of the European Football Championship 2012 in Ukraine, SDIP organised and held a training workshop for the specialists of the Division of Examination of Designations and Industrial Designs entitled «Peculiarities of the Examination of Applications for Trade-marks and Service Marks and Industrial Designs Considering the Requirements of the Law of Ukraine «On Organization and Conducting of the Final Tournament of the European Football Championship 2012 in Ukraine»

The Programme also foresees organisation and holding of seminars, conferences and other events on the matters of acquisition and enforcement of intellectual property rights of UEFA and its commercial partners. In 2009, in different Ukrainian cities – Kyiv, Donetsk, Kharkiv and Lviv – a number of regional scientific and practical seminars were held under the common topic, namely «Acquisition and Enforcement of Intellectual Property Rights of the Union of European Football Associations and its Commercial Partners».

The specialists of the state system of protection of intellectual property rights took active part in nearly 20 seminars, conferences, working meetings and other events held by other Ukrainian organisations.

6.3. Creative Activity Stimulation

In order to promote intellectual property-related knowledge and to raise awareness of the youth in the intellectual property fundamentals, works on translation, editing and publishing of the WIPO series «Learn from the Past, Create the Future» were continued within the framework of international cooperation with WIPO. The series is intended for 8–14 year-old children and consists of four workbooks. The first workbook – «Inventions and Patents» was published in 2008. In the first half of the report year the second workbook of this series – «The Arts and Copyright» was translated into Ukrainian and edited; its dummy



Participants and guests of the seminar «Acquisition and Enforcement of Intellectual Property Rights of Union of European Football Associations (UEFA) and Its Commercial Partners»

layout was created, and in the III quarter of 2009 it was published with the circulation of 2 thousand copies. According to the signed agreement, 10 copies were sent to WIPO. 700 copies of each of the two workbooks were sent to 112 organisations of Ukraine free of charge.

Yearly, SDIP takes part and provides assistance in holding the week of all-Ukrainian and international scientific and educational projects «Ukraine–Europe–World». On February 10–12, 2009, within the framework of this event, the all-Ukrainian contest of young innovators and inventors entitled «Nature–Man–Industry–Ecology» was organised by the Ministry of Education and Science (MES) together with the National Eco-Naturalistic Student Centre in Kyiv. On the basis of the results of this contest, 50 pupils, students of vocational schools and universities from 15 regions of Ukraine, the Autonomous Republic of Crimea and Kyiv were awarded with SDIP diplomas for creative achievements in biology, medicine, ecology, chemistry, agricultural research and physics. Among those, 9 persons were awarded with the «Author» honorary badges.

In order to evolve gifted youth and set up conditions for creative development and stirring up scientific and research activities in higher educational institutions, a decision was made by the MES Order № 992 of 30.10.2008 to hold an all-Ukrainian contest of student scientific works in intellectual property. The right to hold the I All-Ukrainian contest of student scientific works was given to the Pryazovskyi State Technical University (Mariupol). The announcement of the contest results took place in March 2009. 31 students from 18 educational institutions from all regions of

Ukraine participated in the contest. The Contest committee declared the students of the State Institute of Intellectual Property, Pryazovskyi State Technical University and National Metallurgical Academy of Ukraine (Dnipropetrovsk) the winners of the contest. The contest diplomas were also awarded to the students of the University of Economics and Law «Krok» (Kyiv), Ternopil National Economic University, National Technical University «Kharkiv Polytechnic Institute» and Donetsk State University of Management.

Apart from this, an all-Ukrainian student intellectual property competition was established in the report year, its organisation being the responsibility of the State Institute of Intellectual Property.

Since 2000 SDIP holds a yearly All-Ukrainian Contest «Invention of the Year». On March 18, 2009 the results of the Contest «Invention 2008» were announced and the winners were named. The Contest began on August 1, 2008 in all regions of Ukraine and was open for inventors, enterprises, institutions, organisations, research groups irrespective of their departmental affiliation, form of ownership and location. A total of 188 works were submitted for the Contest. The largest proportion of works was presented in the following nominations: machine building and instrument engineering (34), medicine and pharmacology (30), environment protection (22). Among the regions the leaders were Kharkiv region (31), Kyiv region together with Kyiv (30) and Transcarpathian region (22).

The first place in the absolute nomination «Best Invention of the Year» was awarded to patent No. 25600 «Front-operated tunnelling machine FTM», the second – to patent No. 30840 «Rectifier for arc welding and submerged-arc build-up welding». The third place was awarded to the work «Method of selective insulation of cones of inflow of mineralised stratal waters of calcium chloride and magnesium chloride type». A winner was chosen in every regional and branch nomination.

A development entitled «A disposable plastic cup holder» (patent № 31798) won in the «Best Youth Invention» nomination. One of the three co-authors of the invention is a 13-year-old schoolboy Vladislav Lebedkin, a student of the Small Academy of Sciences (SAS) of the Crimea and a joint owner of eight titles of protection.

The special prizes of the Contest were awarded to «Inmaisters» limited liability company for the high social value and humanistic orientation of

the set of works on rehabilitation of people with disabilities, and Uzhgorod National University for its fruitful work with creative youth.

The SDIP diplomas were awarded to the Contest winners in 34 nominations.

