

National IP Strategy of Ukraine: Diagnostic Report

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1. Country context

1.1. Russian war of aggression against Ukraine

The main context of Ukraine is defined by the full-scale invasion of the Ukraine by Russian Federation and the enormous negative consequences for the economy, human potential, culture and innovation sectors. According to the assessment of the International Bureau of the World Intellectual Property Organisation (WIPO) presented in the Report on the Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System¹ (document A/64/8) the impact of the war on the innovation and creativity sector and ecosystem in Ukraine includes social damage, mental health impact, and brain drain; infrastructure damage, and a reallocation of financial resources by the Government to national security and defense priorities; and damage to the intellectual property (IP) ecosystem, decrease in IP filings, loss of income by creative industry representatives.

Unfortunately, Russia's ongoing war of aggression against Ukraine is exacerbating the negative effects outlined in the report contained in document A/64/8 and A/65/7.

Despite the continuation of Russia's war of aggression, Ukraine has shown remarkable resilience and commitment to its European path. Ukraine applied for EU membership on 28 February 2022. Following the Commission's recommendation in November 2023, the European Council in December 2023 decided to open accession negotiations. With the four remaining steps set out in the Commission recommendations of November 2023 completed, the Council adopted the negotiating framework in June 2024. The first Intergovernmental Conference marking the formal opening of the accession negotiations took place on 25 June 2024, and bilateral screening meetings have started in July 2024.

As of 11 January, 2024, according to data from Ukrainian law enforcement agencies, the number of civilian infrastructure facilities damaged or destroyed has exceeded 200 000 (200 307 sites, including 160 584 residential buildings, 3 770 educational and 917 medical institutions, 645 cultural and 204 religious buildings, and 8 344 water and electricity networks). More than 200 schools were destroyed and more than 1,600 schools damaged. It means that approximately one in seven schools in Ukraine suffered damage. The total losses of the medical sector from the war are at least 17,8 bln USD.

According to a study that has been commissioned from the Junior Academy of Sciences of Ukraine by UNESCO², 1,443 buildings belonging to 177 research institutes and universities were damaged or destroyed between February 2022 and January 2024. 1,26 billion USD is needed to restore Ukraine's public research infrastructure, including 980,5 million USD for university real estate, which suffered the most damage.

It is the universities in the Kharkiv region that have suffered the most damage. The cost of damage to Yaroslav Mudriy National Law University amounts to 116,5 million USD and damage to the O. M. Beketov National University of Urban Economy has been calculated at 104,1 million USD. Taras Shevchenko National University of Kyiv was damaged by cruise missiles, causing damage of 96,3 million USD. A direct

¹ https://www.wipo.int/edocs/mdocs/govbody/en/a_64/a_64_8.pdf

² <https://unesdoc.unesco.org/ark:/48223/pf0000388803> (p. 11)

hit from a Russian missile completely destroyed the building of the National Academy of Legal Sciences of Ukraine, located in the historic centre of Kharkiv³.

In total, more than 750 units of scientific and technological equipment used in a wide range of research activities have been damaged or destroyed. 643 items of these have been damaged beyond repair⁴.

Russian aggression destroys the Ukraine's **cultural heritage** on a scale unseen since World War II. Many heritage structures have either been destroyed or sustained major damage. According to the Ukrainian law enforcement agencies, 2156 objects of cultural infrastructure were damaged or destroyed, including 770 libraries, 120 museums and galleries, 39 theaters, cinemas and philharmonics, as well as 1 255 objects of cultural heritage of Ukraine, including monuments, monumental art and architecture. The temporary occupation of parts of Ukraine prevents an accurate assessment of the total number of cultural heritage sites affected by hostilities and occupation itself. The historic centers of Lviv and Odesa have been damaged as a result of deliberate Russian actions. These attacks may be viewed as an attempt to destroy Ukrainian identity, which falls under the definition of genocidal policy.

UNESCO⁵ estimates the total cost of the damage to the culture and tourism sectors (particularly to cultural property) in Ukraine over the past 2 years at nearly 3,5 billion USD, comp. Since February 2022, the culture and tourism sectors have also accumulated lost revenues of 19,6 billion USD. According to UNESCO, nearly 9 billion USD will need to be raised between 2024-2033 to finance the recovery and reconstruction efforts.

According to the Ministry of Culture and Information Policy of Ukraine⁶ as of January 2024, cultural infrastructure facilities were destroyed in 277 territorial hromadas in Vinnytsia (3.2%), Dnipro (19%), Donetsk (83%), Zhytomyr (17%), Zakarpattia (2%), Zaporizhzhia (36%), and Kyiv (27%), Luhansk (46%), Lviv (4%), Mykolaiv (44%), Odesa (9%), Poltava (2%), Sumy (51%), Kharkiv (54%), Kherson (43%), Khmelnytskyi (17%), Cherkasy (6%), Chernihiv (47%), Kirovohrad (2%) regions and the city of Kyiv.

Currently, nearly 26% of Ukraine's territory is temporarily occupied. 50% of the territory occupied after 24 February 2022 was liberated by the Defense Forces of Ukraine.

Due to the temporary occupation, according to UNESCO 18 scientific institutes have been forced to relocate, some of them conducting research on local biodiversity and ecology that cannot be continued remotely⁷.

Ukraine is one of the most mined countries: nearly 139 000 sq. km or about 25% of the country's total area, remain potentially contaminated with Russian mines and UXO. Approximately 6 million people in Ukraine deal with mine danger to their lives and health. Government goal is to make Ukraine mine-free by 2033⁸.

³ <https://unesdoc.unesco.org/ark:/48223/pf0000388803> (p. 22)

⁴ <https://unesdoc.unesco.org/ark:/48223/pf0000388803> (p. 11)

⁵ <https://unesdoc.unesco.org/ark:/48223/pf0000384454>

⁶ <https://www.kmu.gov.ua/news/1938-objektiv-kulturnoi-infrastruktury-zaznaly-poshkodzhen-chy-ruinuvan-cherez-rosiisku-ahresiiu>

⁷ <https://www.unesco.org/en/articles/ukraine-restoring-scientific-infrastructure-will-cost-over-126-billion-unesco>

⁸ <https://mod.gov.ua/news/shvaleno-proekt-naczionalnoi-strategii-z-pitan-protiminnoi-diyalnosti-do-2033-roku>

1.2. Demographic situation and socio-economic challenges

According to the International Monetary Fund⁹ in October 2022, more than 7 million Ukrainians (not a total number) - about a fifth of the population - left the country or became internally displaced. This has caused problems in the labour market, as it is associated with changes in the size and composition of the workforce due to large external migration and mobilisation. Real wages declined significantly. However, as of March 2023, positive trends were recorded in the labour market, with 600,000 Ukrainians returning to work since March last year¹⁰. In 2024, the Government of Ukraine expects the unemployment rate to decrease to 16.5%, and in 2025 - to 14.7%¹¹. Assuming there are no new major disruption.

At the same time, the integration of the labour markets of Ukraine and the EU has a significant impact. Many of the IDPs have now integrated into the EU labour markets and are helping EU countries overcome challenges to their economies. The temporary protection granted to Ukrainians has helped them to be economically active in these difficult times. According to the European Central Bank¹², the employment rate of Ukrainian refugees of working age will reach 55% in the medium term. The highest employment rate among Ukrainians is in Poland: almost half of the 1.2 million have found work. In Germany, the share of employed migrants is lower. But for Ukraine, the main priority is to give Ukrainians the opportunity to return to Ukraine as soon as possible¹³.

As of 25 September 2023, nearly 3.7 million people are estimated to be displaced across Ukraine according to the International Organization for Migration's (IOM)¹⁴.

Furthermore, the UN High Commissioner for Refugees reports that as of August 1, 2023, over 5.8 million refugees from Ukraine recorded in Europe¹⁵. It is worth noting that vulnerable groups, including women, youth, and children, constitute 90% of Ukrainian citizens who have left the country due to continuous attacks on civil infrastructure¹⁶, 65% are between the working age of 18 and 59 and almost 70% have a university degree.

By January 2024, according to UNESCO¹⁷, 2% of all Ukrainian scientists and professors in higher education institutions were forced to emigrate or became internally displaced. In addition, 30% of scientists are forced to work remotely, without access to research infrastructure, which negatively affects research and development, and thus the ability to generate IP.

⁹ <https://www.imf.org/en/Publications/CR/Issues/2022/10/19/Ukraine-Request-for-Purchase-Under-the-Rapid-Financing-Instrument-Press-Release-Staff-524913?cid=em-COM-123-45549>

¹⁰ <https://www.me.gov.ua/News/Detail?lang=uk-UA&id=3d24f88b-d781-4abb-b81d-ea0aa464f25e&title=DoRoboti>

¹¹ <https://bank.gov.ua/ua/news/all/natsionalniy-bank-prognozuje-znachne-znijennya-inflyatsiyi-ta-povernennya-ekonomiki-do-vidnovlennya-v-tsomu-rotsi--inflyatsiyi-zvit>

¹² https://www.ecb.europa.eu/pub/economic-bulletin/focus/2022/html/ecb.ebbox202204_03~c9ddc08308.en.html

¹³ <https://www.me.gov.ua/News/Detail?lang=uk-UA&id=8fc707de-7d0b-40fc-9273-4a0b09d641a3&title=YULiiaSviridenkoUDavosi-OdnaZNashikhKliuchovikhTsileiPovernutiUkraintsivDodomu>

¹⁴ <https://dtm.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-14-september-october>

¹⁵ 20230807+Ukraine+situation+flash+update+No+52.pdf (ecoi.net)

¹⁶ [European Commission pledges €1bn to support Ukraine – as it happened | Ukraine | The Guardian](https://rubryka.com/en/2023/09/06/women-power-zhinoche-pidpryemnytstvo-pid-chas-vijny-rezultaty-doslidzhennya/)

¹⁷ <https://rubryka.com/en/2023/09/06/women-power-zhinoche-pidpryemnytstvo-pid-chas-vijny-rezultaty-doslidzhennya/>

¹⁷ <https://unesdoc.unesco.org/ark:/48223/pf0000388803>

Specifically, this is evidenced by a 7% decrease in the number of publications by representatives of the National Academy of Sciences of Ukraine in international scientific journals in 2023 compared to 2021¹⁸.

Compared to 2021, there has been a 39% drop in the average monthly salary of employees of the National Academy of Sciences of Ukraine¹⁹ with similar situation that can be observed in branches academies.

IP Inclusivity: Women in IP

It should be mentioned, that Ukraine is pioneering the way when it comes to empowering women in science, creativity and IP.

According to the UNESCO Institute for Statistics in 2016 only 29,3% of persons employed in R&D are female researchers²⁰, while in Ukraine this indicator was estimated at 44.7%. Ukraine ranks 12th in the number of women scientists in the ranking of 41 countries.

More and more Ukrainian women are choosing science-related courses in universities and starting their careers as researchers — following one of the goals of sustainable development declared by the United Nations.²¹

57% of Ukrainian patent attorneys are women²².

According to the UNESCO study "Culture for Development" (2016), there is parity in the culture and creative industries in Ukraine: 48% of women and 52% of men.²³

According to the Ukrainian Cultural Foundation (UCF), a state institution created to promote the development of national culture and art, out of 432 projects supported by UCF in 2019, 275 were coordinated by women and 157 by men²⁴.

Today, Ukrainian women participate in Government business support programs - a microgrant to start or develop their own business. In 2023, 55% of microgrants were awarded to women²⁵.

Ukraine is also addressing this issue in cooperation with WIPO, namely by participating in the WIPO Regional Project on Intellectual Property for Women Entrepreneurs from Local Communities in the CEBS Region.

WIPO estimates that at current rates, gender parity among Patent Cooperation Treaty (PCT)-listed inventors will only be reached in 2061²⁶.

'Females employed with advanced degrees' is listed as a strength in the Global Innovation Index 2024 for Ukraine²⁷, it is extremely difficult to effectively analyse such information, given that it is largely outdated. In order to calculate the ranking for national male/female applicants in the future, it is necessary to create statistical tools that allow for the calculation of such an indicator and effective response to trends.

¹⁸ <https://unesdoc.unesco.org/ark:/48223/pf0000388803>

¹⁹ <https://unesdoc.unesco.org/ark:/48223/pf0000388803>

²⁰ <https://uis.unesco.org/sites/default/files/documents/fs55-women-in-science-2019-en.pdf>

²¹ <https://ukraine.ua/stories/ukrainian-women-in-science/>

²² https://sis.nipo.gov.ua/en/services/patent_attorneys/

²³ [https://www.culturepartnership.eu/upload/editor/2017/2017/CDIS%20%20Analytical%20Brief%20%20ENG%20\(1\).pdf](https://www.culturepartnership.eu/upload/editor/2017/2017/CDIS%20%20Analytical%20Brief%20%20ENG%20(1).pdf)

²⁴ <https://ucf.in.ua/storage/docs/13022020/%D0%9A%D0%BE%D1%80%D0%BE%D1%82%D0%BA%D0%B0%20%D0%B2%D0%B5%D1%80%D1%81%D1%96%D1%8F%20%D0%B7%D0%B2%D1%96%D1%82%D1%83%202019%20eng.pdf>

²⁵ <https://me.gov.ua/News/Print/89a8c5a7-d76b-4b2d-97a4-cf658affda69?lang=en-GB>

²⁶ <https://www.wipo.int/publications/en/details.jsp?id=4653>

²⁷ <https://www.wipo.int/gii-ranking/en/ukraine/section/economy-profile>

1.3. Economic situation and recovery priorities

According to the latest World Bank report²⁸ the overall price tag for Ukraine's recovery has now reached 486 billion USD. It estimates direct damages from the war at almost 152 billion USD. The Ukrainian economy continues its recovery trend. The key factors supporting the positive economic dynamics at the beginning of the year were the growing investment demand and the expansion of logistics capabilities.

Ukraine's key needs for 2024 include recovery in the following areas:

- housing and utilities – 3,1 billion USD;
- transport and logistics – 2,3 billion USD;
- energy – 2,7 billion USD;
- social infrastructure – 2,4 billion USD;
- industry and services – 3,6 billion USD;
- cross-sectoral priorities – 1,2 billion USD.

According to the Ministry of Economy of Ukraine (Ministry of Economy), the GDP drop in 2022 was 29.2% (the previous estimate of the economic decline was 30.4% [$\pm 2\%$])²⁹. According to the National Bank of Ukraine (NBU)³⁰ and the State Statistics Service³¹ Ukraine's real GDP partially increased in 2023 compared to 2022 (by around 5-5.5%), and this growth was largely due to the recovery from the rapid decline in 2022.

In January 2024, GDP grew by 3.5% [$\pm 1\%$] compared to January 2023 due to expanded logistics capabilities and increased investment demand³².

According to the NBU³³ in January 2023, the balance of goods and services was negative, namely a minus of 2,3 billion USD. Imports of goods and services exceeded exports, respectively. Although negative pressure from export-import operations persists, support for foreign economic activity and the expansion of logistics routes to EU countries and the effect of EU regulations, in particular in terms of the cancellation of customs duties and quotas on certain types of products, allow us to speak of positive dynamics.

According to initial estimates of the Ministry of Economy, in January 2024, the main sectors of the economy showed positive dynamics³⁴. The transport sector was supported by an increase in domestic rail traffic and cargo handling at seaports. The continued recovery in economic activity driven by **export-oriented industries**, namely **metallurgy, metal ore mining and agro-processing, and energy**, not only led to positive trends in the industry but also generated demand for products from related businesses. In turn, the **construction industry** is also growing due to investment demand amid continued budget funding for the restoration of damaged

²⁸ <https://www.kmu.gov.ua/en/news/potreby-ukrainy-u-vidnovlenni-otsiniuiut-u-486-miliardiv-dolariv-onovlenyi-zvit-rdna3>

²⁹ <https://www.me.gov.ua/News/Detail?lang=uk-UA&id=b30e854d-b47d-4806-82ac-bb6daa87fa51&title=Minekonomiki>

³⁰ https://bank.gov.ua/admin_uploads/article/Macroeconomic_Forecast_table_2023_Q2.xlsx?v=4

³¹ https://ukrstat.gov.ua/operativ/operativ2004/vvp/ind_vvp/ind_vvp_u/arh_indvvp.html

³² <https://www.me.gov.ua/News/Detail?lang=uk-UA&id=76798e1d-bab3-4af5-a252-e45cf1645e53&title=USichniVvpZrisNa3-5-ZavdiakiRozshirenniuLogistichnikhMozhlivosteiTaZrostanniulInvestitsiinogoPopitu>

³³ https://bank.gov.ua/files/ES/BOP_m.xlsx

³⁴ <https://me.gov.ua/News/Detail?lang=uk-UA&id=76798e1d-bab3-4af5-a252-e45cf1645e53&title=USichniVvpZrisNa3-5-ZavdiakiRozshirenniuLogistichnikhMozhlivosteiTaZrostanniulInvestitsiinogoPopitu>

critical infrastructure. In January, the agricultural and domestic trade sectors also showed positive recovery trends.

To assess the context, it is crucial to consider that the State Budget of Ukraine for 2022-2024 is the budget of a country at war. In 2023, about half of the state budget was spent on defence. According to initial estimates³⁵ defence expenditures will exceed 30% of GDP by 2023. In 2024, almost 100%³⁶ of budget revenues will be used for the defence and security of Ukraine.

SME support

Nevertheless, the Government of Ukraine has allocated more than 40 billion UAH in the State Budget for 2024 to support businesses³⁷, namely small and medium-sized businesses.

Research by the European Union Intellectual Property Office (EUIPO) shows that:

- 93% of SMEs have experienced a positive impact on their business due to the registration of IP rights;
- SMEs that own IP rights have 68% higher income per employee than those that do not have registered IP rights;
- 36% of SMEs benefit financially from registered IP rights.

On World Intellectual Property Day 2023, the European Commission and EUIPO announced the Ideas Powered for Business SME Fund 2023, a grant scheme worth over €25 million designed to encourage European SMEs to protect and enforce their IP rights and develop an appropriate IP strategy. SME Fund 2023 enables European SMEs to grow their business by protecting their IP rights, improving their branding strategy and strengthening their reputation. Ukraine has joined the programme, and over 50 SMEs have benefited from the fund in 2023. The programme for Ukrainian SMEs has also been extended to 2024 with more than 100 SMEs benefited from the fund. In 2024, UANIPIO in cooperation with the Reform Support Team of the Ministry of Economy of Ukraine, established an Advisory Center to facilitate the participation of Ukrainian SMEs in this fund.

Given this context, we can observe the challenges of balanced regional development, the decline in innovation and IP enforcement in the affected regions, and the need for relocation of enterprises. A significant part of the activities of public and private institutions of Ukraine in the IP sphere is aimed at mitigating the negative effects of the war, restoring the innovation and creative ecosystem in Ukraine and ensuring the sustainability of the state IP administration system.

1.4. Main economic sectors and key industries

During the Ukraine Recovery Conference in London on 21-22 June 2023, the Prime Minister of Ukraine outlined³⁸ 5 key segments that will form the basis for the recovery and transformation of Ukrainian economy:

³⁵ <https://ces.org.ua/ukrainian-economy-in-2023-tracker-overview/>

³⁶ <https://www.kmu.gov.ua/news/derzhbiudzhhet-ukrainy-na-2024-osnovni-tsifry>

³⁷ <https://unn.ua/en/news/this-year-we-are-allocating-more-than-uah-40-billion-from-the-budget-to-help-ukrainian-entrepreneurs-shmyhal>

³⁸ <https://www.kmu.gov.ua/en/news/vystup-premier-ministra-ukrainy-denysa-shmyhalia-na-konferentsii-z-pytan-vidnovlennia-ukrainy-v-londoni>

1. Energy, namely electricity sector, gas production and storage, and also hydrogen energy;
2. Military-industrial complex;
3. Agriculture;
4. Infrastructure with a focus on public-private partnership and concessions projects;
5. IT sector.

Also, the Government sees Ukraine in 2030 as a state where innovation is the basis of the economy and national security³⁹.

Additionally, On 31 December 2024, the Government of Ukraine approved Ukrainian Digital Innovation Strategy until 2030⁴⁰, which defines 14 priority technological industries of innovation development in Ukraine:

- *DefenceTech* — military and defence technologies;
- *MedTech* — development of medicine with the help of technology, including prosthetics, treatment of burns and wounds, mental health;
- *BioTech* — biological, technical and chemical sciences, and the use of biology in other fields;
- *Govtech* – technologies in governance;
- *AgroTech* — agricultural technology;
- *EdTech* — educational area.
- *Semiconductors*;
- *Cybersecurity*;
- *GreenTech* – "green" environmental projects;
- *Immersive technologies* (XR);
- *Artificial intelligence*;
- *AUV* – unmanned technologies;
- *SpaceTech* – space technologies;
- *Fluid Economy* - which for the purposes of this strategy is defined as an 'economy without borders'. The vision of this direction is Ukraine as an integral part of the global digital economy, providing the most convenient conditions for businesses and citizens through effective regulation, innovative platforms and continuous access to financial and technological solutions⁴¹;

Apart from the general strategy, each direction has a sectoral strategy that defines specific goals, tasks, and measure of each sector, which will be available during the first quarter of 2025, which must be taken into account during the development of the National IP Strategy.

It can be reasonably expected that these areas will be the most IP-intensive in the next 5 years.

According to the WIPO IP Statistics Data Center⁴², in 2022, the top technical fields in Ukraine include: "Engines, pumps, turbines", "Medical technology", "Transport", "Furniture, games", "Other special machines".

According to the Annual Report of the National Intellectual Property Authority for 2022⁴³, in 2018-2022, the majority of applications for inventions from national

³⁹ <https://www.kmu.gov.ua/en/news/uriad-napratsovuie-stratehiu-innovatsiinoho-rozvytku-ukrainy-do-2030-roku-premier-ministr>

⁴⁰ <https://winwin.gov.ua/en>

⁴¹ https://winwin.gov.ua/assets/files/WINWIN_Main%20Presentation.pdf

⁴² <https://www.wipo.int/edocs/statistics-country-profile/en/ua.pdf>

⁴³ <https://nipo.gov.ua/wp-content/uploads/2024/01/Annual-Report-2022-web-ns.pdf>

applicants were filed in the technological fields of “Medical technology”, “Measurement”, “Pharmaceuticals”, “Chemical engineering”, “Food chemistry”, “Civil engineering”, “Electrical machinery, apparatus, energy”, “Other special machines”, “Engines, pumps, turbines”, etc. Technological fields are determined taking into account the IPC and Technology Concordance Table developed by the WIPO Secretariat.

It is worth noting a progressive decline in the number of applications for inventions after 2020, which is in particular due to the negative economic impact of the COVID-19 pandemic and the economic situation in Ukraine.

In 2018-2022, the most active regions of Ukraine in filing applications for inventions were Kyiv, Kharkiv, Dnipro, Odesa, Lviv, Donetsk, Zaporizhzhia and Kyiv regions.

A detailed list and metrics are provided in the Annexes.

1.5. Main trading partners

According to the NBU⁴⁴ and the Ministry of Economy⁴⁵, за 2019 – початок 2023 року, in 2019 - early 2023, Ukraine's main trading partners in terms of total trade turnover were the European Union, the People's Republic of China, the Republic of Turkey, the United States of America, the Republic of India, and Egypt.

Export⁴⁶

According to the Centre for Public Monitoring and Control, **in 2021, exports of Ukrainian goods reached a record high since 2012** - almost 70 billion USD.⁴⁷ Ukraine sold the most agricultural and metallurgical products abroad. These include wheat, fats and oils, as well as electrical equipment, machinery and mechanisms, etc.

This is the highest figure since 2012, when the amount reached 68.81 billion USD. Compared to 2020, the value of exports increased by 19.04 billion USD.

The Ministry of Economy notes that the leaders in foreign sales are products of the agricultural and metallurgical industries. The top five most popular products include mineral products (8.42 billion USD), fats and oils of animal and vegetable origin (7.05 billion USD), and mechanical and electrical equipment, machinery and mechanisms (4.82 billion USD). Exports of finished food products in 2021 increased by 13.1% to 3.8 billion USD.

In 2021, the State Service of Ukraine for Food Safety and Consumer Protection and the Ministry of Foreign Affairs of Ukraine opened 21 international markets for 81 groups of Ukrainian goods. In particular, in 2021, the State Service of Ukraine for Food Safety and Consumer Protection approved new certificates for trade with Serbia, Belgium, Lithuania, Slovakia, Bosnia and Herzegovina, Georgia, Japan, Argentina, as well as a number of countries in Africa and the Middle East. The certified products include milk and dairy products, honey, table eggs, poultry, small and large cattle, live snails, and others.

⁴⁴ https://bank.gov.ua/files/ES/Tov_y.pdf

⁴⁵ <https://www.me.gov.ua/Documents/Detail?lang=uk-UA&id=30d3074d-6882-4aac-bc4f-f4af8a30b221&title=DovidkazovnishniaTorgivliaUkrainiTovaramiTaPoslugamiU2019-Rotsi>

⁴⁶ <https://www.me.gov.ua/Documents/List?lang=uk-UA&id=e8551533-1004-4210-9980-a3a50e134096&tag=InformatsiinoanalitichniMateriali>

⁴⁷ According to the Ministry of Economy, exports of goods totalled 68.24 billion USD in 2021.

Exports of goods in the **first half of 2023** decreased by 14.3% (by 3.2 billion USD) compared to the first half of 2022 and amounted to 19.4 billion USD. Exports of goods decreased for almost all types of industrial products.

The following products accounted for the largest share of Ukraine's exports in the **first half of 2023**, as in previous years:

- agricultural and food products (60.6%);
- metallurgical products (10.9%);
- machine building products (8.9%);
- mineral products (6.4%).

For comparison:

In 2018, the largest share in Ukraine's exports belonged to the steel industry:

- agricultural and food products (39.3%),
- metallurgical products (24.6%),
- machine building products (11.6%),
- mineral products (9.2%).

Exports of goods increased to the following countries: America - by 34.1%; Europe - by 15.1%; Asia - by 6.1%; Africa - by 2.0%; and the CIS - by 1.6%.

Exports of goods decreased to Australia and Oceania by 32.4%.

Import⁴⁸

In the **first half of 2023**, imports of goods increased by 20.7% (+5.2 billion USD) compared to the first half of 2022 and totalled 30.4 billion USD. Imports of the following types of industrial products increased in the first half of 2023:

- chemical and related products - by 952.4 million USD (+20.8%)
- agricultural and food products - by 671.5 million USD (+24.0%)
- metallurgical products - by 365.3 million USD (+32.9%)
- light industry products - by 179.1 million USD (+13.6%)
- wood, paper pulp and wood products - by 71.8 million USD (+17.2%)

At the same time, imports of mineral products decreased by 521.1 million USD (by 8.0%), including: - mineral fuels; oil and its distillation products - by 483.9 million USD (by 7.7%); - ores, slags and ashes - by 77.6 million USD (by 95.0%).

The largest share of total imports in the **first half of 2023** was accounted for by:

- machinery products (29.9%);
- mineral products (19.6%);
- chemical products (18.2%);
- agricultural and food products (11.4%);
- miscellaneous industrial goods (9.5%).

For comparison:

The largest share of total imports **in 2018** was accounted for by:

- machinery products (30.5%),
- mineral products (24.8%),
- chemical products (18.6%),
- agricultural products (8.8%).

⁴⁸ <https://www.me.gov.ua/Documents/List?lang=uk-UA&id=e8551533-1004-4210-9980-a3a50e134096&tag=InformatsiinoanalitichniMateriali>

1.6. EU integration

Another important driver of the country's context is gaining the status of a candidate country for the European Union on 23 June 2022 and further adaptation of national legislation to the EU acquis. To ensure the fulfilment of Ukraine's obligations in the field of European integration in terms of harmonisation of the requirements of the current Ukrainian IP legislation with EU law, the standards set out in Chapter 9 "Intellectual Property" of Title IV "Trade and Trade-Related Issues" of the Association Agreement are being implemented, as well as the implementation of the provisions of EU acquis in the field of copyright and related rights, industrial property rights and enforcement of IP rights.

Ukraine's European integration vector in the field of intellectual property includes the following activities:

- amendments to IP legislation;
- constant monitoring of the IP law enforcement;
- implementation and improvement of IPRs protection mechanisms and procedures;
- cooperation, constant communication with IP stakeholders;
- focusing on IPRs raising awareness and IP culture initiatives.

EU-Ukraine Association Agreement's IP provisions implementation rate in 2022 was one of the highest in Ukraine, reaching 98%⁴⁹.

On November 8, 2023, the European Commission published a Report on Ukraine's progress under the EU's 2023 Enlargement Package, which recommends to the European Council to start negotiations with Ukraine.

By December 14, 2023, the European Council decided to start accession negotiations with Ukraine and adopt the relevant framework for negotiations after the relevant steps set out in the European Commission recommendations dated November 8, 2023.

On February 09, 2024, the Cabinet of Ministers of Ukraine approved the Action Plan for the implementation of the European Commission's recommendations presented in the Ukraine's Progress Report on the European Union Enlargement Package⁵⁰, which identifies more than 350 actions to implement the European Commission's recommendations, in particular 14 actions related to the field of intellectual property.

On March 12, 2024, the European Commission officially presented proposals for draft negotiating frameworks for Ukraine and Moldova to the Council of the European Union⁵¹.

On 10-11 December 2024, bilateral meetings were held between Ukraine and the European Commission as part of the screening of the alignment of Ukrainian legislation with the EU acquis under Chapter 7 "Intellectual Property Law". The screening is an integral part of the negotiation process for Ukraine's accession to the European Union.

Screening is a formal procedure during which the European Commission, together with a candidate country for EU membership, analyses the compliance of

⁴⁹ <https://eu-ua.kmu.gov.ua/wp-content/uploads/Report-on-implementation-of-the-Association-Agreement-between-Ukraine-and-the-European-Union-for-2023.pdf>

⁵⁰ <https://www.kmu.gov.ua/npas/pro-zatverdzhennia-planu-zakhodiv-z-vykonannia-rekomendatsii-ievropeiskoi-komisii-predstavlenykh-u-t90224>

⁵¹ <https://eu4ukraine.eu/en/media-en/publications-en/projects-of-negotiating-framework.html>

the candidate country's national legislation with the relevant EU *acquis*. The screening takes place under 33 negotiating chapters, which are grouped into 6 clusters (thematic blocks) in accordance with the revised EU enlargement methodology in 2020. Chapter 7 "Intellectual Property Law" is considered under Cluster 2 "Internal Market".

In order to prepare materials for the screening, the Government of Ukraine engaged more than 30 state agencies, scientific institutions, and associations dealing with intellectual property issues.

In addition, projects funded by the European Union and its member states were involved, including the EU4IP project, GiZ and CPVA assistance projects. The EUIPO and the EPO have played an important role in strengthening Ukraine's European integration efforts.

Some of the general conclusions of the bilateral meeting are as follows:

1) Ukraine reaffirmed its **commitment to fully align** its national IP legislation and practice with the EU *acquis*.

2) Ukraine expressed its reservations regarding the prompt **recognition of 29 registered Ukrainian geographical indications** in the European Union, in particular, to counteract the attempts of the Russian Federation to appropriate national GIs.

3) Ukraine announced the preparation of the Roadmap for 2025-2027 for accession to the **European Patent Convention**,

4) Ukraine announced a request for **accelerated integration** by joining the *European Union Intellectual Property Network* (EUIPN), the *European Observatory on Intellectual Property Infringement* (EOIPI) Task Forces and Working Groups, and the *European Intellectual Property Prosecutors Network* (EIPPN).

5) The European side acknowledged **the significant steps taken by Ukraine** in the implementation of international standards in the national intellectual property system, and noted the significant activity of Ukraine in the international arena on IP issues.

6) The European side called for **further consultations** and discussions with representatives of interagency services, projects and colleagues from the EU Delegation, EUIPO, EPO and other European institutions, in particular, the IP offices of EU member states.

7) The European side stressed that Ukraine continues to be one of the 4 main **transit points for the supply of counterfeit goods** to the EU market.

8) The European side emphasised the importance of launching the activities and quality functioning of **the High Intellectual Property Court**.

9) The European side called for **lifting all restrictions and resumption of all activities** (in particular, in the context of the IP deadlines suspension and the resumption of accreditation of collective management organisations) that were suspended as a result of the introduction of martial law.

10) The high level of support received from the **EU4IP** project for the approximation of Ukrainian legislation and practices to the EU *acquis* was noted.

Based on the results of the screening meetings, it is planned to adopt a new Action Plan for the implementation of the European Commission's recommendations.

2. Innovation context and IP data

INDUSTRIAL PROPERTY

Current status

Taking into account the country's context, it is worth noting the decline in the activity of filing applications for the registration of IP rights, which is associated with the full-scale invasion of Ukraine by the Russian Federation. Thus, in 2022, compared to 2021, there was observed:

- 44% drop in applications for trademarks;
- 55% drop in applications for industrial designs;
- 46% drop in applications for utility models;
- 19% drop in applications for inventions.

The **inventions** in Ukraine demonstrated a modest but positive growth in 2023, with the total number of applications increasing by **5.5% compared to 2022**, reaching **2,911 applications**. This growth was primarily driven by resident applicants, whose filings rose by **27% compared to 2022**, while non-resident applications saw a decline of **17.6% compared to 2022**, indicating a cautious approach from international stakeholders.

The majority of non-resident applications originated from the **United States, Switzerland, and Germany**, reflecting strong ties with these innovation hubs. Despite the increase in filings, the total number of patents granted during the year amounted to **1,158**, which represents a **26% decrease compared to 2022**, with residents accounting for only **37% of the total**.

At the end of 2023, there were **19,618 active patents**, reflecting a **4.3% increase compared to 2022**. The upward trend in domestic filings is a positive indicator of innovation recovery; however, it also highlights the need for further incentives to sustain and expand local inventive activities, especially given the challenging economic and geopolitical conditions.

Patents Applications Received, Processed and Patents Granted in 2019- 2023

	2019	2020	2021	2022	2023*	2023 to 2022
Total applications filed	3,856	3,194	3,390	2,758	2,911	+5.5%
Under the national procedure	2,302	1,611	1,574	1,017	1,190	+17.0%
○ By Residents;	2,102	1,367	1,291	790	1,003	+27.0%
○ By non-residents;	200	244	283	227	187	-17,6%
Under the PCT Procedure	1,554	1,583	1,816	1,741	1,721	-1.1%
Including resident applicants	1	3	5	3	7	
Preliminary examination conclusions and requests	—	—	—	2,311	2,858	+23,7%
Decisions made by examination	—	—	—	1,761	1,035**	-41,2%

Other documents prepared and sent by examination	–	–	–	11,338	14,644	+29,2%
Decisions made on termination of the application processing	869	921	967	270	1,069	+295,9%
Total patents granted	2,255	2,179	2,289	1,566	1,158***	-26.1%
○ To residents	1,248	1,086	990	630	429	-31.9%
○ To non-residents	1,007	1,093	1,308	936	729	-22.1%

*Considering provisions of Law of Ukraine No. 2174-IX, "On Protection of Intellectual Property Interests of Persons during Martial Law Imposed in Connection with the Armed Aggression of the Russian Federation against Ukraine," adopted on 1 April 2022, which suspended the deadlines for submission of any documents, including responses to examination requests and the deadlines for payment of publication fees and submission of documents on payment of state fees.

** Pending request and fee payment for the substantive examination for some applications.

*** Pending payment of state fees and publication fees for state registration for some applications.

The field of **utility models** experienced a remarkable surge in 2023, with applications increasing by **47.4% compared to 2022**, totaling **3,504 filings**. This significant growth was almost entirely driven by national applicants, with **98.6% of the registered utility models granted to them**, reflecting an increase of **31.7% compared to 2022**.

The simplified registration process for utility models, which does not require substantive examination, has made this form of intellectual property increasingly attractive to businesses and individual innovators seeking quicker and cost-effective protection.

In terms of geographical distribution, Kyiv remained the leading region for utility model filings, accounting for **26.3% of total applications**, followed by key industrial hubs such as Kharkiv and Dnipropetrovsk. The sharp increase in filings suggests that Ukrainian innovators are leveraging utility models as a strategic tool to protect their technical solutions, supporting both economic resilience and technological advancement. However, the issue of enforcement of utility model rights remains to be considered and will be discussed further in this report.

Utility Model Received, Processed and Utility Models Granted in 2019- 2023

	2019	2020	2021	2022	2023*	2023 to 2022
Total applications filed	8,454	5,273	4,427	2,378	3,504	+47,4 %
Under the national procedure	8,443	5,265	4,419	2,374	3,499	+47,4%
○ By Residents;	8,344	5,059	4,335	2,320	3,425	+47,6%
○ By non-residents;	99	206	84	54	74	+37%
Under the PCT Procedure	11	8	8	4	5	+25%
Including resident applicants	-	-	-	-	2	-
Decisions made by examination	8,418	5,743	4,049	2,442	2,722	+11,5%

Total patents granted	8,412	6,385	4,363	2,074	2,712**	+30,8%
○ To residents	8,288	6,229	4,214	2,031	3,675	+31,7%
○ To non-residents	124	156	149	43	37	-14%

* Considering provisions of Law of Ukraine No. 2174-IX, "On Protection of Intellectual Property Interests of Persons during Martial Law Imposed in Connection with the Armed Aggression of the Russian Federation against Ukraine," adopted on 1 April 2022, which suspended the deadlines for submission of any documents, including the provision of responses to examination requests and the deadlines for payment of publication fees and provision of documents on payment of state fee.

** Pending payment of state fee and publication fees for state registration for some applications.

In the area of **industrial designs**, there was an impressive growth rate of **34.8% compared to 2022**, with the total number of applications reaching **1,112** in 2023. Resident applicants contributed the most to this growth, with a **30.3% increase compared to 2022**, while non-resident applications also saw a significant rise of **71.1% compared to 2022**, reflecting renewed international interest in Ukraine's design sector.

The number of industrial design registrations improved by **18.6% compared to 2022**, with Ukrainian applicants receiving the majority of registrations, accounting for **88.3% of the total**.

This increase underscores the growing recognition of industrial designs as a valuable asset for businesses, particularly in the consumer goods and creative industries. The surge in applications suggests a strong alignment with global trends, where industrial designs are increasingly seen as a critical component of brand differentiation and market competitiveness.

Applications Received, Examined and Industrial Design Registrations 2019-2023

	2019	2020	2021	2022	2023*	2023 to 2022
Total applications filed	2,627	2,025	1,836	825	1,112	+34.8%
○ By Residents;	2,406	1,163	1,679	735	958	+30.3%
○ By non-residents;	221	262	157	90	154	+71.1%
Decisions made by examination	2,517	2,272	1,494	739	967	+30.9%
Total industrial design registrations	2,599	2,047	1,751	656	778**	+18.6%
○ By Residents;	2,396	1,820	1,538	601	687	+14.3%
○ By non-residents;	203	227		55	91	+65.5%

*Considering provisions of Law of Ukraine No. 2174-IX, "On Protection of Intellectual Property Interests of Persons during Martial Law Imposed in Connection with the Armed Aggression of the Russian Federation against Ukraine" adopted on 1 April 2022, which suspended the deadlines for submission of any documents, including the responses to examination requests and the deadlines for payment of publication fees and submission of documents on payment of state fees.

** Pending payment of state fee and publication fees for the certificate: 284

The **trademark** sector experienced substantial growth, with applications rising by **55.4% compared to 2022**, reaching a total of **30,798 filings** in 2023. This increase was predominantly fueled by resident applicants, whose filings surged by

61.7% compared to 2022, reflecting a heightened awareness and emphasis on brand protection among Ukrainian businesses.

Non-resident applications also saw an increase of **18.2% compared to 2022**, indicating steady foreign interest in the Ukrainian market despite ongoing challenges.

The most popular class for trademarks, according to the Nice Classification, was **Class 35**, which includes business management, advertising, and office functions, demonstrating the growing service-oriented nature of Ukraine's economy. The robust increase in trademark filings highlights the expanding role of branding and market positioning in the Ukrainian business landscape, although procedural bottlenecks may be hampering the timely issuance of registrations.

Applications Received, Examined and Trademark Registrations under the National Procedure in 2019-2023

	2019	2020	2021	2022	2023*	2023 to 2022
Total applications filed	33,735	27,896	31,350	16,234	25,232	+55.4%
○ By Residents;	29,827	23,842	27,029	13,905	22,479	+61.7%
○ By non-residents;	3,908	4,054	4,321	2,329	2,753	+18.2%
Decisions made by examination	21,369	25,594	27,962	19,973	16,439	-17.7%
Total industrial design registrations	17,322	19,640	22,455	16,029	14,530**	-9.4%
○ By Residents;	14,788	16,839	19,166	13,072	12,126	-7.2%
○ By non-residents;	2,534	2,801	3,289	2,957	2,404	-18.7%

* Considering provisions of Law of Ukraine No. 2174-IX, "On Protection of Intellectual Property Interests of Persons during Martial Law Imposed in Connection with the Armed Aggression of the Russian Federation against Ukraine," adopted on 1 April 2022, which suspended the deadlines for submission of any documents, including responses to examination requests and the deadlines for payment of publication fees and submission of documents on payment of state fees.

** Pending payment of state fee and publication fees for the certificate: 9605

The overall **inventive activity** in Ukraine saw an encouraging rise in 2023, with combined filings for inventions and utility models increasing by **42.5% compared to 2022**, predominantly driven by resident applicants. Kyiv remained the dominant hub for innovation, contributing **28.2% of the total applications**, followed by Kharkiv and Dnipropetrovsk regions, which also showed strong performance. The distribution of inventive activity across the country highlights regional disparities, with major urban centers leading in filings while other regions lag behind. Encouraging innovation in underrepresented areas through targeted support measures could further enhance Ukraine's innovation ecosystem.

In conclusion, the growth observed across all major intellectual property categories—particularly in utility models and trademarks—reflects the resilience and adaptability of Ukrainian businesses and innovators in the face of ongoing challenges. To sustain this momentum, it is essential to streamline administrative processes, provide greater support to resident applicants, and foster international collaboration. The establishment of efficient procedures for patent and trademark registrations, alongside enhanced outreach initiatives to educate stakeholders, will be critical in ensuring Ukraine's continued progress in the intellectual property sphere.

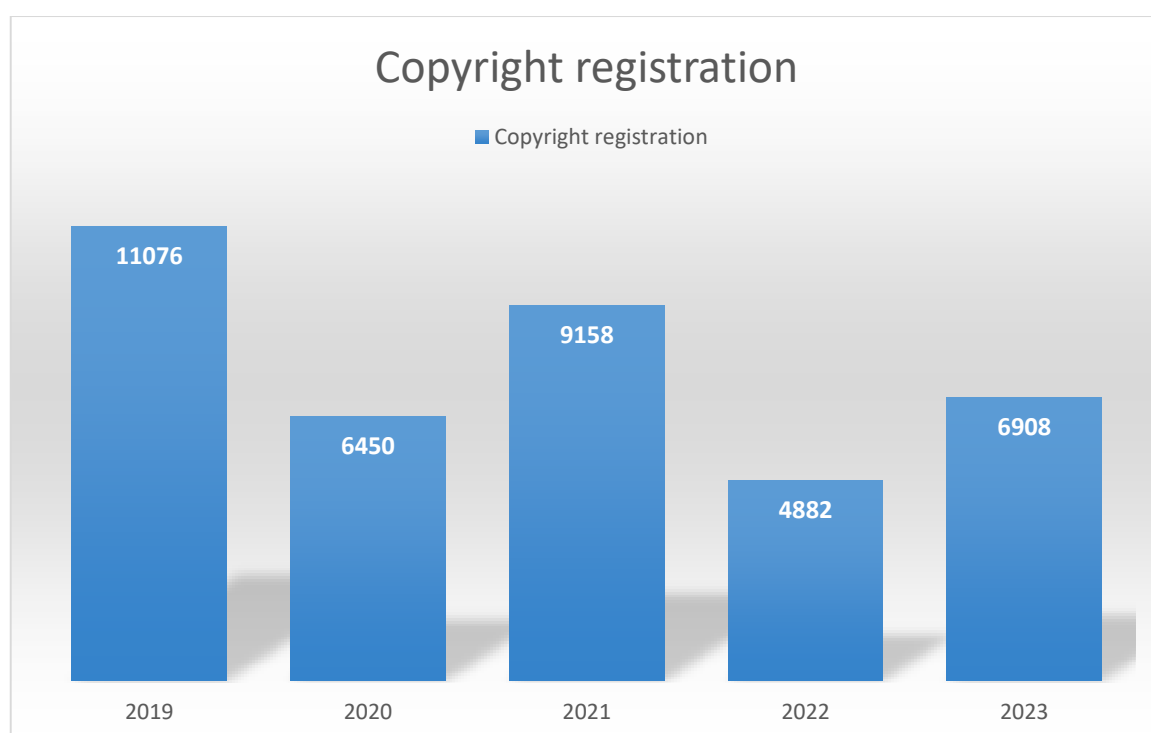
More detailed statistical data, including regional distributions, year-on-year comparisons, and breakdowns by applicant types, can be found in the annexes provided within the respective reports.

COPYRIGHT AND RELATED RIGHTS

Current status

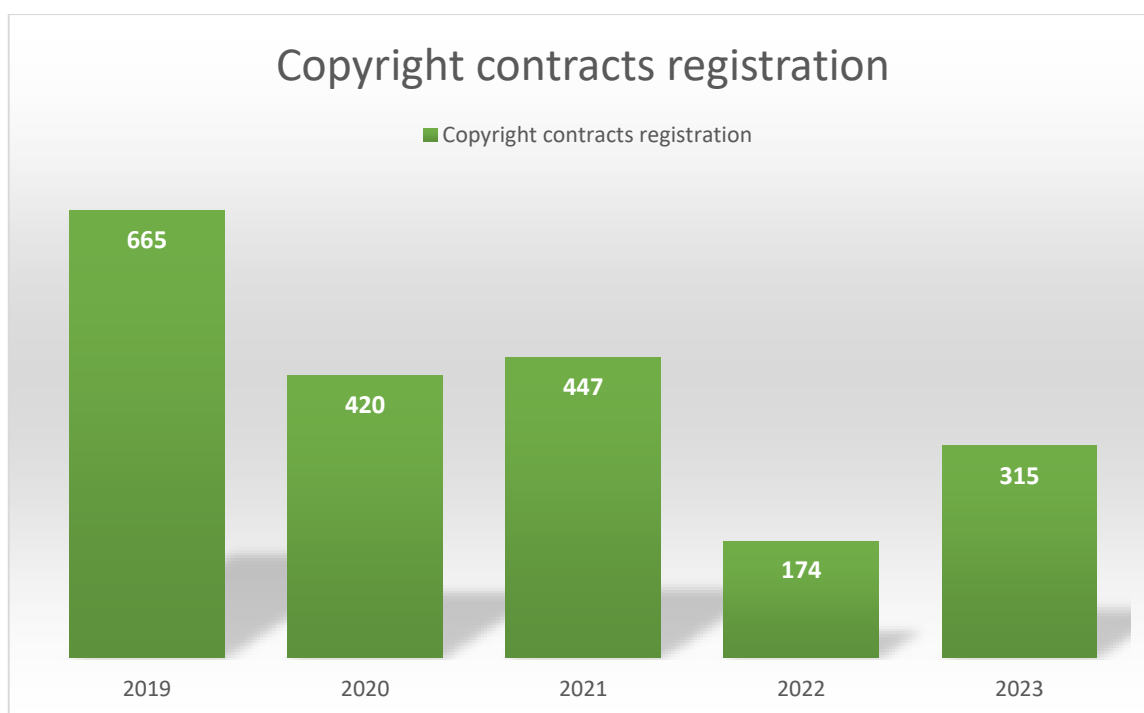
The field of copyright and related rights is not subject to analysis and evaluation in terms of their efficiency and contribution to economic development. There are no statistics on this in Ukraine. The field of copyright is subject to observation in terms of state registration of rights to a work and state registration of contracts relating to rights to a work.⁵² Both types of registration are not mandatory and are carried out at the discretion of the right holders. The data on the number of registrations for the period of 2019-2022 are presented in the annual report of the Ukrainian National Office for Intellectual Property and Innovations (UANIPIO).⁵³ The data for 2023 has not yet been published and was provided by UANIPIO for the purpose of preparing this Diagnostic Report.

Data on the number of applications for copyright registration of works for hire is available only for 2023. Data on types of contracts (copyright transfer and license agreements) is available only for 2023.



⁵² Copyright registration may be carried out in order to fix the date of creation of a work when the author plans to use the work later. A copyright registration certificate is used when applying to website owners to remove an illegally posted work from a website.

⁵³ National Intellectual Property Authority Annual Report 2022. <https://ukrpatent.org/atachs/Annual-Report-2022-web-ns.pdf>



Strengths/Weaknesses/Analysis

The number of state registrations of copyright and agreements on the rights to a work decreased significantly in 2020 due to the pandemic. In 2022, due to full-scale military aggression, state registration was not carried out for some time, so the figure for this year is the lowest in the study period. In 2023, the number of state registrations was slightly lower than expected as no registrations were carried out for some time due to changes in legislation. On January 01, 2023, the new Law of Ukraine "On Copyright and Related Rights"⁵⁴ entered into force which made it necessary to update the procedure for state registration of copyright and contracts relating to rights to a work. The new procedure was approved on August 16, 2023,⁵⁵ and entered into force on November 24, 2023. In the period between the approval of the new procedure and its entry into force, state registration was suspended for several months due to the need to adapt to the new conditions. In December 2023, state registration was resumed, and there are currently no obstacles to its implementation.

COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS

Current status

⁵⁴ Law of Ukraine "On Copyright and Related Rights" of December 1, 2022 No. 2811-IX (in Ukrainian).
<https://zakon.rada.gov.ua/laws/show/2811-20#n983>

⁵⁵ Order of the Ministry of Economy of Ukraine "On Approval of the Procedure for State Registration of Copyright and Agreements Concerning Property Rights to a Work" of August 16, 2023 No. 11319 (in Ukrainian).
<https://zakon.rada.gov.ua/laws/show/z1760-23#Text>

According to the Register of Collective Management Organizations, as of May 3, 2023, 19 collective management organizations (CMOs) are registered in Ukraine.⁵⁶ Each of them can be accredited to carry out mandatory and extended collective management.

CMOs must submit an annual report on their activities by April 1 of the year following the reporting year.⁵⁷ Based on these reports, statistics on the amounts of collected and distributed remuneration are compiled.

Information on CMOs activities for 2019-2022 was published by the Ministry of Economy of Ukraine.⁵⁸ In this period, only a part of CMOs submitted the reports required by law (2019 – 13 of 19; 2020 – 15 of 19). The information for 2023 has not yet been made public and was provided by UANIPIO for the purpose of preparing this Diagnostic Report.

For 2019-2020, only a part of CMOs submitted the reports required by law:

2019 – 13 of 19

2020 – 15 of 19.

Due to military aggression, on March 3, 2022, the Law of Ukraine "On Protection of the Interests of Subjects of Submission of Reports and Other Documents During Martial Law or a State of War" was adopted.⁵⁹ This law allows CMOs and other organizations not to submit accounting, financial, settlement, or audit reports during martial law, but such reports must be submitted within three months after the termination or lifting of martial law for the entire period of non-submission. This applies to the 2021 CMO reports which, as a general rule, had to be submitted by April 1, 2022. In this regard, information on the activities of CMOs for the period 2021-2023 is available only for those CMOs that submitted reports during this period.

For 2021-2023, only a part of CMOs submitted reports:

2021 – 7 of 19

2022 – 6 of 19

2023 – 7 of 19.

The 2019 statistics include information on the amount of remuneration collected and distributed. Statistics for 2020-2023 include information on the amounts of remuneration collected, distributed, and paid.⁶⁰

Total amount of collected, distributed and paid remuneration for 2019-2023 as of the end of each reporting period, UAH:

2019 – collected 57 995 243.59, distributed 36 715 538.26, paid – no information available

⁵⁶ Public access to the register of CMOs as of May 3, 2023 is provided on the website of the Ministry of Economic Development and Trade of Ukraine (in Ukrainian). <https://www.me.gov.ua/Documents/Detail?lang=uk-UA&id=2e29db4f-7ddf-49bc-bc06-608a149d0d69&title=KolektivneUpravlinniaUSferiAvtorskogoPravaISumizhnikhPrav>

⁵⁷ According to Article 11 Law of Ukraine "On Effective Management of Property Rights of Right Holders in the Field of Copyright and (or) Related Rights" of May 15, 2018 No. 2415-VIII (in Ukrainian). <https://zakon.rada.gov.ua/laws/show/2415-19#Text>

⁵⁸ Results of the analysis of compliance with the requirements of the legislation in the field of collective management, monitoring of the activities of accredited collective management organizations (in Ukrainian). <https://data.gov.ua/dataset/691ec303-5ed9-4fe1-aefb-dfa3a070b38a>

⁵⁹ Law of Ukraine "On Protection of the Interests of Subjects of Submission of Reports and Other Documents During Martial Law or a State of War" of March 3, 2022 No. 2115-IX (in Ukrainian). <https://zakon.rada.gov.ua/laws/show/2115-20#Text>

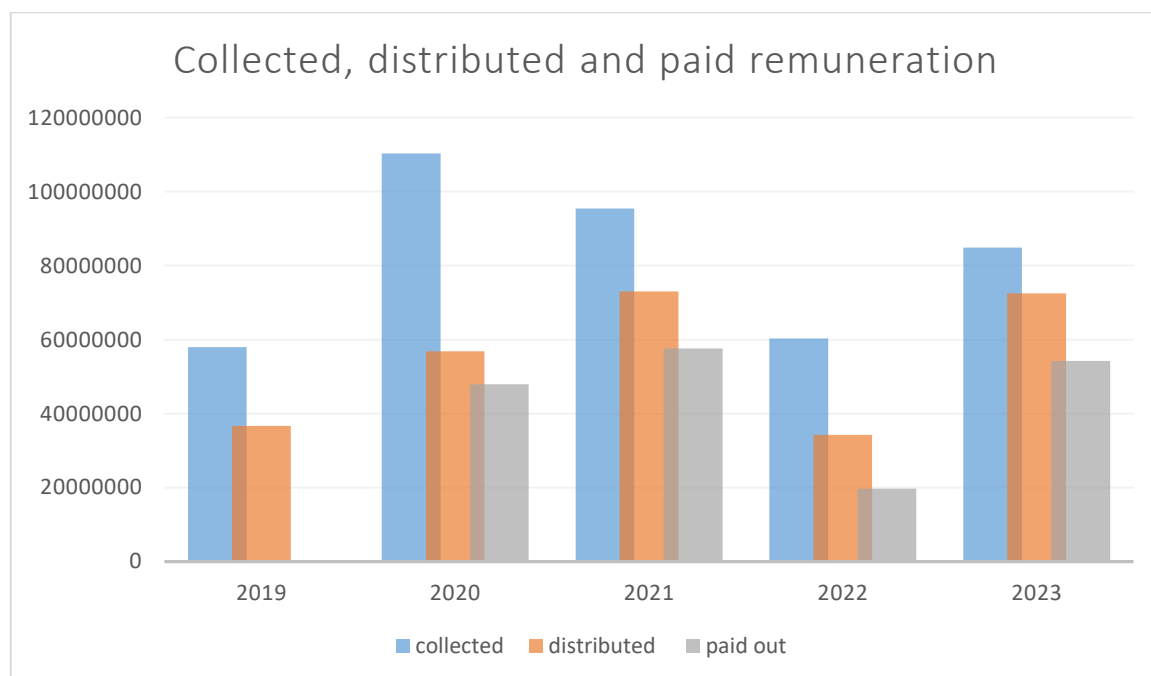
⁶⁰ The distribution of remuneration means that the CMO has determined the right holders to whom the remuneration should be paid and the amount of such remuneration. However, payment of remuneration may be carried out later, for example, if the right holder's bank account details have changed but the right holder has not informed the CMO of the new details.