The closing of the Contest was, as in the previous years, dedicated to the World Intellectual Property Day celebration which was held on April 24, 2009.

On the basis of the Contest results, in the report year the WIPO gold medals were awarded:

- in the nomination «Women Inventors» – to Svitlana Nedelska, Head of the Pediatrics Department of the Zaporizhzhia Medical University, and Tamila Shumna, assistant lecturer of the same Department – the winners of «Invention-2008» contest in Zaporizhzhia region for the invention «Method of prognostication of allergic diseases in children» (patent No. 83971);
- in the nomination «Best Inventor» – to Vladimir Liulko, the author of the invention and patent owner, the winner of «Invention-2008» contest in Sumy region – for the work on environment protection, namely for the invention «Method, device and system of collecting recyclable materials from population» (patent No. 84293) for his achievements in improving the existing technical means for collection, pre-treatment and utilisation of recyclable waste and implementation of the new ones.

For outstanding achievements in development and implementation of highly effective technology of treating patients with infantile cerebral paralysis, osteochondrosis, consequences of injuries and organic lesion of the nervous system, the «Outstanding Inventor» award was presented to the Hero of Ukraine, Honoured worker of science and technology of Ukraine, laureate of state prizes of Ukraine, Director General of the International clinic of rehabilitation treatment, Doctor of Medicine, professor Volodymyr Koziavkin (Truskavets, Lviv region).

In August, the next Contest «Invention of the year – 2009» was announced. At the WIPO initiative, 2009 was declared the year of green innovations. It is innovations designed to protect environment and prevent climatic changes that will be a priority in this Contest.

On March 4-5, SDIP took part in the 5th specialized exhibition «Electronics – 2009» (Lviv).

From March 30 to April 24, in accordance with the Order of the President of 04.07.2005 No. 1013/2005 «On Urgent Measures to Ensure

Functioning and Development of Education in Ukraine» and with the aim of spiritual, creative and intellectual development of the children of Ukraine, their upbringing in the spirit of patriotism and democratic values, creating the conditions for forming intellectual potential of the nation, evolving and supporting gifted students, involving them in scientific, research and experimental work, the III stage of the All-Ukrainian contest-presentation of scientific and research works of pupils-members of the Small Academy of Sciences (departments of computer and technical sciences, mathematics, physics and astronomy, economics, history and geography, philology and art study, biology, ecology, chemistry, agricultural sciences and human science) was held. Mykola Paladii, SDIP Chairman, handed the prizes from SDIP and the SAS Board of Guardians to the contestants who won in the departments of computer and technical sciences.

On September 24–27 the V International Salon of Inventions and New Technologies «New Time» was held in Sevastopol. The co-organisers of the Salon were SDIP, the Ukrainian Industrial Property Institute and its branch Ukrainian Centre for Innovatics and Patent Information Services. The leading inventor organisations, companies and enterprises from 26 countries of the world participated in the V International Salon, namely from Argentina, Armenia, Azerbaijan, Bosnia and Herzegovina, Canada, Croatia, Estonia, France, Germany, India, Iran, Italy, Japan, Kazakhstan, Kyrgyzstan, Moldova, Poland, Romania, Russian Federation, Serbia, Spain, Ukraine, USA and Turkmenistan. Around 250 developments (50% of them being foreign) presented on the V Salon were judged by the international jury headed by professor Pierre Fumier (Belgium) and by the national jury headed by Anton Karlov, the representative of Ukraine in the European TRIZ Association. The representatives of SDIP and Ukrainian Industrial Property Institute were also among the jury. The work in the jury of the Salon enabled our specialists to study the inventions and cutting-edge technologies of the participating countries and to appoint the best among them.



Best inventors were presented with the honorary awards of the State Department of Intellectual Property

The awarding ceremony took place on the closing day of the Show.

SDIP's special prize was awarded to the research and production company «Ukrtranskom» (Kyiv) for its «Method of intensification of combustion of gaseous fuel». The following persons were awarded with SDIP's diplomas and «Creator» honorary badges:

- V.Kulinichenko, Professor of the National Medical Academy of Postgraduate Education named after P.Shupik;
- O.Salo, Professor of the Kharkiv Plant Breeding Institute named after V.Yuryev;
- M.Honcharenko, Professor of the Kharkiv National University named after V.Karazin;
- N.Subota, Professor of the Kharkiv National Pedagogical University named after H.Skovoroda,
- T.Pinchuk, Director of the Sevastopol Polytechnic Lyceum.

For promoting innovative development and inventive activities in Ukraine, SDIP awarded its diplomas to:

- Professor Pierre Fumier (Belgium), Head of the international jury,
- Maria Chang Leng, Chairman of the Belgium Chamber of Inventors;
- Professor V.Chernoles, Head of the Saint-Petersburg municipal and Leningrad regional branches of the All-Russian Society of Inventors and Innovators;
- A. Novikov, rector of the Ukrainian Maritime Institute (Sevastopol).

A special prize of the Ukrainian Industrial Property Institute was handed to the Ciscarpathian

National University named after V.Stefanyk for its development «Electrode material for super-condensers». Besides, honourable distinctions of international and foreign organisations were awarded:

- Mykola Paladii, SDIP Chairman, was decorated with Chevalier Order of the Belgium Chamber of Inventors;
- Alla Zharinova, Director of the Ukrainian Industrial Property Institute and Larysa Demidova, Deputy Head of the Public Relations Division of the Institute and the member of the international jury, were awarded with medals of honour of the International Academy of Authors of Scientific Discoveries and Inventions named after O. Popov;
- Lev Hlukhivskyi, First Deputy Director of the Institute and the member of the international jury was awarded with the medal named after Yu. Kondratiuk of the Federation of Astronautic of Russia and with a gratitude letter from the Sevastopol Municipal State Administration for the active participation on the organisation of the Salon.

Gold medals of the International Salon «New Time» for the outstanding contribution to the intellectual property development in Ukraine and international cooperation in innovative activities were awarded to the organisations of the state system of the intellectual property rights protection and coorganisers of the Salon—the State Department of Intellectual Property, the

Ukrainian Industrial Property Institute and its branch «Ukrainian Centre for Innovatics and Patent Information Services».

The Federal Agency for Science and Innovations of the Russian Federation awarded the activities of the Ukrainian Industrial Property Institute with a special prize and a diploma.

A great number of participants of the V Salon were awarded with other special prizes of inventors', innovative and scientific organizations of the countries represented in its work.

Based on the results of the work of the V Salon, the Union of Gifted Youth of Ukraine defined the nominees for special awards, namely Mikhailo Krasniuk (Sevastopol), Oleksandr Zhamba (Tulchin), Anton Soshnikov (Donetsk) and Yurii Zakuskin (Orikhiv, Zaporizhzhia region).

In September, at the invitation of the Ministry of Defence of Ukraine, the leading specialists of the state system of intellectual property rights protection took part in the work of the contest committee of the All-army contest «Best Invention of the Year» held on the base of the Central Research Institute of Weapons and Military Equipment of the Armed Forces of Ukraine.

On November 19–20, SDIP specialists participated in the III International forum «Modern Innovation Policy: State, Problems and Development Prospects» held by the Ministry of Education and Science of Ukraine together with the German Society for Technical Cooperation (GTZ) GmbH in Dnipropetrovsk.



WIPO honorary awards on the Day of Inventor and Innovator – 2009

Annexes

1. Statistics

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

Code	Country	National procedure					PCT procedure				
		2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
	Total:	3842	3788	3766	3149	2681	1750	2142	2397	2548	2134
UA	Ukraine	3535	3472	3440	2823	2436	3	2	–	2	–
AT	Austria	4	5	3	9	6	26	30	48	54	41
AU	Australia	–	–	–	–	–	14	19	28	26	10
BE	Belgium	7	7	4	4	2	47	84	98	73	70
BG	Bulgaria	–	4	1	–	–	4	–	2	3	1
BY	Belarus	22	21	15	10	7	4	1	4	–	1
CA	Canada	–	3	1	2	2	19	23	21	21	27
CH	Switzerland	16	8	13	8	16	100	118	139	216	195
CN	China	3	–	1	4	1	7	14	10	14	11
CZ	Czech Republic	–	2	1	2	–	10	17	15	15	20
DE	Germany	52	67	77	61	42	338	467	435	479	375
DK	Denmark	2	4	2	3	3	37	64	51	66	43
ES	Spain	1	1	2	3	1	14	33	26	16	19
FI	Finland	–	2	2	1	3	35	21	19	22	32
FR	France	75	47	33	45	23	118	119	140	165	135
GB	United Kingdom	–	5	3	–	3	48	65	90	132	78
HU	Hungary	–	–	–	–	–	12	30	14	34	23
IE	Ireland	–	–	–	–	1	11	16	25	11	2
IL	Israel	5	4	3	3	–	17	12	16	19	12
IN	India	–	1	–	–	–	8	18	37	27	10
IT	Italy	5	3	19	9	5	53	42	68	65	51
JP	Japan	1	6	3	6	1	53	51	77	88	92
KR	Republic of Korea	–	3	–	2	–	16	23	34	17	13
LU	Luxemburg	–	1	2	1	1	10	14	9	17	12
NL	Netherlands	2	1	–	–	1	66	82	82	82	59
NO	Norway	–	1	1	–	–	4	12	20	16	7
PL	Poland	2	–	14	16	3	9	9	8	4	10
RU	Russian Federation	66	44	36	44	45	23	48	45	49	54
SE	Sweden	3	6	8	2	2	67	82	87	81	72
SK	Slovakia	1	–	2	–	1	1	3	3	2	3
US	USA	34	54	72	67	64	520	559	676	657	582
	Others	6	16	8	24	12	56	64	70	75	74