2020 – collected 110 284 921.61, distributed 56 850 519.48, paid 47 894 777.14

2021 – collected 95 420 535.72, distributed 73 053 467.85, paid 57 660 204.09

2022 – collected 60 322 835.88, distributed 34 291 992.75, paid 19 760 672.09

2023 – collected 84 849 781.22, distributed 72 494 171.22, paid 54 284 868.01.



Strengths/Weaknesses/Analysis

Extended and mandatory collective management of copyright and related rights has not been carried out in Ukraine since the end of February 2022.

On February 13, 2022, a law came into force that canceled the decision to accredit CMOs in the following areas of extended management:

1) public performance of non-dramatic musical works with and without lyrics, including those that are included in audiovisual works;

2) communication to the public of musical non-dramatic works with and without lyrics, including those included in audiovisual works, except for cable retransmission.⁶¹

This law established that by April 13, 2022, the tenders would be announced to determine accredited collective management organizations in these areas. Due to the outbreak of war, the tenders were not announced. The law adopted on December 1, 2022, established that during the war, the tenders for the selection of an accredited collective management organization are not announced or held. Such tenders may be announced within 12 months after the termination or lifting of martial law in Ukraine.⁶² Thus, at the current stage, CMOs could only carry out voluntary

⁶¹ Law of Ukraine "On Amendments to the Law of Ukraine "On Effective Management of Property Rights of Right Holders in the Field of Copyright and (or) Related Rights" to Ensure Collection of Revenue from Rights by Collective Management Organizations" of December 15, 2021 No. 1960-IX (in Ukrainian).
<https://zakon.rada.gov.ua/laws/show/1960-20#n2>

⁶² Law of Ukraine "On Copyright and Related Rights" of December 1, 2022 No. 2811-IX (in Ukrainian).
<https://zakon.rada.gov.ua/laws/show/2811-20#n983>

management of rights on the basis of agreements with right holders. In this regard, most CMOs do not function or function to a very limited extent.

In addition, on February 24, 2022, the National Bank of Ukraine adopted Resolution No. 18 " On the Operation of the Banking System during the Period of Martial Law ",⁶³ which introduced significant restrictions on many banking operations. Cross-border currency transfers were initially completely prohibited. During 2022-2023, the National Bank of Ukraine established many exceptions to this prohibition but they do not include payments of remuneration for the use of works and related rights collected by CMOs in favor of foreign right holders. Therefore, CMOs may not pay remuneration to foreign rights holders, even if they have collected it.

CREATIVE INDUSTRIES

Current status

Currently, no state body is responsible for compiling statistics on the creative industries. In addition, enterprises belonging to the creative industries are subject to the aforementioned law which allows them not to submit accounting, financial, settlement, or audit reports during the war. Therefore, there is no complete statistical information on the creative industries in Ukraine for 2019-2023.

At the request of the Ministry of Culture and Information Policy of Ukraine, the team of the Center for International Trade Analysis Trade+ at the Kyiv School of Economics prepared a report on the study of the economy of creative industries in Ukraine for 2019.⁶⁴ On its own initiative, the Ministry of Culture and Information Policy of Ukraine has prepared a statistical overview of the main economic indicators of the creative industries of Ukraine for 2020.⁶⁵ Based on the information provided in the 2019 and 2020 reports, the following is the main data on the performance of the creative industries in this period.

Added value by creative industries sectors in 2019-2020

	Added value generated by all creative industries, UAH billion	Percentage of total value added	Generated added value of selected creative industries, UAH million					
			Publishing of computer games	Design	Software	Individual artistic activity	Film production	Advertising
2019	117.2	3.9 %	277.42	1 405.81	49 858.33	355.9	4 744.79	14 510.28

⁶³ Resolution of the National Bank of Ukraine "On the Operation of the Banking System during the Period of Martial Law" of February 24, 2022 No. 18 (in Ukrainian). <https://zakon.rada.gov.ua/laws/show/v0018500-22#Text>

⁶⁴ Olga Nikolaieva, Andriy Onoprienko, Svitlana Taran, Yuriy Sholomytsky, and Pavlo Yavorsky. Creative Industries: Impact on the Development of Ukraine's Economy (in Ukrainian). <https://kse.ua/wp-content/uploads/2021/04/KSE-Trade-Kreativni-industriyi-Zvit.pdf>

⁶⁵ Key economic indicators of creative industries in Ukraine (in Ukrainian). <https://drive.google.com/file/d/1TLdYp1sPQXJjSeJYgc0x5uMTFehDCnoX/view>

2020	132.4	4.2 %	447.14	1 965.62	66 265.35	470.9	5 495.58	14 811.54
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Number of employees in the creative industries in 2019-2020

	Total number of employees in the creative industries, thousand persons	Percentage of the total officially employed population	Number of employees in selected creative industries, persons					
			Publishing of computer games	Design	Software	Individual artistic activity	Film production	Advertising
2019	325	3.8 %	1 196	9 202	146 797	2 457	11 680	31 953
2020	360.3	4 %	1 183	9 544	163 184	2 650	12 394	29 411

Statistics on the activities of the creative industries for 2021 have not been made public, and there is no information available. The Ministry of Culture and Information Policy of Ukraine has prepared a comparative report on tax revenues in the creative industries of Ukraine for January-March 2021 and January-March 2022.⁶⁶ According to the report, based on the information available at the time, the total number of taxpayers in the creative industries in Ukraine in the first quarter of 2022 decreased by 60% compared to the first quarter of 2021. The total amount of declared income in the creative industries in the first quarter of 2022 fell by 41% compared to the first quarter of 2021. There is no other official information on the activities of the creative industries during this period.

In UNCTAD's Creative Economy Outlook 2022,⁶⁷ there is no data about Ukraine.

Partial information about different areas of the creative industries is available in different sources. For instance, Ukrainian Association of Publishers and Book Distributors prepared the Comparative analysis of the book publishing industry in Ukraine as of December 1, 2021 and December 1, 2022.⁶⁸ At the same time, no such information was prepared for 2019, 2020 and 2023. Ukrainian State Film Agency annually publishes on its website information on the number of films created using budgetary funds and regularly publishes information on box office revenues from the distribution of these films.⁶⁹ However, information on films created with private funds

⁶⁶ Tax revenues in the creative industries in Ukraine: First quarter of 2022 vs. first quarter of 2021 (in Ukrainian). <https://drive.google.com/file/d/1XM6XO2zZMbiPhdUCuCUcOpUg13jEVbYh/view>

⁶⁷ UNCTAD Creative Economy Outlook 2022. https://unctad.org/system/files/official-document/ditctsce2022d1_en.pdf

⁶⁸ Ukrainian Association of Publishers and Book Distributors. Some results of the publishing year during the war, 29/12/2022 (in Ukrainian). <http://www.upba.org.ua/index.php/uk/vydavnytstva/item/483-deiaki-pidsumky-vydavnychoho-roku-v-umovakh-viiny>

⁶⁹ At the end of February 2024, the Ukrainian State Film Agency restricted the operation of its website due to updated requirements for cybersecurity of websites and servers of state authorities. For an indefinite period of time, the Agency's communication with the public is carried out through the official Facebook page

is not included in these statistics. In other areas of the creative industries, the situation is similar, with information on their performance being incomplete and covering only certain segments and periods of time.

Strengths/Weaknesses/Analysis

The creative industries in Ukraine are not subject to full-fledged monitoring due to the lack of a body authorized to carry out such monitoring. In addition, such monitoring is almost impossible during martial law, as many companies do not submit reports, which are the main source of information. The lack of statistics for 2021-2023 does not allow us to establish the dynamics of the development of various creative sectors and their needs, especially during martial law.

As noted above, a significant number of types of cross-border currency transfers are currently prohibited in Ukraine. As a result, the creative industries are very limited in their ability to import the necessary equipment and materials which can significantly complicate their functioning.

INNOVATION CONTEXT

Current status

The 2023 Global Innovation Index (GII) examines global innovation trends against a backdrop of economic uncertainty. This index reveals the ranking of the world's most innovative economies in 2023 among 132 economies. In this rating, Ukraine ranks 55th among 132 countries included in this rating. Ukraine ranks 3rd among lower-middle-income economies and 34th among 39 economies in Europe. In 2023, Ukraine performed better in innovation outputs than innovation inputs. From one perspective, Ukraine ranks 42nd in innovation outputs, indicating a better performance than last year. On the flip side, this year, Ukraine ranks 78th in innovation inputs, which is lower than last year.⁷⁰

In 2023, Ukraine ranked 55th among 132 countries, compared to 57th in 2022 and 49th in 2021. It was 34th among 39 European countries and third among lower—and middle-income countries.

According to the first innovation output sub-index, “Knowledge and technological outputs,” Ukraine is in 45th place, losing nine positions compared to 2022. Ukraine’s indices of strength remain: “Knowledge creation” (28th place), “Ratio of patents by origin” (33rd), “Ratio of utility models by origin to GDP” (1st), “Software spending as a percentage of GDP” (4th) and “ICT services exports as a percentage of total trade” (6th).

According to the second innovation output sub-index, “Creative Outputs,” Ukraine moved up from 63rd in 2022 to 37th in 2023. The strengths of this sub-index are “Trademarks by origin concerning GDP” (22nd place), “Industrial design by origin concerning GDP” (16th place) and “Mobile app creation by the developer’s country of origin relative to GDP” (12th place). The weaknesses of this innovation output sub-index are “Cultural and creative services exports as a percentage of total trade” (49th

(<https://www.facebook.com/ukrainefilmagency>). Any statistical information posted on the Ukrainian State Film Agency website is currently unavailable.

⁷⁰ <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-2000-2023/ua.pdf>

place), “National feature films as a ratio to million population” (66th place), “Creative goods exports as a percentage of total trade” (86th place) and “Online creativity” (44th place in 2023 compared to 42nd in 2022).

According to the sub-indices of innovative resources, Ukraine is at 47th place in “Human capital and research”, thus lost two positions compared to 2022 and 7 positions compared to 2021. In particular, according to the indicators “Government funding per high school student as a percentage of GDP” - 10th place compared to 12th place in 2021, “Expenditure on education as a percentage of GDP” – 24th place compared to 27th previously and “Pupil-teacher ratio” – 14th place compared to 11th previously.

The “Market sophistication” index places Ukraine at 104th place in 2023. Here, Ukraine lost 2 and 16 positions compared to 2022 and 2021, respectively. This backdrop can be explained by the deterioration of the “Credit” indicator group, as Ukraine took 124th place in 2023 and 2022, compared to 90th place in 2021. Also, in particular, according to the “Domestic credit to the private sector as a percentage of GDP” indicator, Ukraine is at 101st place compared to 97th in 2022 and 94th in 2021 and “Market capitalization as a per cent of GDP” – 75th place compared to 73rd in 2022.

When it comes to the “Institutions” indicator, Ukraine finished 100th in 2023, having lost 3 and 9 positions compared to 2022 and 2021, respectively, which can be explained by a decrease in the degree of stability of the institutional environment for doing business – in this regard Ukraine is assessed at 126th place. The largest number of indicators on which Ukraine’s rank decreased are related to sub-indices related to the innovative activity of business. This applies as well to the indicators of business sophistication and the implementation of the results of knowledge and technologies by businesses. Among others, these indices are the production and export of high-tech products, labor productivity, import of intellectual property rights and the level of Ukrainian businesses’ involvement in receiving ISO 9001 and environmental certifications and obtaining intellectual property rights. The latter is primarily relevant for patents, which are commonly seen as the highest quality of intellectual property rights.⁷¹

According to Ukraine’s statistical profile in the sphere of intellectual property for 2022, prepared by the WIPO Statistical Data Center, the total number of applications for patents for 2022 amounted to 2760 units (the level of reduction in comparison to 2021 is about 36,7%), 73,5% of which were applied by residents. Non-resident patent applications were mostly conducted by representatives of the USA (30,1%). The share of abroad applications using the PCT System amounted to 53,5%. As for applications on industrial design and trademarks, their level of reduction was counted by 51,2% and 27%, respectively. 50% of trademark applications and 59,7% of industrial design applications were residential ones.⁷²

In the GII 2024, Ukraine was ranked 60th in this year's report, dropping five places and now ranked 4th among lower-middle-income countries. As we can see, many indicators have deteriorated. Most notably, its position was affected by a drop in indicators related to institutions (107th) and human capital and research (54th), including tertiary enrollment (44th), life expectancy (76th), government effectiveness

⁷¹ <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-2000-2023/ua.pdf>

⁷² <https://www.wipo.int/edocs/statistics-country-profile/en/ua.pdf>

(99th), and rule of law (115th). The inflow of foreign direct investment (FDI) (88th place) also lost many positions.

The level of creative outputs has significantly decreased (from 37th place in 2023 to 63rd in 2024), although in last year's report this component was considered one of our advantages. Infrastructure indicators shared a similar fate (82nd place in 2024 compared to 77th in the 2023 Report). These criteria (components, sub-indexes) have deteriorated significantly in the context of full-scale armed aggression. During the peaceful period, these indicators were not as weak in Ukraine's GII as they were during the war. Additionally, it is worth noting that Ukraine has no clusters included in the top 100 science and technology clusters of the Global Innovation Index, as indicated in the separate profile of Ukraine, which can be accessed in the GII Innovation Ecosystems & Data Explorer 2024⁷³.

Ukraine has also managed to somewhat stabilize the negative state of the Market Sophistication component at 85 in 2024, although last year's reports show that this component was almost the lowest during the full-scale invasion (104th position in 2023). We see a similar trend in Business sophistication, which, in turn, has risen by 45 positions compared to last year (48th position in 2023).

It is also worth adding that the 2023-2024 reports show some similarities, namely in terms of Strengths and Weaknesses. Ukraine's strengths include: utility models by origin (1st place), employment of women with higher education (2nd place), and software expenditures (4th place), which is identical to the 2023 report. Weaknesses include: Labor productivity growth (130th place), Gross capital formation (125th position), and Operational stability for business (123rd place), which is also identical to the 2023 data.

Information and statistical data can also be obtained from sources such as the WIPO Report on the Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System of 7 June 2023 (document A/64/8)⁷⁴ and the Startup Ecosystem Report 2023⁷⁵ and 2024 (Startup Blink), which assesses pertinent data on Ukraine.

According to *WIPO Report on the Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System*, Ukraine's innovation and creative ecosystem during the war, SMEs and start-ups faced numerous challenges that impacted their survival and growth. Labour shortages have become pressing, exacerbated by forced migration and the outflow of skilled workers, creating a limited labour pool. Supply chain disruptions have hampered production and distribution, forcing companies to seek new partners and markets both domestically and internationally. Reduced domestic demand has also placed a significant economic burden on SMEs, especially those focused on local markets. In addition, access to finance has become more difficult, with a reduction in bank lending limiting working capital and investment opportunities.

*Startup Ecosystem Report 2024*⁷⁶ highlights Ukraine's impressive resilience and growth within the regional and global startup landscapes despite ongoing challenges due to the war. Ukraine has risen by three positions to rank 46th globally, making it one of the top 10 in Eastern Europe, where it stands 9th. This marks the second

⁷³ <https://www.wipo.int/gii-ranking/en/ukraine>

⁷⁴ https://www.wipo.int/about-wipo/en/assemblies/2023/a-64/doc_details.jsp?doc_id=611353

⁷⁵ <https://www.startupblink.com/startupecosystemreport>

⁷⁶ <https://www.startupblink.com/startupecosystemreport>

consecutive year of improvement, showing strong recovery from previous declines. Kyiv leads the national ecosystem, ranking 75th globally and holding first place in the Eastern European SaaS industry. Lviv, the second-largest ecosystem, saw a notable jump of 94 positions, driven by internal relocations due to safety concerns. Ukraine ranks 25th globally for the impact of startup events on its ecosystem. However, there is significant centralization, with Kyiv outscoring other cities by a large margin, which only confirms the statement about unbalanced regional development.

Following *Startup Ecosystem Report 2024*, Ukraine has established a strong reputation through successful startups like People.ai, Grammarly, Gitlab, and Ahrefs. Ukrainian developers, highly regarded internationally, often choose entrepreneurship over more secure employment, driving the growth of local ecosystems. The war has led to significant support from European countries, allowing Ukrainian talent to live and work abroad, which may risk long-term talent retention in Ukraine. However, it is hoped that Ukrainian tech professionals will return home post-war to rebuild the ecosystem.

According to research commissioned by the European Bank for Reconstruction and Development⁷⁷, most SMEs had stabilized their activity almost a year after the war, demonstrating resilience despite the devastating impact on the economy.

According to the “Monitoring of Major Events in the Ukrainian Economy” Report drafted by the Ministry of Economy of Ukraine, Ukraine's GDP growth in 2023 is estimated at 5%.⁷⁸ Despite the total collapse of 2022 (almost 29%) caused by the military aggression of the Russian Federation, the national economy has demonstrated significant resilience and great potential for recovery and development, thanks to the joint efforts of the state, the Armed Forces, business, international partners and society as a whole. At the same time, according to the Ministry of Economy of Ukraine, the positive trend in GDP growth will continue in 2024, and the volume of investments in the Ukrainian economy will grow by almost 30%. The situation in the field of intellectual property naturally reflects general macroeconomic trends. Thus, compared to 2022, the total number of applications for industrial property rights (hereinafter referred to as IPR) increased by 47.6% and amounted to 32759 applications. This amount exceeds the figure for 2022 (22,195 applications) by more than 10.5 thousand applications but is lower than the pre-war year 2021 (41,003). However, given the current increase in the filing rate and positive trends in the national economic recovery, the total number of applications filed in 2024 may reach the level of 2021. The increase in the filing rate of industrial property rights applications in 2023 is a clear indication of the intensification of the inventive community and business. It is a consequence of positive expectations for the development of the economic, political and social situation in Ukraine. Inventions, as the most complex and important industrial property rights, seemingly following the trend of GDP in 2023, show an increase of 5.5%. The dynamics of filing applications for other industrial property rights is higher: utility models - 47.4%, industrial designs - 34.8%, trademarks - more than 55.4%.

⁷⁷ <https://www.ebrd.com/news/2023/ebd-usa-and-sweden-assess-impact-of-war-on-smes-in-ukraine.html>

⁷⁸ <https://me.gov.ua/Documents/List?lang=uk-UA&id=d5c3b1e3-0438-462b-994f-d53fdafdece1&tag=MonitoringOsnovnikhPodiiVEkonomitsiUkraini>

The Ministry of Economy of Ukraine also publishes various other statistical data and compiles reports on its activities in the sphere of intellectual property.⁷⁹

The State Organization “Ukrainian National Office for Intellectual Property and Innovations” (UANIPIO) also publishes its own statistical reports.

For instance, as of 31 December 2023, there were 19,618 valid patents for inventions, 21,113 valid patents for utility models, 14,485 valid certificates for industrial designs and 238,273 valid certificates for trademarks in Ukraine.⁸⁰

Also, being the national TISC focal point, UANIPIO publishes statistical data regarding its activities for the Ukrainian TISC network. For example, as of April 2023, the network of TISCs amounted to 37 centers, which are mostly created on the basis of Ukrainian HEIs. Currently, some regional disparity in the TISC network could be observed. It should be taken into account that 40% of regions in Ukraine are not covered by such centers, which could obstruct innovation development in some regions. In turn, this might help explain Ukraine’s low place in the GII, in particular regarding the Innovation Input Sub-Index “Innovation Linkages” (77th place).

The Ministry of Education and Science of Ukraine also makes available its analytical data on innovation and technology transfer, which include the implementation of the UN Sustainable Development Goals.⁸¹

According to this data, budget financing of innovative activities and technology transfer amounted to about 267 million UAH. This financing is paid per strategic priority directions set for 2022 and is 25% less than the same indicator in 2021. A great share of public funds allocated to relevant programs in 2022 was directed to priority goal 4, “Technological renewal and development of the agro-industrial complex” (about 56,3%), priority goal 7, “Development of modern information, communication technologies, robotics” (about 15%) and priority goal 1 “Development of new energy transportation technologies, the introduction of energy-efficient, resource-saving technologies, development of alternative energy sources” (12,6%).

The analysis of the distribution of budget funds by the main managers shows that in 2022, the funding volumes of the state bodies were distributed in the following shares:

- the Ministry of Education and Science – UAH 135,570,550 or 50.8%, which is 85.2% compared to 2021;
- the National Academy of Sciences – UAH 131,198,100 or 49.1% and 66.1% compared to 2021, and
- the Ministry of Regional Development, Construction and Communal Services of Ukraine – UAH 326,900 or 0.1%, which did not provide financing in the previous two years.

In 2022, according to all strategic priorities, 700 technologies created with budget funds were transferred (78.1% of the total volume of transferred technologies). The total number of technologies is about 32 % less compared to 2021 (1028 units). The technologies were transferred by enterprises/organizations of state bodies, of which the largest was the National Academy of Agrarian Sciences - 321 units, or 45.8%; the Ministry of Education and Culture occupies the second place -

⁷⁹ <https://www.me.gov.ua/Tags/DocumentsByTag?lang=uk-UA&id=bb27fb37-4305-4686-9ea0-995d1c10f028&tag=DerzhavnaSluzhbaIntelektualnoiVlasnosti>

⁸⁰ <https://ukrpatent.org/uk/articles/UKRNOIVI-statistics>

⁸¹ <https://mon.gov.ua/ua/nauka/innovacijna-diyalnist-ta-transfer-tehnologij/analitichni-materiali>

265 or 37.9%; the third - the Ministry of Social Policy (82 or 11.7%) and the lowest - the National Academy of Sciences (32 units or 4.6%).

The Ministry of Digital Transformation of Ukraine also publishes its regulatory documents and other papers outlining State programs,⁸² as well as providing the wide public with analytical and reporting materials in the field of digital transformation.⁸³

Finally, the State Statistics Service of Ukraine publishes some statistics in the fields of education, science, technology and innovation.⁸⁴

According to the State Statistic Service of Ukraine's data, the share of innovatively active enterprises in Ukraine is only 8,5 % for 2020 (the last actual data), which might be decreased due to the Russian war aggression against Ukraine. GERD as a percentage of GDP is quite small, and for 2022, it amounted to 0,33%, which is 0,05 percentage points lower than this indicator in 2021. The total expenditures on R&D in 2022 have decreased by 20% compared to 2021. The share of expenditures on Professional, scientific and technical activity amounted to 86%.

The expenditures on innovations in 2020 were 23,329.625 million UAH, in which the share of the other expenditures was 64,4%. A great share of the total expenditure on innovations is directed to the processing industry (57,2%), the production of food products (12,5%) and scientific research and development (16%). The share of the turnover of innovative products (goods, services) in industrial enterprises' total turnover of products (goods, services) was only 1,9% for 2020. The share of capital investments in intangible assets for 2021 in the total volume of capital investments was about 4,5%. The distribution between industries in the domain of capital investments in intangible assets was in the sector of Information and communication (35,2%), Wholesale and retail trade, repair of motor vehicles and motorcycles (14,4%) and Publishing activities, radio broadcasting, television (19%) and Telecommunications (13%).

To analyze the Ukrainian innovation ecosystem's development, the UANIPIO requested information from regional administrations in terms of types of innovation infrastructure. As of 20 March 2024, Ukraine operates 74 industrial parks, 30 scientific parks, 18 technological parks, seven innovation parks, 22 innovation hubs, 29 innovation clusters, 67 innovation business accelerators and incubators, nine innovation technological platforms, 24 startup schools, 61 innovation and technology transfer centers and 24 centers of intellectual property. However, regional disparities exist, as most of them operate in or around Kyiv and regional centers like Lviv, Kharkiv and Dnipro.

Strengths/Weaknesses/Analysis

The materials of the Global Innovation Index (GII), the WIPO Statistical Data Center, other WIPO divisions and the State Organization "Ukrainian National Office

⁸² <https://thedigital.gov.ua/community/docs>

⁸³ <https://thedigital.gov.ua/community/reports>

⁸⁴ <https://www.ukrstat.gov.ua/>

of Intellectual Property and Innovation” (UANPIO) contain up-to-date and complete statistical data on intellectual property development and innovation activities.

The official websites of the Ministry of Economy of Ukraine and the State Statistics Service of Ukraine do not contain adequate statistical information on the state of intellectual property and innovation development. Strengthening the statistical activities of these bodies in this field by allocating them to a separate area and in separate structural sections on the official websites is advisable.

It is advisable to develop and implement mechanisms for the coordination of statistical activities between the authorized executive authorities since their cooperation in this area is not prompt and effective.

In the conditions of the insufficient level of development of Ukraine's economy and its institutional environment, long-term war danger and the need for post-war reconstruction of the state, it is expedient to create its own (national) system of scientific and innovative indicators, which would correspond to national characteristics and interests and not contradict the provisions of EU Regulations.

As for the State Statistics Service form No. 3-science "Report on the implementation of scientific research and development" today, it includes only such indicators of assessing the state of domestic scientific research and development as the costs of conducting research and development activities (hereinafter “R&D”) and the number of personnel, involved in the implementation of R&D. These indicators are presented widely, in many sections: branches of science, sectors of activity, etc. However, such categories of indicators make it possible to assess only the level of funding of the scientific field and the remuneration of the relevant employees. The absolute absence of any information specifically about the R&D (the number of R&D, its distribution by industry, the results of research activities, and the level of their implementation) does not allow us to assess the effectiveness of scientific and technical activities and, therefore, the effectiveness of its financing.

It will be feasible to include such indicators according to the European practice (Eurostat methodology):

- GERD by sector of performance and fields of R&D;
- GERD by sector of performance and socioeconomic objectives;
- GERD by sector of performance and NUTS 2 regions (applicable for Ukrainian regions);
- Business enterprise expenditure on R&D (BERD) by NACE Rev. 2 activity and type of expenditure (with a division by spending areas (entrepreneurial, public, higher education sector, private non-profit sector), as well as by the type of activity according to NACE Rev. 2 activity;
- BERD by NACE Rev. 2 activity and type of expenditure;
- BERD by size, class and source of funds;
- R&D personnel by sector of performance, professional position and gender;
- Share of R&D personnel and researchers in total active population and employment by sector of performance and gender;
- R&D personnel and researchers by sector of performance, fields of R&D and gender;
- Government budget allocations for R&D (GBARD) by socioeconomic objectives;
- Share of GBARD in total general government expenditure;
- GBARD by type of funding.

In addition, the State Statistics Service collects data on the number of R&D products created by their types, which they group under general categories of “scientific,” “research,” and “technical” products.

It should be noted that the number of R&D products created in the direction of “Other” exceeds all others more than twice (and in some priority directions of science and technology it is up to 76%), and the share of created types of R&D that can be used in real sector of the economy, is 20% of the direction “Other”.

However, it is impossible to draw a conclusion about the effectiveness of the use of funds for scientific and technical activities on the basis of these data since the specified direction contains quite serious developments of regulatory and methodological, legal and other documentation, analytical notes, mathematical models, databases, etc. However, the lack of data in the reporting documentation regarding the specific nature of these research results makes it impossible to conduct an analysis of the effectiveness of scientific activity at an appropriate level.

In this regard, we consider it extremely necessary to change the relevant forms of information collection and to expand the list of types of R&D, setting it out in the following form:

- Types of products;
- Technologies;
- Materials;
- Varieties of plants and breeds of animals;
- Computer programs, data compilations (databases), layout of semiconductor products;
- Methods, theories;
- Drafts of regulatory, normative-legal or scientific-methodical documentation;
- Analytical notes;
- Other.

– similarly to adding information about the implementation (yes/no) and method (in the educational process / at the real sector enterprise / at the developer, etc.).

This information will provide an opportunity to conduct a qualitative analysis and prepare scientifically based political decisions, especially regarding the financing of scientific and technical activities during martial law and in the country's post-war reconstruction.

3. Policy framework

INDUSTRIAL PROPERTY

Current status

The Concept of Reforming the State System of Intellectual Property Legal Protection⁸⁵ was approved by the Order of the Cabinet of Ministers of Ukraine No. 402 dated 1 June 2016, the main purpose of which was to create an optimal, high-quality and efficient state system of IP legal protection capable of forming and implementing a transparent public model for overcoming existing challenges and risks and offering effective IP instruments as incentives for the development of related economic and social factors. This concept has been largely implemented.

National IP Strategy for 2020-2025 presented during the Parliamentary Hearings on "Building an Effective System of IP Protection in Ukraine" on 16 December 2019 and published in the official journal "Parliamentary Hearings" (No. 5, 2019) of the Verkhovna Rada of Ukraine, which has not been approved as Governmental act.

The Strategic Development Plan of the State Organisation "Ukrainian National Office of Intellectual Property and Innovations" (UANIPIO) for 2024-2028, was developed in accordance with the Order of the Ministry of Economy of Ukraine "On Approval of the Forms and Procedure for the submission and approval of the strategic development plan, report on the implementation of the strategic development plan and information on approval of strategic development plans of economic entities of the public sector of the economy and their implementation".

The Ministry of Economy of Ukraine approved UANIPIO Strategic Development Plan 2024-2028 on February 29, 2024.

The Strategic Development Plan 2024-2028 outlines the Ukrainian National Office for Intellectual Property and Innovations (UANIPIO) mission to establish a modern, professional, technological, and transparent IP system. This initiative aims to foster creativity, innovation, technology, and investment in Ukraine's future.

The UANIPIO Strategic Development Plan 2024-2028 identifies nine strategic directions:

1. **Development of International Cooperation in the IP Sphere:** Enhancing Ukraine's global IP standing through strengthened collaborations with the WIPO, EU agencies and other international entities.
2. **Reliable Protection of Applicants' IP Rights:** Ensuring effective examination procedures for IP rights applications, grounded in principles such as legality, transparency, and impartiality.
3. **Digital Transformation:** Transitioning service processes, administration, and applicant interactions to adaptive online platforms to boost productivity and service quality.
4. **High-Quality and Effective Legal Support of the IP Sphere:** Harmonizing Ukraine's legal framework with European Union legislation to bolster IP protection and enforcement.

⁸⁵ <https://zakon.rada.gov.ua/laws/show/402-2016-%D1%80#Text>

5. **Efficient Protection of IP Rights:** Implementing comprehensive measures for IP rights protection, including administrative proceedings and alternative dispute resolution methods like mediation.
6. **High-Quality Platform for IP Dialogue:** Serving as a platform for dialogue among rights holders, businesses, creative industries, and governmental institutions to refine IP regulations and enforcement.
7. **Innovation Breakthrough as a Basic Benchmark for Ukraine's Recovery and Development:** Creating favorable conditions for inventive activity, IP commercialization, and the development of Ukraine's innovation ecosystem through initiatives like the National IP&Innovations Hub.
8. **Cultivating a Culture of Respect for IP:** Promoting lifelong learning opportunities in IP to enhance literacy and respect for IP rights among creators and the public.
9. **Transparency of IP Office Activities:** Achieving clarity and transparency in UANIPIO's operations to ensure effective fulfillment of its functions and adherence to legal standards.

By pursuing these strategic directions, UANIPIO aims to position Ukraine prominently on the global IP map, fostering an environment conducive to innovation and economic growth.

The development of the new National IP Strategy should also take into account other strategic documents of Ukraine.

In particular, the Decree of the President of Ukraine of 30 September 2019 No. 722 **"On Sustainable Development Goals of Ukraine for the period up to 2030"**⁸⁶, which defines the Sustainable Development Goals as a benchmark for the development of draft forecast and programme documents to ensure a balance between the economic, social and environmental dimensions of sustainable development of Ukraine.

Economic Security Strategy of Ukraine until 2025, approved by the Decree of the President of Ukraine of 30 September 2019 No. 722⁸⁷, defines the ways to achieve the goals and priorities of national interests in the field of economic security. This document stipulates that Ukraine's national interests are served by the sustainable development of the national economy, Ukraine's integration into the European economic area, and the development of equal and mutually beneficial economic cooperation with other states.

National Strategy for Civil Society Development in Ukraine for 2021-2026, approved by the Decree of the President of Ukraine of 7 September 2021 No. 487⁸⁸, aimed at defining a set of interrelated strategic objectives of the state's activities in the field of promoting the development of civil society until 2026.

National Strategy for Building a Safe and Healthy Educational Environment in the New Ukrainian School, approved by the Decree of the President of Ukraine of 25 May 2020 No. 195⁸⁹, aimed at promoting the better realisation of childrens' intellectual, physical, social and emotional development, their potential, and will have a positive impact on public health, economy and demographics in Ukraine as a whole.

⁸⁶ <https://zakon.rada.gov.ua/laws/show/722/2019#n5>

⁸⁷ <https://zakon.rada.gov.ua/laws/show/347/2021#n11>

⁸⁸ <https://zakon.rada.gov.ua/laws/show/487/2021#n23>

⁸⁹ <https://zakon.rada.gov.ua/laws/show/195/2020#n9>

The state approach to the development of the national innovation ecosystem in order to ensure the rapid and high-quality transformation of creative ideas into innovative products are defined by the **Strategy for the Development of Innovation for the period up to 2030**⁹⁰ and the **National Economic Strategy for the period up to 2030**⁹¹. These strategic papers aimed at increasing the level of innovation of the national economy, which involves creating favourable conditions for the development of the innovation sector, increasing the number of implemented developments, increasing the economic return on them, attracting investment in innovation, creating opportunities for the realisation of the country's existing geographical, resource and human potential to ensure an adequate level of well-being, self-realisation, security, rights and freedoms of every citizen of Ukraine through innovative, advanced economic development.

State Strategy for the Implementation of the **State Policy on the Provision of Medicines to the Population for the period up to 2025**⁹² is aimed at achieving high public health indicators, providing the population of Ukraine with high-quality, effective and safe medicines and their rational use.

State Regional Development Strategy for 2021-2027⁹³ defines that measures to implement the state regional policy will be aimed at restoring infrastructure, economic activity, public services and the balance of ecosystems, creating security conditions for the return of internally displaced persons to the regions, creating favourable conditions for the activities of all business entities in the recovery areas, supporting and effectively using the potential of territories with special conditions for development, spreading the positive impact of regional growth poles (urban agglomerations, cities) and areas of sustainable development.

Industrial Parks Development Strategy for 2023-2030⁹⁴ determines the directions and ways to ensure the development of industrial parks, promote the formation of an attractive investment environment and sustainable development of the national economy.

The purpose of the **National Strategy for Creating a Barrier-Free Space in Ukraine for the period up to 2030**⁹⁵ is to create an unhindered environment for all population groups, to ensure equal opportunities for everyone to exercise their rights and receive services on an equal footing with others by integrating physical, information, digital, social and civil, economic and educational barrier-free access to all areas of public policy.

⁹⁰ Strategy for the Development of Innovation for the period up to 2030, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 526 of 10 July 2019 - <https://zakon.rada.gov.ua/laws/show/526-2019-%D1%80#Text>

⁹¹ National Economic Strategy for the period up to 2030, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 179 of 3 March 2021, - <https://zakon.rada.gov.ua/laws/show/179-2021-%D0%BF#Text>

⁹² State Strategy for the implementation of the state policy on the provision of medicines to the population for the period up to 2025, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1022 of 5 December 2018, - <https://zakon.rada.gov.ua/laws/show/1022-2018-%D0%BF#Text>

⁹³ State Regional Development Strategy for 2021-2027, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 695 of 5 August 2020, - <https://zakon.rada.gov.ua/laws/show/695-2020-%D0%BF#n11>

⁹⁴ Industrial Parks Development Strategy for 2023-2030, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 176 of 24 February 2023, - <https://zakon.rada.gov.ua/laws/show/176-2023-%D1%80#Text>

⁹⁵ National Strategy for creating a barrier-free space in Ukraine for the period up to 2030, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 366 of 14 April 2021, - <https://zakon.rada.gov.ua/laws/show/366-2021-%D1%80#n10>

COPYRIGHT AND RELATED RIGHTS

Current status

There is no general strategy in the field of copyright and related rights.

The Long-Term Strategy for the Development of Ukrainian Culture provides for certain provisions on copyright and related rights:

- 1) improving the state of copyright and related rights enforcement in the cultural sphere;
- 2) conducting a detailed analysis of current problems in the field of copyright and related rights protection (in particular, the activities of CMOs) and identifying ways to solve them, taking into account the recommendations of international experts (changes in legislation, structural changes, introduction of European norms and standards);
- 3) monitoring the implementation of laws and programs in the field of culture, copyright and related rights.

Abovementioned document on National IP Strategy for 2020-2025 sets several strategic goals for copyright and related rights:

- 1) on the role of the authorized state body in the field of copyright and related rights: keeping records of orphan works and works that have fallen out of commercial circulation; digitalization of the procedure for registering the author's copyright in a work and contracts on rights to works; ensuring public access to the said register of works; introduction of a body for alternative dispute resolution in the field of copyright and related rights through arbitration and mediation, which would be authorised to consider disputes in the field of collective management;
- 2) on the legislative development: continued implementation of the provisions of the Association Agreement, as well as taking into account other relevant European approaches in the field of copyright and related rights, in particular, paying more attention to the issue of Internet technologies, copyright and related rights in the digital market;
- 3) on the application of law: increasing the level of protection of copyright and related rights in the information society using modern Internet technologies; implementation of measures aimed at ensuring the protection of copyright and related rights in the digital environment, as well as at suppressing offenses in this area.

Strengths/Weaknesses/Analysis

The goals set out in the Long-Term Strategy for the Development of Ukrainian Culture are rather generalized and do not provide a mechanism for their implementation. Improvement of the state of copyright and related rights enforcement in the cultural sphere requires implementation of measures aimed at raising legal awareness and legal culture, raising public awareness of the importance of copyright and related rights enforcement. However, there is no list of such measures and no body responsible for their implementation. Similarly, there is no body authorized to monitor compliance with copyright and related rights legislation, analyze current problems of their protection and develop approaches to solving such problems.

Most of the goals set out in the draft National Strategy for the Development of Intellectual Property in Ukraine for 2020-2025 have been achieved.

The maintenance of a register of orphan works is provided by the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Acquiring and Losing the Status of Orphan Works, Phonograms, Videograms and Performances Recorded in Them, Conditions of Their Permitted Use and Keeping a Register” of December 15, 2023.⁹⁶

The procedure for registration of copyright in a work and agreements concerning rights in a work provides for the possibility of filing an application in electronic form and obtaining a copyright registration certificate (or a decision on registration of an agreement) in electronic form,⁹⁷ which indicates the achievement of the goal of digitalization of the registration procedure.

Public access to the State Register of Certificates of Copyright Registration and the State Register of Decisions on Registration of Agreements on Rights to Works is provided on the website of the special information system UANIPIO.⁹⁸

To achieve the goal of continuing the implementation of the provisions of the Association Agreement, as well as taking into account other relevant European approaches in the field of copyright and related rights, the new Law of Ukraine “On Copyright and Related Rights” of December 1, 2022⁹⁹ was adopted.

Increasing the level of copyright and related rights protection in the information society with the use of modern Internet technologies, implementation of measures aimed at ensuring the protection of copyright and related rights in the digital environment, as well as at suppressing offenses in this area was achieved by implementing modern legislative provisions in the new Law of Ukraine “On Copyright and Related Rights”. This concerns the provisions on placing hyperlinks to works and related rights objects, updating the procedure for terminating copyright and related rights infringements using the Internet, obligations of hosting service providers and liability of content sharing service providers for copyright and/or related rights infringement.

There is no accounting of works that have fallen out of commercial circulation in Ukraine, as there are no provisions in the legislation that would provide for such accounting. In order to keep such records, it is necessary to implement the relevant provisions of the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/ EC and 2001/29/EC.

As for mediation in the field of copyright disputes, in 2023, UANIPIO has launched an IP Mediation and Arbitration Centre involving leading mediators specialising in IP and business mediation.¹⁰⁰ According to the IP Mediators Register,

⁹⁶ Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Acquiring and Losing the Status of Orphan Works, Phonograms, Videograms and Performances Recorded in Them, Conditions of Their Permitted Use and Keeping a Register” of December 15, 2023 No. 1312 (in Ukrainian). <https://zakon.rada.gov.ua/laws/show/1312-2023-%D0%BF#Text>

⁹⁷ Order of the Ministry of Economy of Ukraine “On Approval of the Procedure for State Registration of Copyright and Agreements Concerning Property Rights to a Work” of August 16, 2023 No. 11319 (in Ukrainian). <https://zakon.rada.gov.ua/laws/show/z1760-23#Text>

⁹⁸ Special information system of UANIPIO (in Ukrainian). <https://sis.nipo.gov.ua/uk/search/simple/>

⁹⁹ Law of Ukraine “On Copyright and Related Rights” of December 1, 2022 No. 2811-IX (in Ukrainian). <https://zakon.rada.gov.ua/laws/show/2811-20#n983>

¹⁰⁰ IP mediation: UANIPIO (in Ukrainian). <https://ip-mediation.nipo.gov.ua/>

the Centre currently offers the services of eight professional mediators.¹⁰¹ So far, there are no statistics or other information on the settled disputes.

COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS

Current status

There is no current strategy in Ukraine that would provide for goals and objectives for the development of collective management.

The draft National Strategy for the Development of Intellectual Property in Ukraine for the period 2020-2025 defines the main strategic goal of the development of the collective management sphere as the creation of an optimal, high-quality and efficient non-state system of collective management.

In addition, in the draft National Strategy for the Development of Intellectual Property in Ukraine, the list of goals for copyright and related rights contains a provision to ensure the possibility of resolving disputes in the field of collective management through an alternative dispute resolution procedure (arbitration, mediation).

Strengths/Weaknesses/Analysis

The goals for collective management envisaged by the draft National Strategy were not achieved.

The collective management system in Ukraine remains ineffective, and qualitative changes in this context could not take place in 2022-2023 due to martial law and limited functioning of the CMO. Solving the problem of the effectiveness of the collective management system remains an urgent need.

The possibility of resolving disputes in the field of collective management through arbitration and mediation is provided only on general terms and conditions common to alternative dispute resolution in any field. There is no specialized body that would provide alternative dispute resolution in the field of collective management.¹⁰² Given that during martial law, CMOs are not accredited and operate on a limited basis, there is no urgent need to provide alternative dispute resolution in the field of collective management. However, in the future, it will be useful to train specialists who will specialize in the field of collective management and conduct alternative dispute resolution procedures that arise in this area and can be resolved out of court.

CREATIVE INDUSTRIES

Current status

¹⁰¹ IP Mediators Register: UANIPIO (in Ukrainian). <https://ip-mediation.nipo.gov.ua/registry/>

¹⁰² Such disputes may be settled by the IP Mediation and Arbitration Center within UANIPIO or with the help of other mediators.

The main overall strategy for Ukraine's creative sector is the National Economic Strategy for the period up to 2030, approved in 2021.¹⁰³ The separate direction "Creative Industries and Hospitality Industry" defines the main goal of establishing a competitive creative economy for the balanced development of Ukraine. To achieve the goals in the creative sector, the strategy suggests 5 ways:

- 1) capacity of the enterprises – promoting the formation of an institution of financial intermediaries in the creative industries (business angel syndicates, advisory centers, funds, etc.);
- 2) improving financial capacity – adaptation of the opportunities and conditions of the "Affordable Loans 5-7-9" program to the specifics of the activities of business entities in the creative industries;
- 3) increasing of competence capacity – forming the basis for the launch of creative hubs to support creative businesses and create competitive local products through incubation and acceleration programs, mentoring services; creating conditions for launching training opportunities to improve the level of entrepreneurial skills of artists and improve the competencies of professionals in the creative industries (in the format of trainings, courses, etc.);
- 4) Ukrainian creative product – expanding grant opportunities provided by state institutions in the field of creative industries in order to increase competitiveness, inclusiveness, innovation, and added value of creative products, including regional ones, which are created as a result of state funding; consideration of current trends in creative industries and their integration into the educational process;
- 5) stimulating the development of the industry – development of sectoral policies for promising sectors of the creative industries in Ukraine: folk arts and crafts (updating the economic model of folk arts and crafts as a sector of creative industries, which will help to unlock their export, tourism, and regional potential, including creating conditions for branding folk arts and crafts products through the mechanism of geographical indications and labeling); design (creating conditions for the promotion of Ukrainian design in the foreign market and strengthening the capacity of Ukrainian producers of creative products in the domestic market); concert and music industries (improvement of legislation in terms of regulating the basic principles of state policy, as well as activities in the concert and music industries).

The State Strategy for Regional Development for 2021-2027¹⁰⁴ includes a goal to increase the competitiveness of the regions. As part of this goal, a number of tasks for the development of the creative economy and creative industries have been identified:

- 1) introduction of the latest educational approaches and formats with an enhanced applied orientation, interdisciplinary approach related to intellectually intensive, productive and innovative types of entrepreneurship;
- 2) stimulating and supporting entrepreneurship, including youth entrepreneurship, in the creative industries by raising the level of

¹⁰³ Resolution of the Cabinet of Ministers of Ukraine "On Approval of the National Economic Strategy for the period up to 2030" of March 03, 2021 No. 179 (in Ukrainian). <https://zakon.rada.gov.ua/laws/show/179-2021-%D0%BF#n25>

¹⁰⁴ Resolution of the Cabinet of Ministers of Ukraine "On Approval of the State Strategy for Regional Development for 2021-2027" of August 5, 2020 No. 695 (in Ukrainian). <https://zakon.rada.gov.ua/laws/show/695-2020-%D0%BF#Text>

- competencies, facilitating access to finance and expanding mentoring systems;
- 3) spreading the practice of establishing creative economy development centers in cities of different sizes and with different socio-economic conditions, in particular on the basis of public-private partnerships;
 - 4) facilitating the involvement of donors and international organizations in supporting human capital development and creative economy projects;
 - 5) providing state support for pilot projects for the development of the creative economy and facilitating the transition from a raw material export to a production and innovation economy;
 - 6) promoting the creation of new and strengthening the capacity of existing centers for the development of the creative economy (centers, hubs, platforms, agencies, networks, etc.) at the local and regional levels, while maintaining equal and transparent conditions for the functioning of centers of all forms of ownership;
 - 7) creating conditions for enhancing the involvement of creative industries in increasing the added value of products of other industries and sectors of the economy by creating new products, intellectual property and strengthening innovation processes;
 - 8) promoting the capacity of cultural institutions to interact across sectors, in particular with creative industry operators, create new cultural products and diversify revenues;
 - 9) stimulating demand and promoting the development of local markets for creative industries through marketing and awareness campaigns, public procurement, and initiatives of business associations and cross-sectoral platforms.

The Long-Term Strategy for the Development of Ukrainian Culture¹⁰⁵ defines the strategic direction of supporting innovations, new knowledge, and creative industries that meet the challenges of the 21st century. Almost all operational goals are related to the creative industries and generally include:

- 1) improvement of legislation in the field of culture, protection of cultural heritage, activities of museums, libraries, theaters, development of cinema, fine and musical arts;
- 2) support for the functioning of creative industries through grant programs, tax incentives, and social programs;
- 3) improvement of vocational education;
- 4) improvement of the infrastructure of creative industries.

The goals for the creative industries were defined in the draft National Strategy for the Development of Intellectual Property in Ukraine for the period 2020-2025:

- 1) improvement of the national system of monitoring the industries based on the use of copyright and related rights and the impact of culture on the country's development;
- 2) implementation of the national policy in the field of culture, taking into account the protection and enforcement of intellectual property rights;

¹⁰⁵ Order of the Cabinet of Ministers of Ukraine "On Approval of the Long-Term Strategy for the Development of Ukrainian Culture - Reform Strategy" of February 1, 2016 No. 119-p (in Ukrainian).
<https://zakon.rada.gov.ua/laws/show/119-2016-%D1%80#Text>

- 3) development of creative industries that generate and use intellectual property rights.

Strengths/Weaknesses/Analysis

The implementation of the goals of the National Economic Strategy was not started because of the war.

There is no information on the status of implementation of the goals for creative industries in accordance with the State Strategy for Regional Development. The Ministry for Communities, Territories and Infrastructure Development of Ukraine published a report on the implementation of the action plan for the implementation of the strategy in 2021-2022;¹⁰⁶ no measures were taken for creative industries during this period. The report for 2023 has not been published, and other sources do not contain official information on the state of implementation of the State Strategy for Regional Development.

There is no information on the status of implementation of the Long-Term Strategy for the Development of Ukrainian Culture, and no reports or statistics on this subject are available in open sources.

The goals for the creative industries envisaged by the draft National Strategy for the Development of Intellectual Property in Ukraine were not achieved.

There is no system for monitoring the creative industries. These functions are partially performed by the Ministry of Culture and Information Policy of Ukraine, but it does not have the relevant powers. According to clause 4(8) of the Regulation on the Ministry of Culture of Ukraine,¹⁰⁷ the Ministry develops and implements measures to create conditions for the revival and development of the culture of the Ukrainian nation, all types of arts, artistic amateurism, centers of traditional culture, folk art crafts, intangible cultural heritage and creative industries. The Ministry is not vested with any other powers in the field of creative industries, and there is no other body that would have such powers.

There is no concept or strategy of state policy in the field of culture with a list of specific measures for the protection and enforcement of intellectual property rights in Ukraine.

The possibility of achieving the goal of developing the creative industries is significantly hampered during martial law. Partial development of certain areas of the creative industries could have occurred due to grant support provided in 2022-2023 through the Ukrainian Cultural Foundation and other institutions. However, grant programs are limited, and the lack of statistics on the activities of the creative industries during this period does not allow us to establish positive or negative dynamics in their development.

INNOVATION CONTEXT

Current status

¹⁰⁶ Report on monitoring the implementation of the State Strategy for Regional Development for 2021-2027 and the implementation of the Action Plan for its implementation for 2021-2023 in 2021-2022 (in Ukrainian). <https://mtu.gov.ua/files/3BIT.pdf>

¹⁰⁷ Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Regulation on the Ministry of Culture of Ukraine" of September 3, 2014 No. 495 (in Ukrainian). <https://zakon.rada.gov.ua/laws/show/495-2014-%D0%BF#Text>

Program documents that have defined the state policy in the field of innovation have been adopted in Ukraine since 1999. Such program documents can be divided into two groups:

- documents that were adopted for a certain period and have expired, but they remain in force (other regulatory legal acts have not repealed them) and can be enforced;
- documents that have not expired and are still in force today.

The first group includes the following documents (in the chronological order of their adoption):

1. The Concept of Scientific, Technological and Innovative Development of Ukraine (enacted by the Resolution of the Verkhovna Rada of Ukraine of 13 July 1999, No. 916-XIV).¹⁰⁸

This Concept is based on the recognition that scientific, technological and innovative development is an integral part of meeting a wide range of national interests of the State and that only countries capable of ensuring the acquisition of new knowledge and its effective use can enjoy real independence and security. Therefore, one of the foundations of the concept is to consider the preservation and improvement of the quality of scientific and technological potential to be a priority in Ukraine's national interest.

The concept contains the following sections: main goals of scientific, technological and innovative development; priority areas of scientific, technological and innovative development; improvement of the mechanism of innovative development; financial support of scientific and innovative activities; organizational and functional transformation of scientific and technological potential; improvement of management in scientific, technological and innovative spheres.

2. The State Program for Forecasting Scientific, Technological and Innovative Development for 2004-2006 (adopted by the Cabinet of Ministers of Ukraine on 25 August 2004, No. 1086).¹⁰⁹

The purpose of the Program is to create a system for forecasting Ukraine's scientific, technological and innovative development, scientifically substantiate the state socio-economic policy, identify current areas of science and technology development, and identify the most promising areas of innovation activity.

The Program's objectives are to create a system of continuous and independent forecasting and analytical research at the state level and to introduce modern methods of their implementation; to identify primary and alternative options for the development of scientific, technological and innovative activities, the most promising technologies and innovations to ensure access to the world market, critical technologies to provide scientific, technological and social progress, stable economic growth in the state and national security.

3. The concept of the State Target Economic Program 'Creation of Innovative Infrastructure in Ukraine for 2008-2012' (adopted by the Cabinet of Ministers of Ukraine on 6 June 2007, No. 381-p).¹¹⁰

¹⁰⁸ <https://zakon.rada.gov.ua/laws/show/916-14#Text>

¹⁰⁹ <https://zakon.rada.gov.ua/laws/show/1086-2004-%D0%BF#Text>

¹¹⁰ <https://zakon.rada.gov.ua/laws/show/381-2007-%D1%80#Text>

The Program's objective is to create an innovative infrastructure in Ukraine from 2008 to 2012 that is capable of enhancing the national economy's competitiveness and efficiently using the national scientific and technological potential.