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

N	Technical Unit	IPC classes	National procedure					PCT procedure				
			2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
	Total:		3842	3788	3766	3149	2681	1750	2142	2397	2548	2134
1	Agriculture	A 01, except A 01N	204	198	207	143	124	24	27	26	45	24
2	Food stuffs; Tobacco	A 21–A 24	108	121	133	69	60	39	53	80	65	90
3	Personal or domestic articles	A 41–A 47	33	23	32	12	14	19	36	24	26	19
4	Health; Amusement	A 61–A 63, except A 61K	223	213	199	224	163	216	67	79	92	81
5	Preparations for medical, dental or toilet purposes	A 61K	114	127	130	120	104	353	366	401	360	273
6	Separating; Mixing	B 01–B 09	144	160	185	144	104	71	62	74	88	74
7	Shaping (Metal)	B 21–B 23	135	149	151	136	94	53	65	75	89	61
8	Shaping (Material Processing)	B 24–B 30, B 32	59	38	85	69	27	40	41	62	44	60
9	Printing	B 41–B 44	11	12	9	7	9	16	15	9	15	8
10	Transporting	B 60–B 68	188	203	248	213	142	80	83	106	121	81
11	Micro-structural technology; Nano-technology	B 81–B 82	0	2	2	0	2	0	0	0	1	0
12	Chemistry (Inorganic)	C 01–C 05	159	195	202	190	173	49	71	67	99	61
13	Chemistry (Organic)	C 07, A 01N	72	116	102	80	65	289	685	685	761	649
14	Chemistry (Macromolecular compounds)	C 08	53	35	45	26	20	20	36	38	46	30
15	Chemistry (Dyes, Animal and Vegetable Oils)	C 09–C 11	76	66	99	60	50	35	64	48	72	63
16	Chemistry (Biochemistry, Sugar industry, Leather)	C 12–C 14	59	66	95	62	45	27	51	60	78	60
17	Metallurgy	C 21–C 23, C 25, C 30	159	158	161	199	106	62	50	71	78	66
18	Textiles; Flexible Materials	D 01–D 07	20	16	15	9	6	11	7	13	16	12
19	Paper (including class B 31)	D 21, B 31	3	2	10	10	5	1	6	10	11	9
20	Building	E 01–E 06	122	101	146	109	91	50	53	71	82	67
21	Earth drilling; Mining	E 21	104	123	94	81	75	10	7	11	12	10
22	Engines or Pumps	F 01–F 04	292	233	195	168	147	19	27	20	40	34
23	Engineering in general	F 15–F 17	118	106	98	91	48	18	13	22	30	30
24	Lighting; Heating	F 21–F 28	123	146	143	148	98	23	32	40	40	36
25	Weapons; Blasting	F 41, F 42, C 06	63	45	63	32	31	7	13	3	2	5
26	Instruments (Measuring, Optics, Photography)	G 01–G 03	323	285	321	263	195	19	45	47	50	22
27	Instruments (Horology, Regulating, Computing)	G 04–G 08	89	93	91	62	34	19	16	41	31	24
28	Instruments (Musical Instruments, Information Storage)	G 09–G 12	42	39	30	32	18	9	17	12	7	12
29	Nucleonics	G 21	14	12	14	19	5	6	4	10	1	3
30	Electricity (Electric Techniques)	H 01, H 02, H 05	181	211	226	162	151	19	23	62	58	34
31	Electricity (Electronic Circuitry, Communication Techniques)	H 03, H 04	33	58	37	49	41	143	104	129	88	134
32	Others (unclassified)		518	436	198	160	434	3	3	1	0	2

1.3. Patents for inventions (breakdown by countries)

Code	Country	2005	2006	2007	2008	2009
	Total:	3433	3698	4058	3832	4002
UA	Ukraine	2171	2495	2618	2399	2395
AT	Austria	25	15	26	27	33
AU	Australia	8	9	13	7	17
BE	Belgium	20	32	33	30	65
BG	Bulgaria	1	1	7	2	2
BY	Belarus	5	19	16	22	15
CA	Canada	10	15	15	16	16
CH	Switzerland	86	74	79	83	105
CN	China	2	5	4	5	8
CZ	Czech Republic	9	6	10	12	12
DE	Germany	274	254	322	323	347
DK	Denmark	28	20	28	34	32
ES	Spain	9	15	21	13	18
FI	Finland	13	15	16	25	15
FR	France	131	99	174	150	122
GB	United Kingdom	36	38	42	26	36
HR	Croatia	4	3	3	3	2
HU	Hungary	16	13	13	16	12
IE	Ireland	3	3	6	8	9
IL	Israel	9	16	6	9	19
IT	Italy	21	23	38	35	36
JP	Japan	24	30	41	40	46
KR	Republic of Korea	4	15	8	25	21
LI	Liechtenstein	2	1	2	2	–
LU	Luxemburg	7	4	7	9	15
NL	Netherlands	49	46	51	54	46
NO	Norway	10	2	6	6	11
PL	Poland	3	8	6	10	2
RU	Russian Federation	66	68	67	52	72
SE	Sweden	39	45	59	62	50
SK	Slovakia	1	3	–	1	2
US	USA	305	269	265	275	357
	Others	42	37	56	51	64