4. The State Target Program for the Development of the System of Information and Analytical Support for the Implementation of the State Innovation Policy and Monitoring of the State of Innovative Economic Development (adopted by the Cabinet of Ministers of Ukraine on 7 May 2008, No. 439).¹¹¹

The Program's purpose is to create legal, economic and organizational conditions for the development and effective functioning of the system of information and analytical support for the implementation of the state innovation policy and monitoring of the state of innovative economic development as a basis for the implementation of such state policy.

5. The State Target Economic Program, "Creation of Innovative Infrastructure in Ukraine," for 2009–2013 (adopted by the Cabinet of Ministers of Ukraine on 14 May 2008, No. 447).¹¹²

The program's purpose is to create an innovation infrastructure in Ukraine from 2009 to 2013 that is capable of ensuring the effective use of domestic scientific and technical potential and increasing the level of innovation and competitiveness of the national economy.

6. Program for the Development of Investment and Innovation Activities in Ukraine (adopted by the Cabinet of Ministers of Ukraine on 2 February 2011, No. 389).¹¹³

The Program's purpose is to switch to an innovative model of economic development, modernize production, increase the competitiveness of domestic products in the domestic and foreign markets, and prevent the impact of the international financial crisis on economic development.

The Program is implemented by creating a favorable regulatory environment, in particular, to ensure the development of small and medium-sized enterprises; providing state support for the implementation of investment and innovation projects, in particular, to ensure the development of high-tech production; improving the mechanism for commercializing the results of research and development and their introduction into production; ensuring the development of public-private partnerships as a tool for attracting investment; implementing investment projects.

7. The list of priority thematic areas of research and scientific and technical development for the period up to 2023 (adopted by the Cabinet of Ministers of Ukraine on 7 September 2011, No. 942).¹¹⁴

The list includes fundamental research on the most important issues of development of scientific, technical, socio-economic, socio-political and human potential to ensure Ukraine's competitiveness in the world and sustainable development of society and the state; information and communication technologies; energy and energy efficiency; rational use of natural resources; life sciences, new

¹¹¹ <https://zakon.rada.gov.ua/laws/show/439-2008-%D0%BF#Text>

¹¹² <https://zakon.rada.gov.ua/laws/show/447-2008-%D0%BF#Text>

¹¹³ <https://zakon.rada.gov.ua/laws/show/389-2011-%D0%BF#Text>

¹¹⁴ <https://zakon.rada.gov.ua/laws/show/942-2011-%D0%BF#Text>

technologies for prevention and treatment of the most common diseases; new substances and materials.

8. Medium-term priority areas of innovation activity at the national level for 2012-2016 (enacted by the Resolution of the Cabinet of Ministers of Ukraine of 12 March 2012 No. 294).¹¹⁵

These areas include the development of new energy transportation technologies, introduction of energy-efficient, resource-saving technologies, development of alternative energy sources, development of new technologies for high-tech development of the transport system, rocket and space industry, aircraft and shipbuilding, weapons and military equipment; development of new technologies for the production of materials, their processing and connection, creation of the nanomaterials and nanotechnology industry; technological renewal and development of the agro-industrial complex; and introducing new technologies and industrial equipment to various spheres of economic activity.

9. Medium-term Priority Areas of Sectoral Innovation Activities for 2012-2016 (adopted by the Resolution of the Cabinet of Ministers of Ukraine No. 397 of 17 May 2012).¹¹⁶

These areas include the development of new energy transportation technologies, implementation of energy-efficient, resource-saving technologies, development of alternative energy sources; mastering new technologies of high-tech development of the transport system, rocket and space industry, aircraft and shipbuilding, weapons and military equipment; mastering new technologies for the production of materials, their processing and joining, creation of the sector of nanomaterials and nanotechnologies; technological renewal and development of the agro-industrial complex; introduction of new technologies and equipment for high-quality medical care, treatment, pharmaceuticals; wide application of cleaner production and environmental protection technologies; development of modern information, communication technologies, robotics.

10. Medium-term Priority Areas of Sectoral Innovation Activities for 2023 (approved by the Resolution of the Cabinet of Ministers of Ukraine of 18 October 2017 No. 980).¹¹⁷

These areas include the development of new energy transportation technologies, implementation of energy-efficient, resource-saving technologies; development of alternative energy sources; mastering new technologies of high-tech development of the transport system, rocket and space industry, aircraft and shipbuilding, weapons and military equipment; mastering new technologies for the production of materials, their processing and joining, creation of the industry of nanomaterials and nanotechnologies; technological renewal and development of the agro-industrial complex; introduction of new technologies and equipment for high-quality medical care, treatment, pharmaceuticals; wide application of cleaner production and environmental protection technologies; development of modern information, communication technologies, robotics.

¹¹⁵ <https://zakon.rada.gov.ua/laws/show/294-2012-%D0%BF#Text>

¹¹⁶ <https://zakon.rada.gov.ua/laws/show/397-2012-%D0%BF#Text>

¹¹⁷ <https://zakon.rada.gov.ua/laws/show/980-2017-%D0%BF#Text>

11. Action Plan for 2021-2023 for the Implementation of the Strategy for the Development of the Innovation Sector for the Period up to 2030 (adopted by the Order of the Cabinet of Ministers of Ukraine of 9 December 2021 No. 1687-p).¹¹⁸

The second group includes the following documents (in the chronological order of their adoption):

1. Medium-term priority areas of innovation activity at the national level (adopted by the Resolution of the Cabinet of Ministers of Ukraine of 28 December 2016 No. 1056).¹¹⁹

These areas include technological renewal and development of the spheres of national security and defense; development of new energy transportation technologies, implementation of energy-efficient, resource-saving technologies, development of alternative energy sources; mastering new technologies of high-tech development of the transport system, rocket and space industry, aircraft and shipbuilding, weapons and military equipment; mastering new technologies for the production of materials, their processing and joining, creation of the industry of nanomaterials and nanotechnologies; technological renewal and development of the agro-industrial complex. Implementation of new technologies and equipment for high-quality medical care, treatment, and pharmaceuticals; wide application of cleaner production and environmental protection technologies; development of modern information, communication technologies and robotics.

12. The Strategy for the Development of the Innovation Sector for the period up to 2030 (adopted by the Cabinet of Ministers of Ukraine on 10 July 2019, No. 526-p).¹²⁰

The purpose of the Strategy is to build a national innovation ecosystem to ensure the rapid and high-quality transformation of creative ideas into innovative products and services and increase the level of innovativeness of the national economy, which involves creating favorable conditions for the development of the innovative sphere, increasing the number of implemented developments, increasing the economic return from them, attracting investments in innovative activities.

The strategy contains the following structural elements: analysis of the current state of innovative activity; structural elements of the national innovation ecosystem; problems of functioning of the national innovation ecosystem; directions and ways of solving problems; term, expected results and evaluation of the implementation of the Strategy; financial support for the implementation of the Strategy.

13. Decision of the National Security and Defense Council of Ukraine 'On Improving the State Policy of Innovative Development of Ukraine' (enacted by the Decree of the President of Ukraine of 28 December 2020 No. 589/2020).¹²¹

¹¹⁸ <https://zakon.rada.gov.ua/laws/show/1687-2021-%D1%80#Text>

¹¹⁹ <https://zakon.rada.gov.ua/laws/show/1056-2016-%D0%BF#Text>

¹²⁰ <https://zakon.rada.gov.ua/laws/show/526-2019-%D1%80#Text>

¹²¹ <https://zakon.rada.gov.ua/laws/show/n0008525-20#Text>

This decision established the Interagency Commission for Coordination of the Activities of Executive Authorities in the Field of National Security and Defense in relation to the Integrated Development of High Technologies.

14. Roadmap for the use of science, technology and innovation to achieve sustainable development goals (adopted by the Board of the Ministry of Education and Science of Ukraine, Protocol No. 3 of 22 December 2023).¹²²

The Science, Technology, and Innovation (STI) Roadmap for the implementation of the Sustainable Development Goals (SDGs) was prepared based on the UN methodology to fulfill Ukraine's commitments to the UN under the Global Pilot Program for the Development of STI Roadmaps for the SDGs, of which Ukraine will become a member in 2021.

15. Ukrainian Global Innovation Strategy until 2030 (adopted by the Cabinet of Ministers of Ukraine on 31 December 2024, No. 1351-p).¹²³

The strategy aims to create favourable conditions for businesses, startups, researchers, investors and international partners in the innovation sector, which is crucial for sovereignty, economic growth, recovery and Ukraine's transformation process.

The implementation of the strategy is expected to enable Ukraine to make an economic leap by producing innovative products, goods and services. The country aspires to become a regional leader and a driving force for innovation within the European Union by leveraging the export potential of its technological products.

By 2030, Ukraine aims to rise from 79th place in the Global Human Capital Index, where it stood in 2023, to 55th place.

Some of the policy documents in the field of innovation are the recommendations of parliamentary hearings:

- a. Recommendations of the parliamentary hearings 'National Innovation System of Ukraine: Problems of Formation and Implementation' (enacted by the Resolution of the Verkhovna Rada of Ukraine of 27 June 2007 No. 1244-V).¹²⁴
- b. Recommendations of the parliamentary hearings on the topic: 'Strategy of Innovative Development of Ukraine for 2010-2020 in the context of globalization challenges' (approved by the Resolution of the Verkhovna Rada of Ukraine of 21 October 2010 No. 2632-VI).¹²⁵
- c. Methodological Recommendations on IP policy for universities and scientific institutions (developed based on the WIPO IP Policy toolkit and according to MoU between WIPO and Ministry of Economy of

¹²²<https://mon.gov.ua/storage/app/media/news/2024/01/03/Dorozhnya.karta.vykoryst.nauky.tekhnolohiy.ta.innovatsiy-03.01.2024-1.1.pdf>

¹²³<https://ips.ligazakon.net/document/KR241351>

¹²⁴<https://zakon.rada.gov.ua/laws/show/1244-16#Text>

¹²⁵<https://zakon.rada.gov.ua/laws/show/2632-17#Text>

Ukraine)¹²⁶, published on 9 January 2024. This policy is aimed at strengthening the capacity and developing new business tools for universities and research institutes, developing intellectual capital in Ukraine, encouraging the promotion and support of scientific research and development, and ensuring legal certainty of legal relations in connection with the creation and commercialization of IP rights, effective protection and management of intellectual property rights.

Currently, the policy is being gradually implemented in universities and scientific/research institutes, including members of the TISC network. The Ukrainian IP Office conducts round tables to investigate the status of IP policy implementation in these institutions, to identify problematic aspects and challenges arising from the implementation of IP policy and jointly find solutions to overcome them, to define criteria for assessing the effectiveness of IP policy, discuss new trends and proposals for improving intellectual property policy based on the experience gained.¹²⁷

Strengths/Weaknesses/Analysis

Ukraine has developed legislation that defines the basis of innovation policy. A series of program documents and legal frameworks that have been in place since 1999, highlighting a long-term commitment to innovation and technological development. However, outdated programs, implementation gaps and lack of robust data collection and analysis have weakened the framework.

The policies recognize scientific, technological, and innovative development as integral to Ukraine's national interests, particularly in terms of security and economic independence. This alignment with broader national goals strengthens the strategic importance of innovation policies. Nevertheless, while the documents are comprehensive, the existence of numerous expired programs without clear outputs and reviews suggests some level of inefficiencies and delays in policy execution.

The regional disparities in innovation infrastructure and external dependencies on foreign patents highlight the need for a more balanced and self-reliant innovation ecosystem. In order to address these vulnerabilities, Ukraine should consider updating its policy documents, streamlining them, improving inter-agency coordination, developing data collection and analysis frameworks that are more efficient as well as ensuring that innovative resources are distributed evenly across its territory.

In addition, while the Ukrainian IP Office is conducting discussions on the status of IP policy implementation in universities and scientific/research institutes, the results of these discussions need to be taken into account in the process of drafting the National IP Strategy.

In any case, further policy development should meet the needs of Ukraine's economic rebuilding and development.

4. Legal framework

INDUSTRIAL PROPERTY

¹²⁶ https://nipo.gov.ua/wp-content/uploads/2024/01/Metodychni_rekomendatsii_polityka_IV_ZVO_NU_Ukrainy-web.pdf

¹²⁷ <https://nipo.gov.ua/kruhlyj-stil-predstavnykiv-zvo/>

Current status

Since the previous Draft National IP Strategy for 2020-2025 was developed, significant progress has been made in implementing its provisions, including amendments to national legislation in the context of alignment with the EU acquis, implementation of best practices of WIPO member states, and overcoming gaps and contradictions in national legislation.

Ukraine is a party to 21 multilateral international treaties, the administrative functions of which are performed by WIPO, the International Union for the Protection of New Varieties of Plants, and is a party to bilateral agreements on the protection of intellectual property with major trading partners. Ukraine's accession to the World Trade Organization in 2008 and amending the laws of Ukraine in order to bring them into line with the Agreement on Trade-Related Aspects of Intellectual Property is essential for strengthening the protection of intellectual property rights in Ukraine.

Key international agreements in the field of industrial property to which Ukraine is a Party:

- Convention Establishing the World Intellectual Property Organization;
- Agreement Establishing the World Trade Organization (WTO);
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)
- Paris Convention for the Protection of Industrial Property;
- Patent Law Treaty;
- Patent Cooperation Treaty;
- Strasbourg Agreement Concerning the International Patent Classification;
- Trademark Law Treaty;
- Singapore Treaty on the Law of Trademarks;
- Madrid Agreement Concerning the International Registration of Marks;
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks;
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks;
- Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks;
- Hague Agreement Concerning the International Registration of Industrial Designs (Hague Act, Geneva Act);
- Locarno Agreement Establishing an International Classification for Industrial Designs;
- Nairobi Treaty on the Protection of the Olympic Symbol;
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure;
- International Convention for the Protection of New Varieties of Plants (UPOV);
- International Plant Protection Convention.

Ukraine is not a party to the following WIPO-Administered Treaties:

- Beijing Treaty on Audiovisual Performances;
- Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite;

- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods;
- Washington Treaty on Intellectual Property in Respect of Integrated Circuits;
- neither Lisbon Agreement for the Protection of Appellations of Origin and their International Registration nor Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

Main Free Trade and Cooperation Agreements

Ukraine and the United States of America signed a Trade and Investment Cooperation Agreement (TICA) on April 1, 2008. The TICA established a joint Ukraine-U.S. Council on Trade and Investment, which addresses a wide range of trade and investment issues including market access, intellectual property, labor, and environmental issues.

On May 16, 2008, Ukraine became the 152nd member of the World Trade Organization (WTO). Upon becoming a member of the WTO Ukraine became subject to the requirements of the Agreement of the WTO on Trade Related Aspects of Intellectual Property Rights “TRIPS Agreement”.

The Free Trade Agreement between Ukraine and the European Free Trade Association States (Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Swiss Confederation), signed on 24 June 2010, entered into force on 1 June 2012, has a comprehensive coverage, including trade in goods, trade in services, investment, protection of intellectual property rights, government procurement and provisions on competition.

Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, establishes a political and economic association between the parties. The political part of the treaty were signed on 21 March 2014, the economic part – on 27 June 2014. Parliament of Ukraine and the European Parliament ratified the Association Agreement between Ukraine and the EU simultaneously on September 16, 2014. The Association Agreement entered fully into force on 1 September 2017; previously parts had been provisionally applied, namely as a part of this association agreement, a Deep and Comprehensive Free Trade Area (DCFTA) – since January 2016.

The Free Trade Agreement between Ukraine and Canada (CUFTA) was signed on July 11, 2016, and entered into force on August 1, 2017. The FTA with Israel, ratified by Ukrainian Parliament in July 2019, entered into force on January 1, 2021. In 2020 Ukraine also signed an FTA with Great Britain, which entered into force on January 1, 2021. The FTA with Turkey was signed on February 3, 2022, pending the ratification.

MoU:

- [Memorandum](#) of Understanding between the Ministry of Economy of Ukraine and the World Intellectual Property Organisation on cooperation in the field of intellectual property;
- [Memorandum of Understanding](#) between the Ministry of Economic Development and Trade of Ukraine and the World Intellectual Property Organisation (WIPO) on alternative dispute resolution in the field of intellectual property;

- [Memorandum of Understanding](#) between the Ministry for Development of Economy, Trade and Agriculture of Ukraine and the World Intellectual Property Organisation (WIPO) on the establishment of the National Intellectual Property Training Centre in Ukraine;
- [Memorandum of Understanding](#) between the Ministry of Economic Development and Trade of Ukraine and the World Intellectual Property Organisation (WIPO) on the establishment of Technology and Innovation Support Centres in Ukraine;
- [Memorandum of Understanding](#) between the World Intellectual Property Organisation and the Ministry for Development of Economy, Trade and Agriculture of Ukraine on the provision of data to the WIPO ALERT data exchange platform;
- Memorandums of Understanding between the Supreme Court and WIPO on cooperation and on the WIPO Lex-Judgments database;
- [Agreement](#) between the Ministry of Economy of Ukraine and the International Bureau of the World Intellectual Property Organisation on the functioning of the State Organisation "Ukrainian National Office of Intellectual Property and Innovations" as the International Searching Authority and International Preliminary Examining Authority.

It is important to note that as a result of the bilateral screening meetings between Ukraine and the European Commission in December 2024, mentioned in Section 1, it was agreed that Ukraine reaffirmed its commitment to bring its national legislation into full alignment with the *EU acquis*.

Another important element was the agreement on preliminary deadlines for the development of draft laws amending national IP legislation in the subsequent sections. For the purposes of this report and further development of the National IP Strategy (in particular, its Operational Plan), the said timelines are provided in the Annex to this Report.

Inventions/Utility models

Currently, the protection of rights to inventions and utility models is regulated by the Civil Code of Ukraine¹²⁸ and Law on Patents¹²⁹.

On July 21, 2020, the Laws of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on the Reform of Patent Legislation" No. 816-IX was adopted (entered into force on August 16, 2020), which amended the relevant legislation in line with the EU-Ukraine Association Agreement, improved the legal protection of inventions in the field of biotechnology, introduced a supplementary protection certificate for medicines and plant and animal protection products; provided for the procedure for invalidation of IP rights to inventions and utility models by the Appeals Chamber.

Under Article 1 of Law on Patents, both an invention and utility model means the result of intellectual, creative human activity in any field of technology.

One of the main differences between the current version of Law on Patents and the previous one are primarily in the change in the **scope of subject matter** covered by legal protection for inventions and utility models. For instance, in the previous

¹²⁸ <https://zakon.rada.gov.ua/laws/show/435-15#Text>

¹²⁹ <https://zakon.rada.gov.ua/laws/show/3687-12?lang=en>

version, the subject matter of both an invention and a utility model included a product (device, substance, microorganism strain, cell culture of plants and animals, etc.) and a process (method). The current version includes the same subject matter for an invention, but only a device or process (method) as the subject matter of a utility model.

The procedure of invention and utility model registration is established by the Law on Patents, and the Rules on Drafting, Filing and Examining the Patent Application to Invention and the Patent Application to Utility Model¹³⁰, approved by Order of the Ministry of Economy of Ukraine of September 9, 2024 No. 23301.

The term of validity of IP rights to an invention shall amount 20 years, and the term of validity of intellectual property rights to a utility model shall amount 10 years.

The patents shall be granted for any inventions provided that they are **new**, involve an **inventive step**, and are capable (susceptible) of **industrial application**.

The patents shall be granted for any utility models provided that they are **new** and are capable (susceptible) of **industrial application**. A utility model patent is granted under the responsibility of its proprietor without a substantive examination.

Ukraine has a *deferred patent examination system* for applications for inventions, which includes preliminary examination, formal examination, publication of applications and substantive examination.

Registration of rights to a utility model is carried out based on the results of the formal examination of an application.

The rights to an invention (utility model) may be recognised in court as invalid in full or in part in the event of:

- non-compliance of the patented invention (utility model) with patentability conditions;
- availability of features in the formula of the invention (utility model), which were not included in the submitted application;
- state registration of an invention (utility model) as a result of application submission in violation of the rights of other persons.

Law on Patents introduced the possibility of invalidating the rights to an invention (utility model) by the Appeals Chamber within UANIPIO (post grant opposition).

According to Article 33¹ of Law on Patents, any person may submit to the Appeals Chamber a substantiated application for recognition of the rights to an invention (utility model) as invalid in full or in part on the grounds of non-compliance of the invention (utility model) with the patentability conditions.

An application for the invalidation of the rights to an invention may be submitted with the Appeals Chamber within nine months from the date of publication of the information on state registration of the invention.

An application for invalidation of utility model rights may be submitted to the Appeals Chamber during the entire term of validity of property rights to the utility model and after their termination.

The parties to the case on invalidation of the invention (utility model) in the Appeals Chamber are the person who submitted the application for invalidation of the invention (utility model) and the patent holder.

On results of consideration of the application, the Appeals Chamber adopts a motivated decision which is approved by an order of the UANIPIO and sent to the parties.

¹³⁰ https://ips.ligazakon.net/document/view/re42756?an=1&ed=2024_09_09

The parties may appeal the decision of the Appeals Chamber approved by the UANIPIO in court within two months from the date of its receipt.

The average time taken to obtain a patent for an invention is 18 to 24 months and for a utility model is 4 to 6 months.

A strength of Ukraine's industrial property legislation is the practical implementation of European approaches to the definition of inventive subject matter, the procedure for granting patents, and the enforcement of patent rights in the Law of Ukraine "On Protection of Rights to Inventions and Utility Models".

At the same time, the possibility of patenting a process (method) as a utility model, the absence of an additional patentability criterion (inventive step) and the procedure for examination for compliance with the other patentability conditions, allows for relatively quick legal protection of technical solutions that do not always meet the established patentability criteria. The law does not set limits on the liability of a utility model patent holder for bad faith in filing an application, as well as for possible losses faced by third parties as a result of such bad faith.

Supplementary Protection Certificates (SPCs)

On July 21, 2020, the Laws of Ukraine № 816-IX "On Amendments to Certain Legislative Acts of Ukraine on the Reform of Patent Legislation" supplemented the Law of Ukraine "On Protection of Rights to Inventions and Utility Models" with Article 27-1, which provides for the holder of a patent for an invention, the object of which is an active pharmaceutical ingredient of a medicinal product, the process of obtaining a medicinal product, or application of a medicinal product, animal protection product, plant protection product, the introduction of which in Ukraine is granted by the relevant competent authority according to the current legislation of Ukraine, has the right to extend the validity of intellectual property rights to such an invention (additional protection), which is confirmed by a supplementary protection certificate.

The rights to supplementary protection are limited by the product (active pharmaceutical ingredient or set of active pharmaceutical ingredients of the medicinal product), the introduction of which in Ukraine is allowed by the relevant competent authority according to the current legislation of Ukraine, and by its use as a medicinal product, animal protection product, plant protection product within the rights granted by the respective patent as of the day of submitting the application for additional protection certificate, and are valid subject to the validity of such permission.

The period of supplementary protection shall be equal to the period between the date of filing the application with the NIPO and the date of receipt by the patent holder of the first permission of the competent authority, reduced by 5 years. The term of supplementary protection may not exceed 5 years.

Bolar Provision

According to Art. 31 of the Law on Patent The importation into the customs territory of Ukraine in the manner prescribed by law of goods manufactured using the invention (utility model) for research and/or use of the invention (utility model) in research conducted for the purpose of preparation and submission of information for registration of a medicinal product shall not be considered to constitute the infringement upon rights resulting from the patent.

Furthermore, manufacture of a product or medicinal product containing a product that uses a patented invention for export to third countries, as well as other actions recognized in accordance with this Law as use of the invention if they are

necessary for the manufacture of a product or medicinal product containing product, for export to third countries shall not be considered to constitute the infringement upon rights resulting from the supplementary protection of rights for inventions set forth in Article 27-1 of this Law.

Law enforcement practice, in particular court decisions on the "Bolar provision" in Ukraine, is controversial, namely, defining the registration of a medicinal product as an infringement of patent rights:

Submission of information for registration of a medicinal product and **its state registration** are not defined in the law as **actions that are not recognised as infringement of patent rights**, the list of which (actions) is exclusive.

Resolution of the Commercial Cassation Court within the Supreme Court of December 08, 2022, in case No. 910/17860/21¹³¹

Industrial designs

Currently, the protection of rights to industrial designs is regulated by the Civil Code of Ukraine and Law on Designs¹³².

The Law of Ukraine No. 815-IX "On Amending Certain Legislative Acts of Ukraine on Strengthening the Security and Protection of Rights to Trademarks and Industrial Designs and Combating Patent Abuse" of 21 July 2020 amended the Law on Designs to ensure the fulfilment of Ukraine's obligations in the field of European integration. Particularly, the individual character was introduced as an additional industrial design protectability criteria, the list of objects that cannot receive legal protection was expanded, the features of an industrial design that cannot receive legal protection were established, the possibility of filing an application in electronic form, division of an application, provisions were introduced regarding the filing of an international application and examination of international registrations, the possibility of protecting an unregistered industrial design was provided, the term of validity of rights to a registered industrial design was changed, the possibility of invalidation of industrial design rights by the Appeals Chamber was provided.

In accordance with Article 461 of the Civil Code of Ukraine, an industrial design an industrial design is considered eligible if it is **new** and has **individual character**.

Under Article 1 of Law on Designs, industrial design is the result of intellectual and creative activity of a person in the field of design engineering.

Terms of legal protection provision of an industrial design: legal protection is provided to an industrial design that is not contrary to public order and generally accepted principles of morality, and meets the criteria for protection.

An industrial design may be the appearance of a product or a part thereof, which is determined, in particular, by the lines, contours, color, shape, texture and/or material of the product and/or its decoration.

An industrial design can obtain legal protection as:

- *registered industrial design*, if it is entered in the Register in accordance with the procedure provided for by this Law, or if it is granted legal protection in Ukraine in accordance with an international treaty ratified by the Verkhovna Rada of Ukraine;
 - o The term of protection of a registered industrial design shall amount **five years** from the date of filing an application within the UANIPIO

¹³¹ <https://court.gov.ua/eng/supreme/pres-centr/news/1363626/>

¹³² <https://zakon.rada.gov.ua/laws/show/3688-12#Text>

and may be extended by the UANIPIO at the request of the industrial design's owner for one or more five-year terms, up to a total term of 25 years from the date of filing;

- *an unregistered industrial design*, if it has been made available to the public in accordance with the procedure provided for by Law on Designs.
 - o The term of protection of an unregistered industrial design shall amount **three years** from the date on which the industrial design was made available to the public in the territory of Ukraine.

The procedure of industrial design registration is established by the Law on Designs, and the Rules on Drawing up and Filing an Industrial Design Application and Conducting an Industrial Design Application Examination and International Registration of an Industrial Design¹³³, approved by Order of the Ministry of Economy of Ukraine of March 7, 2024 No. 6237.

The criteria for protection – the industrial designs meets the criteria for protection, if it is new and has individual character.

An industrial design shall be recognized as **new** if no identical design has been made publicly available in relation to a registered industrial design and an unregistered design.

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

An industrial design shall be recognized as having an **individual character** if the general impression it makes on an informed user differs from the general impression made on such user by any other industrial design made publicly available in relation to a registered industrial design and an unregistered design.

To assess the individual character, the **degree of freedom** of the author when creating an industrial design is taken into account.

The registration of an industrial design is carried out under the responsibility of its owner for the compliance of the design with the criteria for protection.

The applicant may appeal the UANIPIO's decision on the application in the Appeal Chamber as well as to court within two months from the date of receipt of such decision.

An opposition against the decision of the UANIPIO on the application is considered under the Rules of Procedure of the Appeals Chamber, within two months from the date of receipt of the opposition.

The parties may appeal the decision of the Appeal Chamber to the court within two months from the date of receipt of such decision.

In accordance with Article 25¹ of the the Law on Designs any person may submit a substantiated application for recognition of industrial design rights invalid in whole or in part to the Appeals Chamber based on non-compliance of the industrial design with the conditions for granting legal protection specified by this Law.

The bill of complaint on recognition of the rights to the industrial design invalid can be submitted during all term of validity of property rights to the industrial design and after their termination.

The parties to the case of industrial design rights invalidation in the Appeals Chamber shall be the persons who filed the application for invalidation of industrial design rights and the owner of the industrial design.

¹³³ <https://zakon.rada.gov.ua/laws/show/z0547-24#Text>

The Appeals Chamber shall adopt a motivated decision on results of application consideration which is approved by an order of the UANIPIO and sent to the parties.

The parties may appeal to the court against the Appeals Chamber decision approved by the UANIPIO within two months from the date of the decision receipt.

The average time taken to obtain a certificate for an industrial design is 6 months.

Trademarks

Currently, the protection of rights to trademarks is regulated by the Civil Code of Ukraine and Law on Trademarks¹³⁴.

On 21 July 2020, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 815-IX "On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Protection and Enforcement of Rights to Trademarks and Industrial Designs and Combating Patent Abuse". It amended the Law on Trademarks to ensure the fulfilment of Ukraine's obligations in the field of European integration. Among other things, the following is provided for the trademark legal protection regime: the possibility of submitting an application in electronic form; the grounds for refusing to grant legal protection to a trademark or invalidating a trademark registration have been clarified; the procedure for registering a collective trademark is determined; the procedure for providing legal protection under the Madrid system of international trademark registration has been clarified; sanctions for infringement of trademark rights have been strengthened.

In accordance with Article 492 of the Civil Code of Ukraine, a **trademark** may be any sign or any combination of signs suitable for distinguishing goods (services) produced (provided) by one person from goods (services) produced (provided) by other persons.

Under Article 1 of Law on Trademarks, a **trademark** means a sign according to which the goods and services of some persons are distinguished from the goods and services of other persons. Any sign or any combination of signs may be the subject of a trademark; such signs may be, in particular, words, including personal names, letters, numerals, figurative elements, colours, the shape of goods or their packaging, sounds, provided that such signs are suitable to distinguish the goods or services of one person from the goods or services of other persons, are appropriate for their reproduction in the Register in such a way as to enable clear and precise scope of the granted legal protection (Article 5 (2) of Law on Trademarks).

Terms of legal protection provision of a trademark: The legal protection is provided to a trademark that is not contrary to public order and generally accepted principles of morality, requirements of the *Law of Ukraine On Condemnation of the Communist and National-Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbols* and is not subject to grounds for refusal of legal protection defined by Law No. 3689.

The procedure of trademark registration is established by the Law on Trademarks and the Rules on The Drafting, Filing of Trademark Applications, Applications for International Trademark Registration and Examination of Trademark Applications, International Trademark Registration with Extension to Ukraine¹³⁵,

¹³⁴ <https://zakon.rada.gov.ua/laws/show/3689-12#Text>

¹³⁵ <https://zakon.rada.gov.ua/laws/show/z1263-24#Text>

approved by Order of the Ministry of Economy of Ukraine of August 6, 2024 No. 19889.

A person who wishes to receive a trademark certificate submits an application to the UANIPIO. The examination of the application consists of a formal examination, and substantive examination (examination on absolute and relative grounds).

During the formal examination, the application filing date is set, the application is checked for compliance with the formal requirements, and the paid application fee is checked for compliance with the established requirements.

Within three months from the date of publication in the official bulletin of information about the application or international registration of a trademark or the territorial extension of an international registration to Ukraine, carried out after the international registration, any person may submit to the UANIPIO their reasoned objection to the application or action of the international registration in Ukraine regarding non-compliance the designation given in them to the conditions for providing legal protection.

During the substantive examination, compliance with the declared sign with the conditions of granting legal protection and consideration of objections is carried out.

If, based on the results of the qualification examination and consideration of the objection, if there is one, there are reasons to believe that the claimed sign does not meet the conditions for granting legal protection in whole or in part, then UANIPIO sends the applicant a substantiated preliminary opinion on this with an exhaustive list of reasons for the non-compliance of the claimed sign with the conditions for granting legal protection in whole or in part, such a preliminary opinion can be sent only once with an offer to provide a reasoned response in favour of trademark registration.

The final results of the examination of the application, which is not considered withdrawn or not withdrawn, or the trademark under international registration are reflected in the substantiated conclusion of the examination, which takes effect from the date of approval by UANIPIO.

Based on such a conclusion, the UANIPIO decides on the application, which is subsequently sent to the applicant.

The applicant may appeal against the UANIPIO decision on the application in court proceeding or to the Appeals Chamber within two months from the date of the UANIPIO decision receipt. For the holder of the international registration, the specified term shall be three months from the date of sending the request to refuse to grant legal protection to the trademark under the international registration in Ukraine for all specified goods and services or grant legal protection to the trademark for some of specified goods and services to the International Bureau of WIPO by UANIPIO.

A person who filed an objection against an application or action of an international registration in Ukraine regarding the non-compliance of the given sign to them with the terms for granting legal protection may appeal the UANIPIO's decision to the Appeals Chamber within two months from the date of receipt of a copy of the decision on registration.

Commision “Ukraine”

On 20 March 2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 2974-IX “On Amendments to Certain Legislative Acts of Ukraine Regarding Strengthening the Protection of Intellectual Property Rights”. It amended the seventh paragraph of Article 6, clause 1 of the Law on Trademarks. The amendment provides

the grounds for establishing the competent body for granting permission to use the official name and international letter code of the state of Ukraine in a trademark and/or to include in the image of the trademark an imitation of the small State Coat of Arms of Ukraine. The said competent body shall be a collegial body established by the UANIPIO.

Invalidation of the registration

A certificate may be invalidated in whole or in part by judicial procedure in the following cases:

- a) the registered trademark does not meet the requirements for granting legal protection;
- b) the certificate contains elements of the trademark reproduction and the list of goods and services that were not presented in the submitted application;
- c) the certificate was issued as the result of submitting an application with infringement of other persons' rights.

As of 2023, the period for trademark registration in Ukraine under the national procedure is approximately 17 months from the date of filing.

Protection of well-known trademarks

The protection of rights to well-known trademarks in Ukraine is carried out in accordance with Article 6bis of the Paris Convention on the Protection of Industrial Property and Articles 6 and 25 of Law on Trademarks. The protection is carried out on the basis of recognition of the trademark as well-known by the Appeals Chamber or, alternatively, by a court. A trademark can be recognised as well-known regardless of its registration in Ukraine.

In the event that a trademark is recognised as well-known in a court, the person whose trademark is recognised as well-known shall inform UANIPIO of such a decision.

Information about well-known trademarks, recognised as such by the Appeals Chamber or a court, is entered by the UANIPIO in the list of well-known trademarks in Ukraine and published in the official bulletin.

Acquiring the right to a trademark recognised as well-known in Ukraine does not require a certificate.

According to Article 6 of Law on Trademarks, signs that are identical or similar to the extent that they can be confused on the date of application or if priority is claimed, on the date of priority cannot be registered as trademarks, in particular, associate with:

- trademarks of other persons, if such trademarks are protected without registration on the territory of Ukraine on the basis of international treaties of Ukraine, in particular, trademarks recognised as well-known as per Article 6bis of the Paris Convention for the same or related goods and services;
- trademarks of other persons, if such trademarks are protected without registration on the territory of Ukraine on the basis of international treaties of Ukraine, in particular, trademarks recognised as well-known per Article 6 bis of the Paris Convention on unrelated goods and services, if the use of the trademark by another person concerning such unrelated goods and services will indicate a connection between them and the owner of a well-known trademark and may harm the interests of such owner.

In the case of non-compliance of the registered trademark with the conditions for granting legal protection, in particular, there are grounds for refusing to grant legal protection provided for in Article 6 of Law No. 3689, in accordance with clause 1, subclause (a) of Article 19, the certificate may be recognised as invalid in whole or in part in the court.

It should be noted that the possibility of recognising a trademark as well-known by courts of general jurisdiction, as provided by law, in a significant number of cases leads to unreasonable decisions, as judges working in such courts do not have sufficient training and experience to consider such cases. In the opinion of IP experts, such cases should be considered by a specialised court or specialised panels of courts of general jurisdiction.

Geographical indications

On 20 September 2019, the Law of Ukraine No. 123-IX “On Amendments to Certain Legislative Acts of Ukraine on Improving the Legal Protection of Geographical Indications” was adopted (entered into force on 01.01.2020), which revised the Law of Ukraine “On the Protection of Rights to Indications of the Origin of Goods” in a new edition, and changed its title to “On the Legal Protection of Geographical Indications”. The Law defines the principles of legal protection of geographical indications in Ukraine and governs the relations arising in connection with their registration, use and protection.

On 12 March 2021, the Order of the Ministry of Economic Development, Trade and Agriculture of Ukraine No. 536-21 established the Rules for the Preparation, Filing and Examination of Applications for the Registration of Geographical Indications, which define the requirements for application documents for the registration of geographical indications and govern the relations arising from the filing of applications, their examination, and decision-making related to applications.

In accordance with the provisions of Article 203(1) of the EU-Ukraine Association Agreement, more than **3 110 EU GIs** have received legal protection since 2020.

As of January 2025, there are 29 registered national GIs.

Any association of persons, as well as a single individual or legal entity, have the right to register a GI when it is the sole producer and the geographical territory or characteristics of the goods are significantly different from others.

In 2022, the Laws of Ukraine on the Legal Protection of Geographical Indications were adopted, implementing the provisions of Regulations (EU) № 1151/2012 of the European Parliament and of the Council of November 21, 2012 and № 2019/787 of April 17, 2019:

On 9 September 2022, the Law of Ukraine No. 2572-IX “On Peculiarities of Legal Protection of Geographical Indications for Agricultural Products and Foodstuffs, Protection of Rights and Application of Quality Schemes, Including Traditional Specialities Guaranteed for Agricultural Products and Foodstuffs” was adopted, and entered into force on October 01, 2022. This Law defines the legal and organisational principles of quality schemes for agricultural products and foodstuffs, peculiarities of preparation for registration, registration, use and protection of geographical indications for agricultural products (agricultural goods) and foodstuffs, control over such geographical indications, as well as the legal basis for the protection of traditional specialities guaranteed, including preparation for registration, registration, use, protection and control.

On 1 December 2022, the Law of Ukraine No. 2800-IX "On Geographical Indications of Alcoholic Beverages" was adopted, which will enter into force on 29 December 2024. This Law defines the peculiarities of preparation for registration, use and protection of geographical indications of alcoholic beverages, as well as control over such geographical indications in order to prevent the misuse of registered geographical indications of alcoholic beverages.

Semiconductor Product Layouts

Currently, the protection of rights to semiconductor product layouts is regulated by the Civil Code of Ukraine and Law on Semiconductors¹³⁶.

On September 19, 2019, the Law of Ukraine № 111-IX "On Amendments to Certain Legislative Acts of Ukraine on Improving the Protection of Rights to Semiconductor Product Layouts" was adopted (entered into force on September 26, 2019), which amended the relevant legislation in line with the EU-Ukraine Association Agreement. This Law provides a new definition of the terms "semiconductor product layout", "semiconductor product", etc., clarifies the requirements for granting legal protection and the protectability requirements of a semiconductor product layout; improves the procedure for conducting an applications examination; clarifies the list of rights and obligations arising from the state registration of a semiconductor product layout.

The procedure of semiconductor product layout registration is established by the Law on Semiconductors, and the Rules on Drafting, Filing and Examining the Application to Semiconductor Product Layout.

According to the Law on Semiconductors "semiconductor product" means the final or intermediate form of any product consisting of a material base that includes a layer of semiconductor material, has one or more layers consisting of conductive, insulating or semiconductor material and placed one in relation to the other in accordance with a predefined three-dimensional model and is intended to perform solely or in combination with other functions of the electronic circuit function; "layout of a semiconductor product (hereinafter – "layout")" means a set of related images, fixed or encoded in a certain way, which constitute a three-dimensional configuration of the layers that make up a semiconductor product and in which each image contains a configuration or part of the configuration of a semiconductor product at any stage of its manufacture.

The legal protection of the layout is granted by registering it by UANIPIO. The acquisition of the right to layout is certified by a certificate.

The criteria for protection – a layout meets the criteria for protection, if it is **original** (Article 5 (1) of the Law on Semiconductors).

A layout is considered original if it is not created by direct reproduction (copying) of another layout and was not known in the field of microelectronics before the date of filing the application to UANIPIO or before the date of the first use of the layout .

A layout cannot be recognised as original if the application for registration is filed to UANIPIO later than two years from the date of its first use.

The validity of the certificate shall amount ten years, counted from the earliest of the following dates:

the end of the calendar year in which the layout was first used on a commercial basis anywhere in the world;

¹³⁶ <https://zakon.rada.gov.ua/laws/show/621/97-%D0%B2%D1%80#Text>

the end of the calendar year in which a duly filed application for registration was submitted.

A person who wishes to register a layout submits an application to the UANIPIO.

Registration of rights to a layout is carried out based on the results of the formal examination of an application. During the formal examination, the application filing date is set, the application is checked for compliance with the formal requirements, and the paid application fee is checked for compliance with the established requirements.

The average time taken to obtain a certificate for a layout is 6 months.

Plant varieties

According to Article 420 of the Civil Code of Ukraine, intellectual property rights include plant varieties.

The legislative framework for the regulation of this object consists of the Civil Code of Ukraine and the Law on Plant Varieties¹³⁷.

On November 16, 2022, the Laws of Ukraine "On Amendments to Certain Legislative Acts of Ukraine to bring the legislation in the field of plant variety rights protection and seed and seedling production in line with the provisions of the EU Aquie" No. 2763-IX was adopted, which amended the relevant legislation in line with the EU-Ukraine Association Agreement and relevant EU Aquies.

The registration of plant variety rights is carried out by the Ministry of Agrarian Policy and Food of Ukraine, which maintains the State Register of Plant Varieties Suitable for Distribution in Ukraine and which has the Ukrainian Institute for Plant Variety Examination in the field of management. The task of the latter is to carry out examination of applications for plant varieties; application materials (originals of documents), examination and preparation of documents by stages of examination (reports, expert opinions and draft orders for closing the stages of examination) are submitted to the Institute. The Ministry also publishes the Official Bulletin of Plant Variety Rights, which publishes information entered in the Register of applications, information on the change of the plant variety name, information on the approved variety variety, information entered in the Patent Register, information entered in the State Register suitable for distribution in Ukraine, a catalog of plant varieties suitable for distribution in Ukraine, etc.

A variety application shall be submitted to the Competent Authority.

The following rights to a variety may be acquired:

- personal non-property IPRs to a variety, certified by state registration;
- proprietary IPRs to a variety, certified by a patent for a plant variety;
- property right to distribute a variety, which is certified by state registration.

Intellectual property rights to a variety shall be acquired in Ukraine by filing and consideration of an application for a variety, approval of the variety name, establishment of novelty of the variety, qualification examination of the variety and state registration of rights to the variety.

The proprietary right to distribute a variety shall be acquired in Ukraine by filing and consideration of an application for a variety, approval of the variety name, and in cases provided for by this Law - by conducting a qualification examination of the variety and state registration of the variety.

¹³⁷ <https://zakon.rada.gov.ua/laws/show/3116-12#Text>

A variety shall be deemed to be suitable for acquiring rights in it as an object of intellectual property if it is **new, distinctive, homogeneous and stable** with regard to the manifestation of the characteristics produced by a given genotype or a given combination of genotypes.

The **term of validity** of IPRs to a plant variety shall begin on the day following the date of state registration of the right and shall expire on the last day of:

a) the thirtieth calendar year counted from 1 January of the year following the year of state registration of such rights - for varieties of tree and shrub crops and grapes;

b) the twenty-fifth calendar year counted from 1 January of the year following the year of state registration of such rights - for all other varieties.

Upon expiry of the term of IPRs to a plant variety or their early termination in accordance with Article 50 (2) of the Law, as well as in case of waiver of such rights in accordance with Article 51 of the Law, the respective variety shall become a variety of the public domain and may be freely used by any person subject to the provisions of Articles 19¹ of the Law.

In accordance with the procedure determined by the Competent Authority, the term of validity of IPRs to a plant variety may be extended, but not more than for five years.

Trade Secrets

In the present legislation of Ukraine, the system of protection of IP rights to trade secrets is currently in the **process of formation and development**.

The provisions providing for the legal protection of trade secrets are established:

- provisions of the Civil Code of Ukraine "Intellectual Property Rights to Trade Secrets" (Articles 505-508);
- provisions of Articles 36 and 162 of the Commercial Code of Ukraine;
- Articles 16-19 of the Law of Ukraine "On Protection against Unfair Competition", which define unlawful collection, disclosure and use of trade secrets as acts of unfair competition.

Following Article 505 of the Civil Code of Ukraine, a **trade secret** is information that is secret in the sense that it is unknown in its entirety or in a specific form and set of its components and is not freely available to persons who normally deal with the type of information to which it belongs, and therefore has commercial value and has been subject to measures to maintain its secrecy adequate to the circumstances taken by a person who legally controls this information.

Trade secrets may include information of a technical, organisational, commercial, industrial or other nature, except for those that cannot be classified as trade secrets by law.

Protection of rights to trade secrets is also ensured by administrative (Article 164-3 of the Code of Ukraine on Administrative Offences) and criminal liability (Articles 231-232 of the Criminal Code of Ukraine).

On a secondary legislation level, the List of Information **Not Subject to Trade Secrets**¹³⁸ was approved by the Cabinet of Ministers of Ukraine by Resolution No. 611 of 9 August 1993.

The current legislation of Ukraine uses the terms "trade secret", "confidential information", "know-how", but at the same time does not define their correlation and

¹³⁸ <https://zakon.rada.gov.ua/laws/show/611-93-%D0%BF?lang=en#Text>

limits of application. This is **not favourable to the formation of a well-established law enforcement practice**, which leads to complications in the process of dispute resolution related to the enforcement of the provisions of the law on the use of these terms, and sometimes even to violations of the rights of business entities. Based on the definitions of the terms "confidential information" and "trade secret" set out in the current legislation, a trade secret is a type of confidential information and at the same time an object of IP rights. Thus, both intellectual property law and information law should be applied to legal relations regarding trade secrets, which does not contribute to legal certainty and consistency of understanding of the concept of "trade secret".

At present, with the involvement of leading IP research institutions, UANIPIO is analysing EU legislation and law enforcement practice to align Ukrainian legislation on trade secret protection with the requirements of European regulations, in particular, Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

Enforcement of intellectual property rights

On 17 October 2019, the Verkhovna Rada of Ukraine, the legislative assembly of Ukraine, adopted Law of Ukraine No. 202-IX, "On Amendments to the Customs Code of Ukraine on the Protection of Intellectual Property Rights during the Movement of Goods across the Customs Border of Ukraine". The Law entered into force on 14 November 2019. The above Law of Ukraine provides, in particular, for:

- the expansion of the list of objects of intellectual property rights, the protection of which is facilitated during the movement of goods across the customs border of Ukraine;

- definitions for "counterfeit goods", "pirated goods", "goods suspected of violating intellectual property rights";

- the non-application of measures to promote the protection of intellectual property rights with concern to the movement across the customs border of Ukraine of original goods that were manufactured with the consent of the right holder or goods manufactured by a person duly authorised by the right holder to produce a certain number of goods, in an amount exceeding the stipulated, between this person and the rights holder;

- the expansion of cases of application of measures related to the suspension of customs clearance of goods suspected of violating intellectual property rights, including at the initiative of the customs body;

- the reimbursement of expenses related to the storage and destruction of goods suspected of violating intellectual property rights;

- the introduction of the possibility of early release of goods whose customs clearance has been suspended due to suspicion of intellectual property rights infringement;

- the establishing of the specifics of suspension of customs clearance and destruction of small batches of goods moving (forwarded) across the customs border of Ukraine in international postal and express shipments.

Regarding the ability of customs to seize products that may violate intellectual property rights on its initiative (*ex officio*) without notifying the owner of intellectual property rights, the Government inform the Receiving Party that Article 400 of the Customs Code of Ukraine establishes the procedure for suspending customs clearance of goods at the initiative of the customs authority.

On 20 March 2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 2974-IX, “On Amendments to Certain Legislative Acts of Ukraine Regarding Strengthening the Protection of Intellectual Property Rights”. The Law entered into force on 15 April 2023. It amended several legislative acts on IP.¹³⁹

In particular, the amendments to the Civil Code of Ukraine and laws in the IP sphere clarify and supplement the institute of civil liability for infringement of IPRs in the form of compensation to the right holders for economic losses by way of reimbursement of damages or payment of compensation and/or non-pecuniary (moral) damage, including setting conditions for the court to determine the amount of damages or compensation for certain IPRs.

Amendments to the Civil Procedural and Commercial Procedural Legislation provide for the possibility to request evidence from a certain range of persons in the form of information on the origin and distribution networks of goods or services (distribution channels) that infringe IPRs, in respect of which there are reasonable grounds to believe that the distribution of such goods or providing such services infringes IPRs. It also establishes the right for the court to grant, at the initiative of the defendant, interim relief for a property claim for infringement of IP rights by depositing funds in the amount of the plaintiff's claims or providing a bank guarantee to the court's deposit account.

On 1 July 2023, WIPO's domain name dispute resolution services for .UA domain names were resumed and the WIPO Center is accepting new complaints regarding such domain names in accordance with the .UA Domain Name Dispute Resolution Policy. The Policy currently applies to second and third level domain name registrations.

In addition, Ukraine is actively implementing the WIPO ALERT initiative. In order to implement the Memorandum of Understanding between WIPO and the Ministry of Economy on the provision of data to the WIPO ALERT data-sharing platform of 23 September 2020, amendments were made to the Law of Ukraine “On Advertising”. Under these amendments, Ukraine has established a National List of Websites Raising Concern for the Protection of Intellectual Property Rights to enable Ukraine's contribution to the WIPO ALERT, and it is prohibited to place Internet advertising on a website whose Internet address is included in the National List submitted by Ukraine to the WIPO ALERT. Violation of this provision entails administrative liability in the form of a fine. Also, on 11 March 2024, the Order of the Ministry of Economy of Ukraine “On Approval of the Procedure for Formation and Maintenance of the National List of Websites Raising Concerns for the Protection of Intellectual Property Rights” was registered with the Ministry of Justice of Ukraine.

Exhaustion of Rights

Ukraine has an **international exhaustion regime** for intellectual property rights.

According to para. 1 part 3 Article 397 of the Customs Code of Ukraine, measures related to the promotion of intellectual property rights protection provided for in part 1 of this Article do not apply to original goods, i.e. goods manufactured with

¹³⁹ among which the Civil Code of Ukraine, the Code of Civil Procedure of Ukraine, the Code of Commercial Procedure of Ukraine, the Law of Ukraine “On the protection of rights to industrial designs”, the Law of Ukraine “On the protection of rights to signs for goods and services”, the Law of Ukraine “On the protection of rights to inventions and utility models”, the Law of Ukraine “On the protection of rights to the composition of semiconductor products”, the Law of Ukraine “On the legal protection of geographical indications”, and the Law of Ukraine “On copyright and related rights”.

the authorisation of the right holder, or goods manufactured by a person duly authorised by the right holder to produce a certain quantity of goods, including in excess of the quantity agreed between that person and the right holder.

According to para. 3 part 6 Article 16 of the Law of Ukraine “On Protection of Rights to Trademarks for Goods and Services” the exclusive right of a trademark holder to prohibit the other persons to use the registered mark without his consent does not apply to the use of the trademark for a product put into the civil circulation under this trademark by the certificate holder or by his consent, provided that the certificate holder has no essential reasons to prohibit such use in connection with the following sale of the product, in particular in case of change or deterioration of the product after putting it into the civil circulation.

According to part 3 Article 31 of the Law of Ukraine “On Protection of Rights to Inventions and Utility Models” the introduction in business turnover of a product manufactured using the patented invention (utility model) by any person, which acquired it without infringing upon rights of the holder, shall not be considered to constitute infringement upon rights resulting from a patent. A product manufactured using the patented invention (utility model) shall be deemed to have been acquired without infringing upon rights of the patent holder, if such product has been manufactured and/or introduced in the turnover after the manufacture by the patent holder or another person upon special permit (licence) of the patent holder.

According to part 3 Article 22 of the Law of Ukraine “On Protection of Rights to Industrial Design”, the introduction into civil circulation of the product manufactured using the registered industrial design, after the introduction of this product into civil circulation by the owner of the industrial design or with his special permit, shall not be recognized as the violation of the rights to the industrial design.

The Supreme Court’s practice also shows that the absence of territorial restrictions on the introduction of goods into civil circulation by the owner (or with his authorisation) in the above provisions of the law gives grounds to assert that Ukraine has an international exhaustion regime.

IP during martial law

The Law of Ukraine “On Protection of Intellectual Property Interests of Persons during Martial Law Imposed in Connection with the Armed Aggression of the Russian Federation against Ukraine” No. 2174-IX of 1 April 2022 (“Law No. 2174-IX”), which entered into force on 13 April 2022, introduced a legal mechanism for protecting the IP interests of persons, thereby preventing the loss of IPRs during martial law by suspending the time limits for taking actions related to the protection of IPRs, as well as the time limits for the procedures for obtaining these rights. The implementation of this mechanism is also available to foreign applicants.

Law No. 2174-IX provides for the suspension of the time limits for actions related to the protection of IPRs, as well as the time limits for procedures for obtaining these rights, as defined by the laws of Ukraine in the IP sphere and by-laws, in particular, the time limits for filing an opposition to an application or the effectiveness of an international registration in Ukraine, the time limits for appealing the decision of the NIPA on an application in court or to the Appeals Chamber, the time limits for filing an application for invalidation, the time limits within which the missed time limits may be renewed, etc. The law also enables submitting the necessary documents (applications, petitions, objections, responses, etc.) within 90 days from the date of

lifting martial law without paying a fee for the extension, prolongation or renewal of the relevant terms.

The Government of Ukraine supports the further implementation of restrictive measures and sanctions policy in the IP field. Ukraine is also improving the procedures for applying personal special economic and other restrictive measures (sanctions), particularly, through summarizing information on the application of personal sanctions against individuals and legal entities, and applying sanctions in the form of blocking assets.

This Law played its role at the beginning of the full-scale invasion, preserving the IP rights of residents and non-residents in the face of great difficulties for the state IP system and applicants' operations. At the same time, with the adaptation of the UANIPIO's activities to the wartime conditions, there are discussions about changing the approach applied by this Law, as the adoption of the Law has led to an increase in the number of applications for which the proceedings have been suspended, due to the extension of the time limits for third parties to oppose registration.