1.4. Patents for inventions (breakdown by IPC)

N	Technical Unit	IPC classes	National procedure					PCT procedure				
			2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
	Total:		2321	2645	2780	2609	2623	1112	1053	1278	1223	1379
1	Agriculture	A 01, except A 01N	110	150	211	160	103	14	21	18	15	25
2	Foodstuffs; Tobacco	A 21–A 24	48	50	69	63	69	27	25	29	26	46
3	Personal or domestic articles	A 41–A 47	12	12	15	12	15	16	7	6	8	10
4	Health; amusement	A 61–A 63, except A 61K	171	197	167	127	146	34	38	104	63	44
5	Preparations for medical, dental or toilet purposes	A 61K	127	128	109	92	92	153	273	370	252	235
6	Separating; Mixing	B 01–B 09	138	145	163	125	138	30	44	46	36	43
7	Shaping (Metal)	B 21–B 23	113	141	150	121	136	24	33	51	48	56
8	Shaping (Material Processing)	B 24–B 30, B 32	40	51	50	43	77	13	16	25	18	42
9	Printing	B 41–B 44	6	3	11	4	5	7	6	13	5	13
10	Transporting	B 60–B 68	149	160	161	149	152	44	42	52	44	65
11	Micro-structural technology; Nano-technology	B 81–B 82	–	–	0	2	1	–	–	–	0	0
12	Chemistry (Inorganic)	C 01–C 05	130	144	136	167	139	35	25	47	35	41
13	Chemistry (Organic)	C 07, A 01N	56	60	67	78	103	399	223	264	311	347
14	Chemistry (Macromolecular compounds)	C 08	31	49	27	38	38	17	19	12	22	25
15	Chemistry (Dyes, Animal and Vegetable Oils)	C 09–C 11	82	95	79	56	55	15	18	27	25	31
16	Chemistry (Biochemistry, Sugar industry, Leather)	C 12–C 14	79	68	61	62	42	43	36	17	23	30
17	Metallurgy	C 21–C 23, C 25, C 30	107	187	173	155	149	37	35	57	48	51
18	Textiles; Flexible Materials	D 01–D 07	12	16	19	14	4	10	8	6	8	6
19	Paper (including class B 31)	D 21, B 31	10	14	3	1	8	1	8	3	3	5
20	Building	E 01–E 06	81	60	84	72	71	31	29	23	47	45
21	Earth drilling; Mining	E 21	62	58	87	90	91	8	8	5	8	3
22	Engines or Pumps	F 01–F 04	123	126	154	169	169	22	15	16	15	16
23	Engineering in general	F 15–F 17	82	80	94	100	74	10	7	14	12	7
24	Lighting; Heating	F 21–F 28	99	69	78	92	114	11	10	8	19	30
25	Weapons; Blasting	F 41, F 42, C 06	37	48	43	60	51	3	2	3	6	0
26	Instruments (Measuring, Optics, Photography)	G 01–G 03	182	283	298	275	271	14	27	16	22	30
27	Instruments (Horology, Regulating, Computing)	G 04–G 08	57	45	59	47	66	18	10	4	9	8
28	Instruments (Musical Instruments, Information Storage)	G 09–G 12	23	24	15	22	22	10	8	3	10	5
29	Nucleonics	G 21	8	10	17	17	9	5	3	4	6	6
30	Electricity (Electric Techniques)	H 01, H 02, H 05	114	143	156	165	183	22	20	13	15	26
31	Electricity (Electronic Circuitry, Communication Techniques)	H 03, H 04	29	29	24	31	30	39	37	22	64	88
32	Others (unclassified)		3	–	–	–	–	–	–	–	–	–

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

N	Technical Unit	IPC classes	Applications					Patents				
			2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
	Total:		7286	8171	8870	9600	9203	7467	8268	9215	9282	8391
1	Agriculture	A 01, excep A 01N	314	345	507	520	517	377	414	521	535	507
2	Foodstuffs; Tobacco	A 21–A 24	274	315	340	416	348	292	356	385	409	368
3	Personal or domestic articles	A 41–A 47	97	97	103	101	97	110	92	127	109	97
4	Health; amusement	A 61–A63, excep A61K	1197	1187	1426	1558	1303	1362	1437	1542	1516	1487
5	Preparations for medical, dental or toilet purposes	A 61K	417	461	406	615	429	512	523	473	589	477
6	Separating; Mixing	B 01–B 09	286	263	384	417	296	289	308	374	422	314
7	Shaping (Metal)	B 21–B 23	311	264	380	394	301	320	308	385	402	355
8	Shaping (Material Processing)	B 24–B 30, B32	149	119	230	196	162	144	149	201	219	171
9	Printing	B 41–B 44	32	35	28	37	26	29	47	39	22	37
10	Transporting	B 60–B 68	436	427	500	531	383	522	527	528	533	455
11	Micro-structural technology; Nano-technology	B 81–B 82	–	1	2	6	4	0	1	0	5	6
12	Chemistry (Inorganic)	C 01–C 05	178	206	271	303	266	202	227	289	316	269
13	Chemistry (Organic)	C07, A01N	61	96	178	176	120	79	94	212	191	122
14	Chemistry (Macromolecular compounds)	C 08	47	40	52	67	49	31	65	46	65	53
15	Chemistry (Dyes, Animal and Vegetable Oils)	C 09–C 11	104	123	148	203	96	94	127	164	207	125
16	Chemistry (Biochemistry, Sugar industry, Leather)	C 12–C 14	155	186	238	201	134	172	188	278	212	183
17	Metallurgy	C21–C23, C25, C30	231	187	256	313	218	262	232	269	295	273
18	Textiles; Flexible Materials	D01–D07	42	48	62	79	71	35	76	62	51	83
19	Paper (including class B31)	D21, B31	4	7	14	14	7	17	3	11	17	10
20	Building	E01–E06	316	277	335	333	303	290	327	342	323	341
21	Earth drilling; Mining	E21	234	221	250	277	185	257	254	266	280	208
22	Engines or Pumps	F01–F04,	186	193	266	227	174	178	210	281	239	219
23	Engineering in general	F15–F17	200	233	241	236	199	232	293	283	230	212
24	Lighting; Heating	F21–F28	207	238	255	300	245	226	268	287	275	272
25	Weapons; Blasting	F41, F42, C06	84	96	114	91	66	91	104	123	96	87
26	Instruments (Measuring, Optics, Photography)	G01–G03	695	554	785	849	699	596	836	811	809	798
27	Instruments (Horology, Regulating, Computing)	G04–G08	177	183	237	236	203	179	218	238	244	244
28	Instruments (Musical Instruments, Information Storage)	G09–G12	102	142	140	194	126	121	135	156	170	158
29	Nucleonics	G 21	17	17	16	10	11	30	17	27	16	16
30	Electricity (Electric Techniques)	H01, H02, H05	257	257	398	317	264	326	293	360	361	333
31	Electricity (Electronic Circuitry, Communication Techniques)	H03, H04	112	118	118	110	102	92	137	135	120	109
32	Others (unclassified)	–	364	1235	190	273	1799	–	2	0	4	2

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

Code	Country	Applications					Patents				
		2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
	Total :	2010	2236	2147	2285	1669	1569	2061	2213	2503	1754
UA	Ukraine	1750	1833	1746	1945	1413	1423	1803	1803	2085	1425
AT	Austria	–	11	10	17	6	–	–	13	9	12
BG	Bulgaria	–	7	3	–	11	4	–	2	2	–
BY	Belarus	10	8	3	30	17	24	5	10	15	27
CH	Switzerland	2	9	5	5	3	2	6	6	4	5
CN	China	–	4	24	14	5	–	–	8	30	6
CY	Cyprus	13	15	4	3	–	19	8	13	3	1
CZ	Czech Republic	2	4	3	10	13	2	2	4	4	11
DE	Germany	7	16	19	9	9	8	7	15	20	12
FI	Finland	–	1	3	6	9	1	–	2	8	9
FR	France	8	8	4	6	1	10	10	9	9	–
GB	United Kingdom	2	7	16	34	12	1	3	4	41	14
IN	India	12	4	18	–	3	–	–	8	18	1
IT	Italy	8	17	17	5	7	3	7	19	16	9
JP	Japan	8	18	8	18	7	6	11	20	13	16
KR	Republic of Korea	18	8	–	9	5	4	22	8	6	3
MD	Republic of Moldova	1	4	58	2	–	–	1	5	3	1
NL	Netherlands	10	8	9	2	3	8	9	11	4	2
PL	Poland	26	57	35	48	34	3	46	45	38	51
SE	Sweden	–	–	4	10	5	–	1	–	6	12
RU	Russian Federation	56	118	94	21	41	21	58	89	81	39
TR	Turkey	45	21	22	31	12	6	15	63	26	31
US	USA	12	27	19	29	19	19	23	25	26	35
	Others	20	31	23	31	34	5	24	31	36	32

1.7. Applications and registrations of trademarks and service marks under the national procedure (breakdown by countries)

Code	Country	Applications					Registrations				
		2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
	Total:	16366	20813	23746	22371	17866	11645	13134	15375	15357	15137
UA	Ukraine	13184	17170	19888	18496	14751	9418	10327	12130	11974	12027
AE	United Arab Emirates	13	22	19	10	20	5	3	22	10	8
AR	Argentina	7	2	32	7	7	3	5	6	19	11
AT	Austria	5	30	18	63	27	8	9	23	16	19
AU	Australia	7	7	9	2	15	–	2	7	6	4
BE	Belgium	15	7	17	17	7	14	5	16	7	20
BG	Bulgaria	17	33	12	15	38	22	11	15	16	14
BM	Bermuda	5	33	25	13	1	2	3	2	10	45
BR	Brasilia	18	47	19	17	6	7	18	14	51	8
BY	Belarus	71	50	58	165	146	19	86	51	38	116
CA	Canada	36	13	26	43	14	12	20	26	10	27
CH	Switzerland	118	188	217	224	159	132	134	135	173	209
CL	Chile	10	7	1	–	7	10	4	8	3	–
CN	China	48	92	128	119	73	13	23	57	109	105
CY	Cyprus	72	97	131	111	103	40	50	68	154	92
CZ	Czech Republic	21	31	28	14	15	8	22	25	31	22
DE	Germany	161	132	198	199	173	129	225	145	169	177
DK	Denmark	13	12	27	27	11	12	12	10	15	22
EE	Estonia	2	6	4	3	2	3	9	5	6	–
EG	Egypt	5	2	1	2	–	–	4	–	1	1
ES	Spain	12	18	17	16	23	19	11	11	24	12
FI	Finland	39	32	61	42	65	10	25	44	66	33
FR	France	59	72	68	98	62	68	45	53	74	74
GB	United Kingdom	146	198	204	212	152	182	150	171	169	146
GE	Georgia	3	7	11	6	14	3	3	5	4	8
GR	Greece	3	19	14	20	4	13	6	17	10	22
HR	Croatia	5	14	19	10	11	4	4	8	12	18
HU	Hungary	7	9	20	23	8	8	4	12	13	12
HK	Hong Kong	12	19	8	14	9	5	7	16	14	10