In addition, it is worth noting that on 15.08.2023¹⁴⁰, Resolution of the Cabinet of Ministers of Ukraine No. 859 approved amendments to the Procedure for Payment of Fees for Actions Related to the Protection of Intellectual Property Rights, approved by Resolution of the Cabinet of Ministers of Ukraine No. 1716 dated 23.12.2004, and set out in a new version the Annex to the Procedure containing updated amounts of fees for actions related to the protection of IP rights.

In addition to bringing the types of fees in line with the adopted amendments to the legislation, the amount of fees for electronic filing (compared to paper filing) was reduced to encourage the use of digital services by applicants.

Compulsory licensing

Article 30 of the Law of Ukraine "On Protection of Rights to Inventions and Utility Models" provides that if an invention (utility model), except for a secret invention (utility model), has not been used or has been used not fully in Ukraine during 3 years after the date of state registration of the invention (utility model) or after the date, when the use of the invention (utility model) was terminated, then any person desirous of and prepared to using the invention (utility model) may refer to the court of law with an application for a permit to use the invention (utility model), in case of the refusal of the holder of rights to conclude a licence agreement.

Unless the patent holder proves that the failure to use the invention (utility model) was caused by justifiable reasons for non-use, the court of law shall pass a decision to grant the permit to the interested person to use the invention (utility model) stating the scope of the application, the term of validity of the permit, the amount and the procedure of the payment of emoluments to the patent holder. The right of the patent holder to grant permission to use the invention (utility model) is not limited in this case.

In order to ensure the health of the population, state defence, environmental security, and other public interests, the Cabinet of Ministers of Ukraine shall have the right to allow a person nominated by it to use the invention (utility model) without consent of the holder of the patent.

Decisions of the Cabinet of Ministers of Ukraine on granting permission to use an invention (utility model), term and conditions of its granting, revocation of

¹⁴⁰ <https://zakon.rada.gov.ua/laws/show/1716-2004-%D0%BF>

permission to use, amount and procedure for payment of remuneration to the patent holder may be appealed in court.

Legal framework:

- The Procedure for Granting Permission by the Cabinet of Ministers of Ukraine to Use a Patented Invention (Utility Model) Relating to a Medicinal Product, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 04 December 2013¹⁴¹;
- The Procedure for Issuing a Compulsory Licence for the Use of a Plant Variety, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 29 January 2003 (as amended on 29 November 2022)¹⁴².

These regulations **need to be updated** to reflect the EU *acquis*.

UANIPIO does not have any information on cases of obtaining a compulsory licence under Article 30 of the Law.

Special attention should be paid to the issue of **management of IP rights in the defence industry**, in particular in the field of defence procurement. Legislation should establish a reasonable balance between the interests of authors, executors of state defence contracts and the state represented by state customers. This requires amendments to a number of laws, including special legislation in the IP sphere, as well as institutional measures related to the establishment of services or units within the system of state customers that will be responsible for the protection and assignment of IP rights.

COPYRIGHT AND RELATED RIGHTS

Current status

The current legislative framework for intellectual property in Ukraine is largely in line with EU legislation. According to the indicators of the Pulse of the Association Agreement, by the end of 2023, the current degree of alignment of the Ukrainian legislation in the area of intellectual property law with the EU *acquis* is 98%.¹⁴³

The field of copyright and related rights is comprehensively regulated by the Law of Ukraine "On Copyright and Related Rights" adopted on December 1, 2022. One of the main goals of the Law was to update copyright and related rights legislation in the context of Ukraine's obligations to implement EU law under the Association Agreement.

Ukraine is a party to the following international treaties in the field of copyright and related rights:

- Convention relating to the Distribution of Program-carrying Signals Transmitted by Satellite;¹⁴⁴
- Universal Convention on Copyright;¹⁴⁵

¹⁴¹ <https://zakon.rada.gov.ua/laws/show/877-2013-%D0%BF#Text>

¹⁴² <https://zakon.rada.gov.ua/go/121-2003-%D0%BF>

¹⁴³ Report on the initial assessment of the progress in the implementation of the European Union legal acts (EU ACQUIS). P. 37. https://eu-ua.kmu.gov.ua/wp-content/uploads/Zvit_EN.pdf

¹⁴⁴ Ukraine acceded to the Convention as part of the USSR in 1974.

¹⁴⁵ Law of Ukraine "On Ukraine's participation in the Universal Convention on Copyright 1952" of December 23, 1993 No. 3794-XII.

- Berne Convention for the Protection of Literary and Artistic Works;¹⁴⁶
- Convention on the Protection of Producers of Phonograms against Unauthorized Reproduction of their Phonograms;¹⁴⁷
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations;¹⁴⁸
- WIPO Performances and Phonograms Treaty;¹⁴⁹
- WIPO Copyright Treaty;¹⁵⁰
- Marrakesh Treaty to Facilitate the Access of the Blind, Visually Impaired or Other Persons with Disabilities to Published Works.¹⁵¹

In this area, there are also several secondary legislative acts that determine the procedure for performing certain actions, namely:

- Order of the Ministry of Economy of Ukraine “On Approval of the Procedure for State Registration of Copyright and Agreements Concerning Property Rights to a Work” No. 11319 of August 16, 2023;
- Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for the Protection of Personal Non-Property Rights of an Author Whose Work Has Become Public Domain in the Absence of Heirs” of October 10, 2023 No. 1066;
- Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Acquiring and Losing the Status of Orphan Works, Phonograms, Videograms and Performances Recorded in Them, Conditions of Their Permitted Use and Keeping a Register” of December 15, 2023 No. 1312.

Strengths/Weaknesses/Analysis

The main law in the field of copyright and related rights is the Law of Ukraine "On Copyright and Related Rights" adopted on December 1, 2022. The basic provisions of the Law are also reflected in Book Four of the Civil Code of Ukraine. Some provisions on the specifics of copyright and related rights are included in other laws, such as the law “On Architectural Activity”, “On Cinematography”, “On Theaters and Theater Business”. Thus, on the one hand, the same provisions on copyright and related rights are duplicated in the Law "On Copyright and Related Rights" and the Civil Code, and on the other hand, some specific provisions on copyright and related rights are contained separately from the Law "On Copyright and Related Rights". As a result, Ukrainian legislation in this area is not systematized which makes it not sufficiently organized and efficient.

Some of the provisions of the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the

¹⁴⁶ Law of Ukraine “On Ukraine's accession to the Berne Convention for the Protection of Literary and Artistic Works (Paris Act of July 24, 1971, amended on October 2, 1979)” of May 31, 1995 No. 189/95-VR.

¹⁴⁷ Law of Ukraine “On Ukraine's accession to the Convention on the Protection of Producers of Phonograms against Unauthorized Reproduction of their Phonograms of October 29, 1971” of June 15, 1999 No. 738-XIV.

¹⁴⁸ Law of Ukraine “On Ukraine's accession to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations” of September 20, 2001 No. 2730-III.

¹⁴⁹ Law of Ukraine “On Ukraine's accession to the Treaty of the World Intellectual Property Organization on Performances and Phonograms” of September 20, 2001 No. 2732-III.

¹⁵⁰ Law of Ukraine “On Ukraine's accession to the Treaty of the World Intellectual Property Organization on Copyright” of September 20, 2001 No. 2733-III.

¹⁵¹ Law of Ukraine “On Ukraine's Accession to the Marrakesh Treaty to Facilitate the Access of the Blind, Visually Impaired or Other Persons with Disabilities to Published Works” of January 12, 2023 No. 2854-IX.

Digital Single Market and amending Directives 96/9/ EC and 2001/29/EC have not been implemented in the Ukrainian Law. This applies to the protection of press publications; protection of works that have fallen out of commercial circulation; provisions for the revocation of contracts for the disposal of proprietary copyright and related rights; and the term of protection of certain related rights. Ukraine needs to study the experience of EU Member States in implementing these provisions and incorporate them into national legislation.

COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS

Current status

The Law of Ukraine “On Effective Management of Property Rights of Right Holders in the Field of Copyright and (or) Related Rights” of May 15, 2018 exhaustively regulates this area. This law was developed taking into account the provisions of the Directive 2014/26/EU of the European Parliament and of the Council of February 26, 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market.

In addition to the law, there are a number of other acts in this area that define the rules for certain procedures:

- Order of the Ministry of Economic Development and Trade of Ukraine "On Approval of Application and Report Forms of Collective Management Organizations" of November 20, 2018 No. 1707;
- Order of the Ministry for Development of Economy, Trade and Agriculture of Ukraine “On Approval of the Regulation on the Commission for Accreditation of Collective Management Organizations” of September 18, 2020 No. 1827.

Strengths/Weaknesses/Analysis

Legislation in the field of CMOs activities needs to be improved in several areas.

The requirements for tariffs in Article 20(2) of the Law of Ukraine "On Effective Management of Property Rights of Right Holders in the Field of Copyright and (or) Related Rights" are not sufficiently clear. The Law stipulates that tariffs must be economically justified in relation to the type of economic activity of the user, the nature and scope of use of copyright and (or) related rights in relation to such economic activity, and the financial indicators of the user's income and expenses. The criterion of economic justification is unclear and needs to be changed to a more explicit criterion.

The tariff-setting procedure is rather complicated and inefficient. According to Art. 20(2) of the Law of Ukraine "On Effective Management of Property Rights of Right Holders in the Field of Copyright and (or) Related Rights", draft preliminary tariffs are considered and approved at the general meeting of CMOs, after which negotiations on the tariff amount should be conducted with users – specialized associations and user unions in the relevant category; users who, according to the CMO, paid at least one percent of the total amount of rights revenues collected by the CMO for this category of users in the previous reporting period, as well as users who expressed a desire to participate in negotiations with the CMO. Negotiations on

tariff setting should be completed no later than in 60 calendar days. Decisions of the negotiators on the user side shall be made by two-thirds of the votes of the total number of registered negotiators. If the parties to the tariff negotiations fail to agree on tariffs within 60 calendar days, such tariffs shall be determined by the court. Each of the participants in the negotiations or a collective management organization or a person engaged in the relevant field has the right to file a lawsuit in court with the obligatory involvement of all participants in the negotiations in the judicial process. These provisions allow users to sabotage the decision to set tariffs, without which CMOs cannot collect remuneration. Setting tariffs by a court is a complex process and can take several years, as the law requires the involvement of all participants in the negotiations. Therefore, the approach to setting tariffs should be changed.

The procedure for accreditation of CMOs in the relevant areas of mandatory and extended management is suboptimal. Although this procedure is set out in detail in the Law of Ukraine "On Effective Management of Property Rights of Right Holders in the Field of Copyright and (or) Related Rights", it does not provide sufficient transparency, does not take into account possible conflicts of interest between the commission members and CMOs, and allows for accreditation only in some areas of mandatory and extended management while other areas may remain without a designated authorized CMO. In addition, according to Art. 16(9) of the law, the decision to accredit CMOs must be approved by an order of the Ministry of Economy so that the winning CMOs can start operating in the relevant areas of mandatory and extended management. At the same time, the law does not establish the timeframe for approving the decision on accreditation of CMOs. In practice, in some cases, this period stretched for more than 9 months: the decision to accredit the CMO was made on December 17, 2020, and the order of the Ministry of Economy approving this decision was issued on September 21, 2021, which was subject to a court appeal.¹⁵² These and other shortcomings of the existing accreditation procedure for CMOs should be eliminated.

CREATIVE INDUSTRIES

Current status

The main regulatory act in the field of creative industries is the Order of the Cabinet of Ministers of Ukraine "On Approval of Types of Economic Activity Belonging to Creative Industries" of April 24, 2019. This act defines 34 types of activities that are considered to be creative industries. Formation of this list was a prerequisite for further defining the goal of building a competitive creative economy in Ukraine enshrined in the National Economic Strategy for the period up to 2030.¹⁵³

Ukraine has special laws that regulate certain areas of creative activity, in particular:

- Law of Ukraine "On the National Archival Fond and Archival Institutions" of December 24, 1993 No. 3814-XII;
- Law of Ukraine "On Libraries and Librarianship" of January 27, 1995 No. 32/95-VR;

¹⁵² <https://reyestr.court.gov.ua/Review/101147778>

¹⁵³ <https://zakon.rada.gov.ua/laws/show/179-2021-%D0%BF#n25>

- Law of Ukraine "On Museums and Museum Affairs" of June 29, 1995 No. 249/95-VR;
- Law of Ukraine "On Advertising" of July 03, 1996 No. 270/96-BP;
- Law of Ukraine "On Publishing Industry" of June 5, 1997 NO. 318/97-BP;
- Law of Ukraine "On Cinematography" of January 13, 1998 No. 9/98-BP;
- Law of Ukraine "On Architectural Activity" of May 20, 1999 No. 687-XIV;
- Law of Ukraine "On Touring Events in Ukraine" of July 10, 2003 No. 1115-IV;
- Law of Ukraine "On Theaters and Theater Business" of May 31, 2005 No. 2605-IV;
- Law of Ukraine "On Culture" of December 14, 2010 No. 2778-VI;
- Law of Ukraine "On Media" of December 13, 2022 No. 2849-IX.

Strengths/Weaknesses/Analysis

The list of creative industries in Ukraine needs to be revised. Global models of creative industries are based on the principle of distinguishing areas of activity that create creative goods or provide creative services of a certain type. At the same time, the cycles of creation (production) and distribution of goods and services are not divided into separate creative industries, and therefore each of them is a complex phenomenon that covers all or at least the main components of a particular field of activity. The Ukrainian approach is based on the fact that creative industries are not areas of activity by type of product or service, but types of economic activity in accordance with the National Classifier of Ukraine DK 009:2010 "Classification of Economic Activities"¹⁵⁴ (CEA). In other words, it was based on a statistical classification which main principle is to group different enterprises that produce similar goods or services or use similar processes to create goods or services (raw materials, production process, methods or technologies). As a result, the list of creative industries in Ukraine differs significantly from the main global models.

The main disadvantages of using CEA to form a list of creative industries:

- 1) artificial segmentation of one area of activity into several creative industries. In particular, publishing is presented in the list as four separate creative industries: 1) publishing of books; 2) publishing of newspapers; 3) publishing of magazines and periodicals; 4) other types of publishing activities. That is, the distinction is made by the type of publishing product but in fact all these activities are one area that should be considered as a single industry, regardless of what kind of product a particular publishing company produces;
- 2) artificially combining different types of creative activity into one creative industry. For example, a separate creative industry in Ukraine is individual artistic activity which means the activity of independent artists, such as sculptors, painters, cartoonists, engravers, writers, journalists, etc. However, the work of independent authors does not essentially differ from the work of the same authors as part of a particular organization. At the same time, artists and writers create completely different creative products which are inappropriate to consider as one creative industry just because these authors work individually;
- 3) the absence in the list of many areas of activity that are essentially creative industries. In particular, the publication of computer games is recognized as a

¹⁵⁴ <https://zakon.rada.gov.ua/rada/show/vb457609-10#Text>

creative industry in Ukraine but the development of computer games is not included in the list of creative industries. According to the CEA, the publication of computer games means their publication for all platforms, i.e., it is the release of games on various devices and platforms with appropriate technical and programmatic features, which is carried out in relation to the finished product. However, the creation of a computer game does not belong to this type of activity. The list of creative industries of Ukraine includes such activities as computer programming which means the development, modification, testing and technical support of software. This activity applies only to the software component of games but does not take into account the creation of its visual and sound elements. The Ukrainian list of creative industries does not include other areas of creative activity, such as print and online media, galleries and exhibitions;

- 4) presence in the list of activities that no longer exist in Ukraine. The CEA was approved in 2010 and does not take into account the changes that have subsequently occurred in the legislation. The CEA includes news agencies as a separate type of activity which is also included in the list of creative industries in Ukraine. However, the Law of Ukraine "On Media", which came into force on March 31, 2023, does not provide for such a subject of information activity. The Law of Ukraine "On Media" stipulates that news agencies and other media that were registered earlier must register as media entities – print, online or other media – by March 31, 2024. All old media registration certificates will be terminated on March 31, 2024, so there will be no news agencies in Ukraine from that moment on. Accordingly, this activity should be excluded from the list of creative industries;
- 5) coverage by the list of creative industries of areas of activity that do not produce creative products and do not provide creative services. Ukraine recognizes the production of musical instruments as a creative industry. This type of activity in the CEA also includes the production of whistles, horns, horns and other similar signaling instruments, i.e., signaling devices the use of which is not suitable for performing musical works and is of a technical rather than creative nature.

These factors indicate that the list of creative industries in Ukraine requires a complete change in the concept of its formation. Such changes are necessary, first of all, for a correct understanding of the concept of creative industries. Also, as the creative industries can receive state support from Ukraine, as well as support from foreign and international organisations in times of war, it is important to have a correct list of industries that produce creative goods and services.

In addition, most laws in the creative industries sector were adopted more than 25 years ago, when Ukraine was just starting to build a market economy. Although these laws have been amended from time to time to improve the legal framework, in general, it needs to be modernized. Creative activities should be considered as sectors of the creative economy, and legislation should provide the most favorable legal conditions for their development. It is advisable for Ukraine to study the experience of other countries in this regard and use the best international practices to build a full-fledged creative economy.

Current status

Innovation activities in Ukraine are regulated by legal acts of different legal forces – codes, laws and bylaws. The following is a list of the main regulatory sources of national legislation in this area with a brief description (arranged by the criterion of the subject matter of regulation):

1. Commercial Code of Ukraine adopted on 16 January 2003 under No. 436-IV.¹⁵⁵

In the Commercial Code of Ukraine, Chapter 34, "Legal Regulation of Innovative Activity", is devoted to the issue of legal regulation of innovative activity, which contains norms defining the content of the innovative activity, the content and forms of investing in innovative activity, types of innovative activity, state regulation and state guarantees of innovative activity, state expertise innovative projects, contracts for the creation and transfer of scientific and technical products. Relations that arise in the process of implementing innovative activities are regulated by the Commercial Code of Ukraine and other legislative acts. The relevant provisions of the Civil Code of Ukraine apply to the specified relations in the part not regulated by the Commercial Code of Ukraine.

2. The Law of Ukraine, "On Investment Activity", adopted on 18 September 1991 under No. 1560-XII.¹⁵⁶

This law of Ukraine defines the general legal, economic, and social conditions for investment activity in Ukraine's territory. It is aimed at ensuring equal protection of the rights, interests, and property of subjects of investment activity regardless of the forms of ownership, as well as at effective investment in the economy of Ukraine and the development of international economic cooperation and integration.

Article 3 of this Law of Ukraine defines innovative activity as a set of measures aimed at creating, implementing, distributing and implementing innovations per the Law of Ukraine "On Innovative Activity" to obtain a commercial and/or social effect, which are carried out by implementing investments invested in objects of innovative activity.

3. The Law of Ukraine, "On Innovative Activity", adopted on 4 July 2002 under No. 40-IV.¹⁵⁷

This law defines the legal, economic and organizational principles of state regulation of innovative activity in Ukraine, establishes forms of state stimulation of innovative processes and aims to support the development of the Ukrainian economy through innovation. According to this Law, state support is received by business entities of all forms of ownership that implement innovative projects in Ukraine and enterprises of all forms of ownership that have the status of innovative.

An innovative enterprise (innovation center, technology park, technopolis, innovative business incubator, etc.) is an enterprise (association of enterprises) that develops, produces and sells innovative products and (or) products or services, the

¹⁵⁵ <https://zakon.rada.gov.ua/laws/show/436-15#Text>

¹⁵⁶ <https://zakon.rada.gov.ua/laws/show/1560-12#Text>

¹⁵⁷ <https://zakon.rada.gov.ua/laws/show/40-15#Text>

volume of which in monetary terms exceeds 70 per cent of its total volume of products and (or) services.

4. The Law of Ukraine, “On Priority Areas of Innovation Activity in Ukraine”, adopted on 8 September 2011 under No. 3715-VI.¹⁵⁸

This law defines the legal, economic and organizational principles of forming a coherent system of priority areas of innovative activity and their implementation in Ukraine. The purpose of the law is to ensure an innovative model of economic development by concentrating state resources on priority areas of scientific and technical renewal of production, increasing the competitiveness of domestic products in domestic and foreign markets.

5. The Law of Ukraine, “On the Special Regime of Innovative Activities of Technology Parks”, adopted on 16 July 1999 under No. 991-XIV.¹⁵⁹

6. The Law of Ukraine, “On Priority Areas of Science and Technology Development,” adopted on 11 July 2001 under No. 2623-III.¹⁶⁰

This law defines the legal and organizational principles of a comprehensive system of formation and implementation of priority directions for the development of science and technology in Ukraine. The legal basis for the formation and implementation of priority directions for the development of science and technology is the Constitution of Ukraine, the laws of Ukraine “On Scientific, Research and Technical Activity”, “On State Planning and Development of Programs for Ukraine’s Economic and Social Development”.

7. The Law of Ukraine, “On State Regulation of Activities in the Field of Technology Transfer,” adopted on 14 September 2006 under No. 143-V.¹⁶¹

This law defines the legal, economic, organizational and financial foundations of state regulation of activities in the field of technology transfer and is aimed at ensuring the effective use of the scientific, technical and intellectual potential of Ukraine, the manufacturability of production, the protection of property rights to domestic technologies and/or their components on the territory of the states, where their use is planned or carried out, expansion of international scientific and technical cooperation in this field.

8. The Law of Ukraine, “On Education,” adopted on 5 September 2017 under No. 2145-VIII.¹⁶²

According to Art. 5 of this law, education is a state priority that ensures innovative, socio-economic and cultural development of society. Funding education is an investment in human potential and sustainable development of society and the state.

¹⁵⁸ <https://zakon.rada.gov.ua/laws/show/3715-17#Text>

¹⁵⁹ <https://zakon.rada.gov.ua/laws/show/991-14#Text>

¹⁶⁰ <https://zakon.rada.gov.ua/laws/show/2623-14#Text>

¹⁶¹ <https://zakon.rada.gov.ua/laws/show/143-16#Text>

¹⁶² <https://zakon.rada.gov.ua/laws/show/2145-19#Text>

9. Order of the Ministry of Education and Science of Ukraine, “On Enacting the Regulation on the Procedure for Implementation of Innovative Activities in the Field of Education,” adopted on 12 May 2023 under No. 552.¹⁶³

This Regulation defines the procedure for carrying out innovative activities in preschool, general secondary, specialized, extracurricular and professional (vocational-technical) education institutions.

10. The Law of Ukraine, “On Higher Education,” adopted on 1 July 2014 under No. 1556-VII.¹⁶⁴ This law establishes the basic legal, organizational, and financial principles of the functioning of the higher education system, creates conditions for strengthening the cooperation of state bodies and businesses with institutions of higher education based on the principles of autonomy of institutions of higher education, combining education with science and production in order to prepare competitive human capital for high-tech and innovative development of the country, self-realization of the individual, provision of the needs of society, the labor market and the state in qualified specialists.

Chapter XI of this law regulates scientific, research, artistic and innovative activities in higher education institutions.

11. The Law of Ukraine, “On Scientific, Research and Technical Activities,” adopted on 26 November 2015 under No. 848-VIII.¹⁶⁵

This law defines the legal, organizational and financial principles of functioning and development in the field of scientific and technical activity, creates conditions for carrying out research and scientific and technical activity, meets the needs of society and the state in technological development through the interaction of education, science, business and government. The level of development of science and technology is a determining factor in the progress of society, the improvement of citizens' well-being, and their spiritual and intellectual growth. This is due to the need for priority state support for the development of science as a source of economic growth and an integral component of national culture and education, creating conditions for the realization of the intellectual potential of citizens in the field of scientific and scientific and technical activities, ensuring the use of achievements of domestic and world science and technology for the satisfaction of social, economic, cultural and other needs.

12. Law of Ukraine, “On State Assistance to Business Entities”, adopted on 1 July 2014 under No. 1555-VII.¹⁶⁶

This law establishes the legal basis for monitoring state aid to business entities and the admissibility of such aid for competition. It aims to ensure the protection and development of competition, increase the transparency of the functioning of the state aid system, and comply with Ukraine's international obligations in the field of state aid.

In accordance with Article 6(2) of this law, the Cabinet of Ministers of Ukraine determines the criteria for assessing the admissibility of certain categories of state

¹⁶³ <https://zakon.rada.gov.ua/laws/show/z1155-23#Text>

¹⁶⁴ <https://zakon.rada.gov.ua/laws/show/1556-18#Text>

¹⁶⁵ <https://zakon.rada.gov.ua/laws/show/848-19#Text>

¹⁶⁶ <https://zakon.rada.gov.ua/laws/show/1555-18#Text>

aid, especially monetary aid towards financing scientific, research and innovative activities.

13. Resolution of the Cabinet of Ministers of Ukraine, "On Approval of Criteria for Assessing the Admissibility of State Assistance to Business Entities for Research, Technical Development and Innovation Activities", adopted on 7 February 2018 under No. 118.¹⁶⁷

The accounting of intangible assets is regulated by the National Accounting Regulation (standard) 8 "Intangible assets", approved by the order of the Ministry of Finance of Ukraine dated 18.10.1999 No. 242. According to this regulation (standard), intangible assets include rights to commercial designations (rights to trademarks, commercial (brand) names, etc.), except for those whose acquisition costs are recognized as royalties¹⁶⁸; rights to objects of industrial property (the right to inventions, utility models, industrial designs, plant varieties, animal breeds, layout (topography) of integrated microcircuits, trade secrets, including know-how, protection against unfair competition, etc.), except for those, the acquisition costs of which are recognized as royalties; copyright and related rights (the right to literary, artistic, musical works, computer programs, programs for electronic computing machines, data compilations (databases), performances, phonograms, videograms, transmissions (programs) of broadcasting organizations, etc.), except for those whose acquisition costs are recognized as royalties. Royalty is any payment received as a consideration for the use or for granting the right to use any copyright or related right in literary, artistic or scientific works, including computer programs, other media recordings, video or audio cassettes, cinematographic films or films for radio or television broadcasting, any patent, registered trade mark or trademark, design, secret drawing, model, formula, process, right to information relating to industrial, commercial or scientific experience (know-how).

It should be noted that innovative activity in Ukraine, in addition to national legislation, is also regulated by the provisions of numerous international treaties of Ukraine. We will cite some of them that relate to Ukraine's international cooperation directly in the field of innovation:

1. The Declaration of Ukraine's membership in the International European Innovation and Technology Program 'EUREKA' (ratified by the Law of Ukraine No. 610-VI of 1 October 2008).¹⁶⁹

Ukraine is a member of the International European Innovative Scientific and Technical Program "EUREKA" and a participant in the "EUREKA" initiative. The international European innovative scientific and technical program "EUREKA" was launched at the initiative of the President of France, Francois Mitterrand, and was founded at the First Conference of Ministers of the Member States of the Program on 17 July 1985 in Paris. The principles of the program were approved by the Hanover Declaration, which was signed on 6 November 1985.