Code	Country	Заявки					Реєстрації				
		2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
IE	Ireland	9	34	7	11	40	12	7	15	22	8
IL	Israel	15	23	35	21	26	14	9	14	28	24
IN	India	129	140	100	100	125	103	97	155	75	75
IT	Italy	10	26	48	39	28	18	17	15	40	28
JP	Japan	74	108	111	172	134	60	97	70	113	136
KR	Republic of Korea	34	51	21	55	62	31	51	45	30	31
KZ	Kazakhstan	8	2	6	–	–	–	–	2	4	1
LB	Lebanon	3	5	1	–	1	8	5	4	3	–
LI	Liechtenstein	1	4	77	115	94	2	39	32	28	89
LK	Sri Lanka	1	7	3	5	7	7	3	1	4	2
LT	Lithuania	2	–	–	17	4	–	2	2	4	3
LU	Luxemburg	12	11	20	6	12	3	9	17	10	13
LV	Latvia	7	4	14	16	10	3	5	2	11	6
MD	Republic of Moldova	6	19	22	29	24	15	8	16	7	9
MX	Mexico	1	1	20	4	7	1	2	2	7	15
NL	Netherlands	59	96	86	41	55	85	48	87	87	72
NO	Norway	5	5	2	5	5	1	3	4	3	3
PA	Panama	8	2	5	2	7	6	10	4	4	5
PL	Poland	92	125	212	183	63	44	98	98	118	152
PT	Portugal	1	2	2	5	1	1	–	1	4	–
RO	Romania	10	28	31	19	3	–	5	17	13	10
RU	Russian Federation	841	589	496	381	285	368	691	596	394	284
SE	Sweden	33	53	29	19	8	15	29	58	19	19
SG	Singapore	29	–	17	15	14	24	16	19	22	14
SI	Slovenia	2	–	1	3	–	5	4	3	–	–
SK	Slovakia	7	1	2	–	2	1	4	4	4	–
TR	Turkey	48	57	91	37	41	23	36	40	91	37
TW	Taiwan	11	–	23	40	20	21	–	21	16	27
US	USA	721	831	817	853	711	540	521	829	821	691
VG	Virgin Islands	14	–	47	35	54	11	–	42	66	52
	Others	59	220	120	155	100	54	91	58	105	70

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

Code	Country	2005	2006	2007	2008	2009
	Total :	8033	9183	9520	10710	8613
AM	Armenia	10	12	9	8	5
AN	Netherlands Antilles	–	–	8*	2*	4*
AT	Austria	280	281	304	370	268
AU	Australia	18*	43*	32*	36*	51*
BE	Belgium	151	171	179	210	162
BG	Bulgaria	160	154	132	124	86
BY	Belarus	21	19	29	49	34
CH	Switzerland	493	650	688	792	676
CN	China	315	379	391	486	425
CY	Cyprus	6	14	18	28	36
CZ	Czech Republic	243	259	276	302	241
DE	Germany	1881	1984	1930	2218	1744
DK	Denmark	103*	80*	90*	141*	96*
EE	Estonia	26*	41*	41*	43*	15*
EG	Egypt	6	11	4	16	6
ES	Spain	206	197	210	240	160
FI	Finland	55*	92*	77*	97*	73*
FR	France	783	818	904	889	789
GB	United Kingdom	210*	267*	237*	219*	213*
GE	Georgia	–	–	14*	8*	4*
GR	Greece	22*	24*	37*	35*	24*
HR	Croatia	39	21	35	12	16
HU	Hungary	72	87	346	155	182
IE	Ireland	8*	25*	24*	37*	33*
IS	Iceland	7*	11*	48*	76*	3*
IT	Italy	666	795	883	893	655
JP	Japan	72*	137*	135*	135*	93*
KR	Republic of Korea	25*	23*	27*	28*	48*
KZ	Kazakhstan	20	13	10	19	18
LI	Liechtenstein	18	40	44	96	60
LT	Lithuania	41*	47*	29*	46*	20*
LU	Luxemburg	84	64	43	52	61

Code	Country	2005	2006	2007	2008	2009
LV	Latvia	54	57	55	90	53
MC	Monaco	10	7	18	13	11
MD	Republic of Moldova	74	50	16	28	15
MK	The former Yugoslav Republic of Macedonia	3	6	–	4	6
NL	Netherlands	207	264	263	320	231
NO	Norway	15*	28*	24*	20*	22*
PL	Poland	204	274	246	271	327
PT	Portugal	34	37	29	23	24
RO	Romania	29	52	45	26	34
RS	Serbia	20	38	48	42	56
RU	Russian Federation	417	472	448	697	602
SE	Sweden	61*	86*	83*	125*	82*
SG	Singapore	4*	15*	17*	10*	15*
SI	Slovenia	81	55	76	95	113
SK	Slovakia	66	96	66	89	51
TR	Turkey	313*	424*	361*	400*	309*
US	USA	359*	403*	418*	466*	276*
UZ	Uzbekistan	–	–	1*	2*	2*
VG	Virgin Islands (British)	–	–	17	29	18
VN	Viet Nam	10	15	7	5	12
	Others	31	45	48	93	53

* applications under the Protocol relating to the Madrid Agreement

2. List of Scientific and Practical Conferences and Seminars on Intellectual Property Issues of the State System of Intellectual Property Rights Protection Held in 2009

Date	Event Title and Location	Organizer
March 30	Seminar «Peculiarities of the Examination of Applications for Inventions in Ukraine», Kyiv	State Department of Intellectual Property (SDIP), Ukrainian Industrial Property Institute
March 31	Scientific and Practical Seminar «Scope and Forms of the Activities of the Intellectual Property Divisions of Higher Education Establishments», Kyiv	State Department of Intellectual Property, State Institute of Intellectual Property
April 20	Seminar «Patent Information Support of Consumers. Situation and Prospects for the Development», Kyiv	State Department of Intellectual Property, Ukrainian Industrial Property Institute
April 24	Scientific and Practical Conference «Situation and Prospects for the Development of the State System of Intellectual Property Rights Protection in Ukraine», Kyiv	State Department of Intellectual Property
May 13–15	IX All-Ukraine Scientific and Practical Conference «Problems of Training, Retraining and Professional Improvement of Specialists on Intellectual Property, Research and Information and Innovation Activities in Ukraine», Kyiv	State Department of Intellectual Property, State Institute of Intellectual Property
May 22–23	Regional International Scientific and Practical Conference «Theoretical and Practical Aspects of Innovation Activity under Conditions of Global Economic System», Mariupol	SDIP, Pryazovskyi State Technical University, Mariupol Municipal Council
May 28–29	Regional Seminar on Intellectual Property Rights Protection, Commercialization, Enforcement and Management of Intellectual Property Rights on Enterprises (Institutions, Organizations), Ternopil	SDIP, Ternopil National Economic University
June 9–10	International Seminar «Management of Intellectual Property in Higher Education Establishments and Research Institutions, Management of Innovations at an Early Stages in Countries with Transition Economy», Kyiv	State Department of Intellectual Property, WIPO
June 12	Training Seminar «Basic Components of Intellectual Property; Acquisition and Enforcement of Intellectual Property Rights», Kyiv	SDIP, State Institute of Intellectual Property, Small Academy of Sciences of Ukraine
June 18	Educational Seminar «Copyright: Computer Programs», Kyiv	State Department of Intellectual Property, State Institute of Intellectual Property
June 22–23	International Regional Seminar on Protection of Audiovisual Works, Kyiv	State Department of Intellectual Property, WIPO
June 30	Seminar «Topical Questions on State Register Maintenance», Kyiv	SDIP, Ukrainian Industrial Property Institute
July 7–8	International Seminar on Judicial and Administrative Dispute Resolution in the Sphere of Intellectual Property Rights Enforcement, Yalta, the Autonomous Republic of Crimea	SDIP, Commercial Law Development Program (CLDP), USPTO of the Department of Commerce
July 20	Regional Seminar «Actual Problems of Intellectual Property Rights Protection», Sumy	State Department of Intellectual Property

Date	Event Title and Location	Organizer
August 31 – September 4	XIV International Scientific and Practical Conference «Actual Problems of Intellectual Property», Yalta, the Autonomous Republic of Crimea	SDIP, WIPO, EPO, Council of Ministers of the Autonomous Republic of Crimea
September 16	Scientific and Practical Conference «Problems of Development of Inventive and Rationalization Activities in Ukraine», Kyiv	SDIP, National Technical University of Ukraine «Kyiv Polytechnic Institute»
September 30	Educational Seminar «Management of Intellectual Property Rights in Higher Education Establishments and Commercialization Thereof», Kyiv	State Department of Intellectual Property, State Institute of Intellectual Property
October 21	Seminar «Technological and Legal Issues of Electronic Document Management, Electronic Documents and Electronic Signature in the Process of Acquisition of the Industrial Property Rights», Kyiv	State Department of Intellectual Property, Ukrainian Industrial Property Institute
October 23	V Regional Scientific and Practical Seminar «Commercialization of Intellectual Property Rights», Donetsk	State Department of Intellectual Property
November 21–26	International Scientific and Practical Conference «Role and Importance of Intellectual Property in the Innovation Progress of Economy», Khmelnytskyi	State Department of Intellectual Property, State Institute of Intellectual Property

3. Expenses for Functioning and Development of the State System of Intellectual Property Rights Protection in 2009

Expense items	Amount, Thousands UAH
Organization expenses, expenses connected with examination and grant of titles of protection for industrial property rights	67204,0
Expenses for information activities in the sphere of intellectual property rights protection	15621,9
Expenses for editorial and publishing activities	3644,5
Expenses for development of international cooperation in the sphere of intellectual property rights protection, for organization and participation in exhibitions, competitions and seminars etc.	2495,8
Expenses for organization of training	708,9
Acquisition of licensed software and maintenance of automated system	888,2
Expenses for research scientific works, translation of scientific, technical and normative documents	5261,7
Expenses for organization of control marks making	2761,4
Expenses for organization of control marks distribution, maintenance of a uniform register of control marks holders	1107,3
Expenses for enforcement of intellectual property rights of UEFA and its commercial partners	462,1
Total	100155,8

Офіційне видання Державного департаменту інтелектуальної власності

Формат 60х90/8

Наклад 800 примірників

Замовлення