¹⁶⁷ <https://zakon.rada.gov.ua/laws/show/118-2018-%D0%BF#n8>

¹⁶⁸ *Royalties* are payments or a set of payments for the use of an asset to its owner. In general, royalties are payments for the use of intellectual property rights (in particular, proprietary copyright and related rights)

¹⁶⁹ https://zakon.rada.gov.ua/laws/show/994_773#Text

2. The Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, done in Brussels on 21 March 2014.¹⁷⁰
3. The Memorandum of Understanding between the Ministry of Economic Development and Trade of Ukraine and the World Intellectual Property Organization on the establishment of Technology and Innovation Support Centers in Ukraine on 26 July 2018.¹⁷¹
4. The Agreement between Ukraine and the European Union on Ukraine's participation in the European Union's Horizon 2020 program - Framework Programme for Research and Innovation (2014-2020) (Agreement ratified by Law of Ukraine No. 604-VIII of 15 July 2015).¹⁷²
5. The Agreement between Ukraine, on the one hand, and the European Union and the European Atomic Energy Community, on the other hand, on Ukraine's participation in the Horizon Europe Framework Programme for Research and Innovation and the European Atomic Energy Community Research and Training Programme (2021-2025), complementary to the Horizon Europe Framework Programme for Research and Innovation (ratified by Law of Ukraine No. 2233-IX of 3 May 2022).¹⁷³

Strengths/Weaknesses/Analysis

Ukraine has developed a system of innovation legislation. The framework lies in the grounds of several key laws: the Commercial Code of Ukraine, the Law on Investment Activity, the Law on Innovative Activity, among others.

State support and incentives, to introduce innovations, are provided by the legal framework, and this includes a special regime for technology parks and priority areas for innovation. It is supposed to encourage innovation and the development of technologies in the main sectors of the economy.

However, the legislation on innovation requires further development in order to develop effective practical economic and legal mechanisms to improve the commercialization and turnover of intangible assets in Ukraine, including intellectual property rights, in the areas of business, economics and finance.

5. Institutional framework

Main Actors

Ukraine has a **two-tier system for the state administration of IP**, as defined by the Law of Ukraine No. 703-IX dated 16.06.2020 "On Amendments to Certain Laws of Ukraine on the Establishment of the National Intellectual Property

¹⁷⁰ https://zakon.rada.gov.ua/laws/show/984_011#Text

¹⁷¹ https://zakon.rada.gov.ua/laws/show/999_001-18#Text

¹⁷² https://zakon.rada.gov.ua/laws/show/984_018#Text

¹⁷³ https://zakon.rada.gov.ua/laws/show/984_005-21#n2

Authority"¹⁷⁴ (hereinafter - Law No. 703). The establishment of such a two-tier system was planned in the relevant Draft National IP Development Strategy for 2020-2025, developed with the support of WIPO. The two-tier system provides for the following structure:

- **Ministry of Economy of Ukraine** (Ministry of Economy) as the central executive body that ensures the development and implementation of the state policy in the IP field;

This Ministry's main tasks include ensuring the formation and implementation of state policies in intellectual property and state innovation policy in the real sector of the economy.

Directly in the field of copyright and related rights, the Ministry of Economy of Ukraine is authorized to organize the development of standards and tables of the amount of minimum remuneration and its distribution among authors and other subjects of copyright and (or) related rights and submit them for approval in accordance with the established procedure.

The Ministry of Economy of Ukraine is authorized to register and accredit CMOs, maintain a register of CMOs and supervise their activities.¹⁷⁵ In addition, the National Intellectual Property Authority provides methodological assistance to CMOs and monitors their activities.¹⁷⁶ Other powers of authorized bodies in the field of collective management are not provided for by law.

This Ministry, in accordance with the tasks assigned to it, participates in the preparation of proposals for determining the scope and target direction of budget funding for innovative, scientific, and research activities; ensures, within the limits of the powers provided by law, management in the field of scientific and innovative activities in the real sector of the economy; carries out measures to implement the state innovation policy; organises and coordinates innovative activities; ensures the development of the innovation system; ensures cooperation between Ukraine and the European Union in the field of innovative activity.

The Ministry of Economy of Ukraine has no powers that would directly affect the creative industries.

- **National Intellectual Property Authority (NIPA)** as a legal entity of public law, exercising authority to implement state policy in the IP field. Appointed by the Cabinet of Ministers of Ukraine upon the proposal of the Ministry of Economy of Ukraine.

On October 14, 2020 the Law No. 703 entered into force, establishing the NIPA as a comprehensive functional status and defining the powers in this area.

From October 2020 till November 2022 the State Enterprise "Ukrainian Intellectual Property Institute" (Ukrpatent) was authorized by the Cabinet of Ministers of Ukraine to act as NIPA¹⁷⁷.

Since November 8, 2022 the State Organisation "Ukrainian National Office for Intellectual Property and Innovations" (UANIPPIO) has been performing the functions of the NIPA¹⁷⁸.

UANIPPIO was registered as legal entity of public law on August 24, 2022, in accordance with the order issued by the Ministry of Economy of Ukraine on August

¹⁷⁴ <https://zakon.rada.gov.ua/laws/show/703-20>

¹⁷⁵ <https://zakon.rada.gov.ua/laws/show/459-2014-%D0%BF#Text>

¹⁷⁶ <https://zakon.rada.gov.ua/laws/show/2811-20#n983>

¹⁷⁷ <https://zakon.rada.gov.ua/laws/show/1267-2020-%D1%80#Text>

¹⁷⁸ <https://zakon.rada.gov.ua/laws/show/943-2022-%D1%80#Text>

22, 2022, No 2673. The establishment of UANIPIO aligns with the institutional reform in the field of intellectual property, as outlined in the provisions of Law No. 703 and special laws in the field of intellectual property.

UANIPIO operates under **state ownership** and falls within the **purview of the Ministry of Economy of Ukraine** and is a state non-profit organization. UANIPIO is a **legal entity under public law**.

UANIPIO carries out the following functions: receiving applications for the state registration of copyright and contracts relating to the author's copyright; receiving applications for registration of IPRs (inventions, utility models, industrial designs, trademarks, geographical indications, semiconductors) and carrying out their examination; issuing patents and certificates; preparing, training, certification, and registration of patent attorneys; ensuring the activity of collegial bodies, in particular the Appeals Chamber. UANIPIO also performs the functions of the "receiving Office", the International Searching Authority (ISA), and the International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT) according to the Law on Patents¹⁷⁹ and the Agreement between the Ministry of Economy of Ukraine and the International Bureau of WIPO (dated 6 October 2017); "National Office" and "Office" under the Hague and Geneva Acts of the Hague Agreement Concerning the International Registration of Industrial Designs; "National Office" under the Madrid Agreement Concerning the International Registration of Marks and the Madrid Protocol Concerning the International Registration of Marks.

The powers of UANIPIO in the field of copyright and related rights are:

- acceptance and consideration in electronic and/or paper form of applications for state registration of authors' rights to works of science, literature and art, as well as for registration in electronic and/or paper form of contracts concerning authors' rights to works, and their registration in electronic and/or paper form;
- maintaining in electronic form the State Register of Certificates of Copyright Registration for a work;
- maintaining in electronic form the State Register of Contracts concerning the author's right to a work;
- issuance of certificates of copyright registration for a work in electronic and/or paper form;
- publishing in the official electronic bulletin on copyright and related rights protection;
- international cooperation in the field of intellectual property rights protection and representation of Ukraine's interests in copyright and related rights protection in the World Intellectual Property Organization and other international organizations in accordance with the law;
- informing and providing explanations on the implementation of the state policy in the field of copyright and related rights protection.

UANIPIO's wide-ranging functions significantly **bolster Ukraine's innovation landscape**, enhancing its capacity for both national and international IP rights management.

In July 2023, during the 55th session of the PCT Union Assembly, amendments to the mentioned Agreement were adopted, that confirmed the performance of the ISA/IPEA functions by the UANIPIO under the PCT Agreement¹⁸⁰.

¹⁷⁹ <https://zakon.rada.gov.ua/laws/show/3687-12?lang=en>

¹⁸⁰ See document PCT/A/55/3

The statutory tasks and main functions of the UANIPIO also include the development of **innovations and creative industries**, as well as **educational and awareness-raising activities**.

Within the framework of its activities, UANIPIO introduces effective instruments of the IP and innovations state management, combined with broad public discussions and transparency of its activities. In particular, being aware of the responsibility for promoting the values of the rule of law and integrity, striving to ensure sustainable development, and caring for the business reputation of the national intellectual property office, the Anti-Corruption Program was approved and widely implemented by the UANIPIO. The measures envisaged by the **Anti-Corruption Program** are strengthened by the implementation of the Memorandum of Understanding between the UANIPIO and the National Agency on Corruption Prevention. In addition, the **Corporate Ethics Code** was approved, the **Strategic Development Plan for 2024-2028** was formed, and the international certification of the quality management system's compliance with the requirements of the international standard **ISO 9001:2015** was obtained.

The following collegial bodies are established within the UANIPIO:

Supervisory Board is a collegial body responsible for overseeing the financial and economic activities.

Appeals Chamber – is a collegial body for consideration of objections to decisions of the NIPO on acquisition of intellectual property rights, applications for invalidation of industrial property rights in whole or in part, and applications for recognition of a trademark as well-known in Ukraine. The State Organization "Ukrainian National Office for Intellectual Property and Innovations" is the entity performing the functions of the NIPO.

In accordance with the Rules of Procedure of the Appeals Chamber of the National Intellectual Property Authority, approved by the Order of the Ministry of Economy of Ukraine No. 17768 dated November 23, 2023, members of the Appeals Chamber must have a complete higher education, education in the field of intellectual property and at least five years of practical experience in the field of intellectual property.

Examination Commission is a collegial body primarily responsible for certifying individuals who have expressed their intention to practice as representatives in intellectual property matters (patent attorneys).

Appeals Commission – is a collegial body responsible for reviewing complaints from candidates for representatives in intellectual property matters (patent attorneys) regarding decisions made by the Examination Commission, as well as reviewing complaints about the actions of representatives in intellectual property matters (patent attorneys).

Commission "Ukraine" for granting permission to use the official name and international letter code of the state "Ukraine" in a trademark and/or to include an imitation of the small State Emblem of Ukraine in the trademark.

Also operating as part of UANIPIO:

National IP&Innovations Hub a centre for innovation promotion that supports research, development, commercialisation of IPR and technology transfer, encourages investment in Ukraine's economy and promotes job creation.

IP Academy (a unit within UANIPIO) –an international project of the World Intellectual Property Organization, currently being implemented in Ukraine on the

basis of the IP office. Its goal is to be a leading platform for educating individuals about the basics of intellectual property.

The Department of Network Development for Technology and Innovation Support Centers (*national TISC Focal Point, a unit within UANIPIO*) operates in accordance with the Memorandum between the Ministry of Economy of Ukraine and the World Intellectual Property Organization in order to facilitate the establishment of TISCs within higher education institutions, scientific and other organizations.

IP Mediation and Arbitration Center (*a unit within UANIPIO*) - operates to advance the provisions of the Memorandum of Understanding between the Ministry of Economy of Ukraine and the World Intellectual Property Organization aimed at promoting alternative dispute resolution methods in the field of intellectual property and enhancing the culture of intellectual property.

Intellectual Property Rights Infringement Monitoring Center (*a unit within UANIPIO*) – a specialised platform for expert communication on counterfeiting, similar to the European Observatory on IPR Infringement, which aims to bring together a wide range of stakeholders to combat the negative effect of counterfeiting, including brand representatives.

Centre for IP Law Development (*a unit within UANIPIO*), whose main task is to conduct legal research and develop proposals for the development of national legislation.

Division for the Promotion of Intellectual Property Rights and Innovations in the Field of Security and Defence (*a unit within UANIPIO*), whose main task is to conduct consultation with stakeholders and provide legal research, develop proposals for the development of national IP legislation in the context of supporting National Security and Defence.

Central executive bodies

The **Ministry of Education and Science of Ukraine** is the central authority in the executive branch that ensures the formation and implementation of state policy in the spheres of education and science, scientific and technical activities, innovative activities in the specified areas, and technology transfer (transfer).

The main tasks of this Ministry include ensuring the formation and implementation of state policy in the spheres of education and science, scientific, scientific and technical activities, innovative activities in the specified spheres and the transfer (transfer) of technologies.

The Ministry of Education and Science of Ukraine, pursuing its tasks, carries out regulatory and legal regulation in the spheres of education and science, scientific, scientific and technical activities, innovative activities in the specified areas, transfer (transfer) of technologies; implements measures to implement a unified scientific, technical and innovative policy in the spheres of education and science, scientific, scientific and technical activities; forms priority directions for the development of science and technology and innovative activity on the basis of long-term and medium-term forecasts of scientific, technical and innovative development; organizes and coordinates innovative activities in the spheres of education and science, scientific, scientific and technical activities; ensures the development of the national system of scientific and technical information, the national innovation system, the system of scientific and scientific and technical expertise of projects of state, international and regional programs; ensures Ukraine's cooperation with the European Community in the field of education, science, innovation and technology;

ensures Ukraine's participation in the European Union's training, research and innovation programs.

The **Ministry of Digital Transformation of Ukraine** is the main body in the system of central executive bodies that ensures the formation and implementation of state policy: in the areas of digitization, digital development, digital economy, digital innovations and technologies, robotics and robotics, e-government and e-democracy, development of the information society, informatization; in the field of implementation of electronic document management; in the field of development of digital skills and digital rights of citizens; in the fields of open data, public electronic registries, development of national electronic information resources and interoperability, electronic communications and radio frequency spectrum, development of broadband Internet access infrastructure, e-commerce and business; in the field of providing electronic and administrative services; in the fields of electronic trust services and electronic identification; in the field of IT industry development; in the field of development and functioning of the legal regime of Diya City; in the field of cloud services.

The Ministry's main tasks include ensuring the formation and implementation of state policy in the areas of digitisation, digital development, digital economy, digital innovations and technologies, robotics and robotics, electronic governance and electronic democracy, and the development of the information society.

The Ministry of Digital Transformation of Ukraine, in accordance with its tasks, develops acts to ensure the fulfilment of tasks related to Ukraine's participation in the EU Digital Europe Program, in particular regarding the procedure for determining candidates for inclusion in the network of European Digital Innovation Hubs (Innovation Hubs).

The Ministry of Internal Affairs of Ukraine, in accordance with the procedure and in the manner prescribed by law, takes measures to protect intellectual property rights from unlawful infringement.

Within the structure of the Ministry of Internal Affairs of Ukraine there is the Department of Informatization, which, in accordance with its tasks, takes measures aimed at organizing the legal protection of intellectual property and legalization of computer programs in the structural units of the Ministry of Internal Affairs.

In order to ensure the observance of intellectual property rights and minimize the risks associated with the use of unauthorized software and resources, the Department of Informatization, together with the Department of Electronic Telecommunications and Digital Radio Communications, has set up a system to block access to torrent resources and their distribution infrastructure by filtering network traffic and DNS queries, and to block the use of unlicensed software in the structural units of the Ministry's apparatus.

The **Ministry of Strategic Industries of Ukraine** is the main body in the system of central executive bodies, which ensures the formation and implementation of state industrial policy, state military-industrial policy, state policy in the field of state defence orders, in the field of the defence-industrial complex, in the aircraft industry and ensures the formation and implementation of state policy in the field of space activities (strategic industries).

This Ministry's main tasks include ensuring the formation and implementation of state policy in the field of innovation in strategic industries.

The Ministry of Strategic Industries of Ukraine, pursuing its tasks, ensures coordination and control over the activities of the State Innovative Financial and

Credit Institution; implements measures to implement innovation policy in strategic industries; formulates proposals for the development of medium-term priority areas of innovative activity at the industry level; ensures Ukraine's cooperation with the EU in the field of innovation in strategic industries, as well as with the United Nations Industrial Development Organization (UNIDO) and other international organizations on issues that fall under the competence of the Ministry of Strategic and Industrial Affairs; carries out management within the scope of its powers in the field of scientific, technical and innovative activities, is responsible for the level of scientific and technical development of strategic branches of industry, acts as a customer in accordance with the legislation and organizes, within the limits of the powers and legislation, the conduct of state scientific, scientific and technical and other types of examinations.

IP Council under the Government of Ukraine

The Council on Intellectual Property is a temporary advisory body of the Cabinet of Ministers of Ukraine, its main tasks are to promote coordination of executive authorities in the field of intellectual property and to prevent and terminate infringements of intellectual property rights.

The IP Council is chaired by the First Vice Prime Minister of Ukraine - the Minister of Economy of Ukraine.

It is planned to create on a permanent basis within the Council working groups on the areas of European integration in the field of intellectual property, increasing the effectiveness of the protection of intellectual property rights, including the fight against counterfeiting and piracy.

On 6 October 2023, the Cabinet of Ministers of Ukraine adopted a resolution that updated the Regulation on the IP Council and the composition of the Council, taking into account the changes that have taken place in the system of executive authorities and in IP public administration. The composition of the Council was expanded to include representatives of central executive authorities, committees of the Verkhovna Rada of Ukraine and other organizations, in particular, representatives of the Ministry of Strategic Industries of Ukraine, the Ministry of Digital Transformation of Ukraine, the Economic Security Bureau of Ukraine, Ukrainian National Office for Intellectual Property and Innovations (UANIPPIO), JSC "Ukroboronprom", and the Ukrainian Corporation for Viticulture and Wine Industry "Ukrvinprom".

Asset Recovery and Management Agency is a special governmental body, authorized to formulate and implement state policy in the sphere of tracing, finding of assets that are subject to seizure and that are aimed to be seized, as well as management of seized assets, including IP rights, in criminal proceedings.

Internal and external preconditions for establishment of the Asset Recovery and Management Agency are the following:

- to improve mechanisms for tracing and finding of assets which illegally withdrawn from Ukraine as a result of corruption and other crimes, and development of transparent and effective mechanisms for managing of seized assets;
- obligations within Visa Liberalization Action Plan, obligatory recommendations within OECD dialog, and other international obligations of Ukraine.

In terms of competencies, the Asset Recovery and Management Agency has a unique function and legal status among government agencies in Ukraine.

Asset Recovery and Management Agency is similar to asset management offices and asset recovery offices successfully operating in the EU member states according to Council Decision 2007/845/JHA of 6 December 2007, and other EU legal acts.

High IP Court

On 29 September 2017, the President of Ukraine adopted the Decree "On Establishment of the High IP Court". In 2018, 219 candidates were admitted to the competition for 21 positions in the High IP Court, including 206 judges, 6 patent attorneys, 5 attorneys and 2 with combined experience. Thus, the competition for the position of a High IP Court judge was 10 persons per seat.

Unfortunately, for reasons beyond the control of the state system of IP protection, the competition was suspended and, accordingly, the composition of the High IP Court has not yet been formed. Temporary challenges were associated with the lengthy process of forming the High Council of Justice and the High Qualification Commission of Judges, which assess the suitability of judicial candidates to work in courts of all jurisdictions.

As of 2024, the process of establishing the High IP Court in Ukraine is ongoing, and its outcome will become a key element in the IP rights protection system.

The High Qualification Commission of Judges of Ukraine is currently taking organizational measures to resume the competition for 21 vacant positions of judges of the High IP Court and the competition for 9 vacant positions of judges of the Appeals Chamber of the High IP Court. The Commission announced the above competitions by ruling, on 30 September 2017, its decisions No. 98/zp-17 regarding 21 vacant positions of judges of the High IP Court and, on 5 October 2018, its decision No. 216/zp-18 regarding 9 vacant positions of judges of the Appeals Chamber of the High IP Court.

In addition, the High Qualification Commission of Judges of Ukraine is scheduled to decide on proceeding with the competition to this court until June 2024.

In addition, on 29 December 2021, the Verkhovna Rada of Ukraine registered the Draft Law of Ukraine under No. 6487, "On the High Court of Intellectual Property" ("Draft Law No. 6487"), and the Draft Law of Ukraine under No. 6488, "On Amendments to the Law of Ukraine 'On the Judiciary and the Status of Judges' regarding the unification of legislation on the organization and operation of the High Court of Intellectual Property" (Draft Law No. 6488).

The procedural legislation under which the High IP Court will hear the relevant cases requires the use of special procedural tools and mechanisms by the court. Therefore, the Commercial Procedural Code of Ukraine should contain both the structures of the action proceedings and the specifics of consideration of cases involving state and municipal authorities. Such peculiarities will contribute to the proper protection IP rights holders in relations with state and municipal authorities.

As of March 2024, these draft laws are included in the Agenda of the tenth session of the Verkhovna Rada of Ukraine of the ninth convocation, in accordance with the Resolution of the Verkhovna Rada of Ukraine of 5 September 2023 No. 3369-IX.

The absence of the High IP Court in Ukraine presents several challenges to the development of an effective IP enforcement system. Currently, IP disputes are handled by commercial and civil courts, where judges may not always possess the specialized expertise required to adjudicate complex IP matters. Without a dedicated

court, the consolidation of judicial practice remains fragmented, leading to inconsistencies in legal interpretations and unpredictability in decision-making. Establishing the High IP Court would ensure a unified and consistent approach to IP adjudication, contributing to a more coherent and reliable legal environment.

Moreover, the absence of a specialized court limits opportunities for judges to enhance their skills and deepen their knowledge in intellectual property law. The evolving nature of IP-related disputes, which often involve intricate technical and legal aspects, requires continuous professional development and specialization. A dedicated High IP Court would create an environment where judges can regularly engage with specialized cases, thus improving their expertise and the overall quality of judicial decisions.

From an economic perspective, the lack of a specialized IP court may deter potential investors who seek jurisdictions with strong and efficient IP enforcement mechanisms. The establishment of the High IP Court would send a strong signal to both domestic and international investors that Ukraine is committed to strengthening its IP protection framework, thereby fostering a more attractive investment climate.

In addition, the establishment of the High IP Court would facilitate better coordination with state and municipal authorities in IP-related disputes, ensuring a more efficient and transparent resolution process. The procedural tools and mechanisms specifically designed for IP cases would contribute to the effective protection of right holders and help Ukraine to align with international best practices and obligations under various treaties and conventions.

Finally, the establishment of the High IP Court remains a crucial step in Ukraine's broader efforts to modernise its IP protection system in line with EU standards and has been highlighted on several occasions in the EU Commission's reports on Ukraine's progress towards EU membership.

The institutional set up in the enforcement area of IPRs

The Antimonopoly Committee of Ukraine ensures protection of interests of business entities from unfair competition related to misuse of intellectual property rights.

Applicable legislation of Ukraine, in particular, the legislation on protection of economic competition (including the legislation on protection against unfair competition), does not contain provisions that directly define the tasks of the Committee in relation to the protection of intellectual property rights.

At the same time, unfair competition and intellectual property rights are interrelated pillars, as the Committee, within its powers, takes measures aimed at stopping violations of the legislation on protection against unfair competition, in particular, such as

- Unlawful use, in particular, of intellectual property (commercial (brand) names, trademarks (marks for goods and services) (Article 4 of the Law of Ukraine "On Protection against Unfair Competition");
- unlawful collecting of trade secrets (Article 16 of the Law of Ukraine "On Protection against Unfair Competition");
- disclosure of trade secrets (Article 17 of the Law of Ukraine "On Protection against Unfair Competition");
- inducement to disclose trade secrets (Article 18 of the Law of Ukraine "On Protection against Unfair Competition");

- misuse of trade secrets (Article 19 of the Law of Ukraine “On Protection against Unfair Competition”).

In order to ensure the effective exercise of the functions as an authorised body for unfair competition investigations, the Committee has a structural unit - the Unfair Competition Investigation Division.

The Unfair Competition Investigation Division consists of two units:

- the Unit for Investigation of Unfair Competition in the Production Sector;
- the Unit for Investigations of Unfair Competition in the Non-Production Sector.

The Unfair Competition Investigations Division is headed by the Head of the Unfair Competition Investigations Division, who is subordinated to the following: Deputy Head of the Division, Head of the Unit, Deputy Heads of the Units, Chief and Leading Specialists.

The total number of *employees* of the Unfair Competition Investigation Division is 11, according to the staffing table.

Qualification requirements for the employees of the Unfair Competition Investigation Division who monitor compliance with the legislation on protection of economic competition, including the legislation on protection against unfair competition, do not require any specialised experience or education in the field of intellectual property.

At the same time, all employees of the Unfair Competition Investigation Division have a law degree, and one has a specialised degree in intellectual property protection.

Also it should be noted, that there are *certain difficulties* that the Committee's bodies face in exercising their powers, in particular, in terms of exercising state control over compliance with legislation on the protection of economic competition.

A particular difficulty is that some business entities are located in the territories temporarily occupied by the Russian Federation or where military operations are (were) conducted. This significantly complicates, and sometimes makes it impossible, to carry out certain procedural actions aimed at obtaining information from business entities, which significantly affects the effectiveness of control over compliance with economic competition protection legislation and complicates the timely response of the Committee's bodies to violations that may have consequences for economic stability and consumer protection.

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

The structure of the Prosecutor General's Office does not have specialized structural units in the field of intellectual property. At the same time, the Department of Criminal Policy and Investment Protection of the Prosecutor General's Office (hereinafter - the Department) has a unit whose prosecutors provide procedural guidance, in particular, in criminal proceedings related to crimes in the field of intellectual property rights infringement. The unit consists of 3 prosecutors and the head of the unit. In addition, the Prosecutor General's Office has a Department for

Supervision of Compliance with Laws by the National Police of Ukraine and bodies fighting organized crime, whose prosecutors, among other things, provide procedural guidance in criminal proceedings related to criminal offenses in the field of intellectual property rights infringement.

The Prosecutor General's Office also has a department for supervision over the observance of laws by the bodies of the Bureau of Economic Security of Ukraine.

Pursuant to the Regulation on the Department, the department is, among other things, vested with the authority to ensure control over the efficiency of organization and procedural guidance of pre-trial investigation by regional prosecutor's offices in criminal proceedings investigated by detectives of the Bureau of Economic Security of Ukraine (hereinafter - BESU).

Pursuant to the provisions of Part 5 of Article 216 of the Criminal Code of Ukraine, the jurisdiction of the BESU detectives includes pre-trial investigation of criminal offenses under Article 229 of the Criminal Code of Ukraine (illegal use of a trademark, trade name, qualified indication of the origin of goods).

The subject matter of criminal infringement under the aforementioned article includes intellectual property objects.

Currently, the total number of employees of the Department authorized to organize and supervise pre-trial investigation in criminal proceedings under Article 229 of the Criminal Code of Ukraine and to ensure control over the effectiveness of organization and supervision of pre-trial investigation by regional prosecutor's offices in criminal proceedings of this category is 45 prosecutors.

Statistics

Number of criminal offenses were registered in the reporting period of January-October 2024:

91 offenses for the illegal use of a trademark, trade name, qualified indication of the origin of goods (Article 229 of the Criminal Code);

18 offenses for infringement of copyright and related rights (Article 176 of the Criminal Code);

6 offenses for infringement of rights to an invention, utility model, industrial design, integrated circuit topography, plant variety, or rationalization proposal (177 of the Criminal Code).

The National Police of Ukraine records administrative offenses related to infringement of intellectual property rights by drawing up relevant protocols and initiates criminal proceedings on the facts of infringement of intellectual property rights provided for by the Criminal Code of Ukraine.

In addition to administrative and criminal law measures to counteract intellectual property rights infringement carried out by police officers, the Expert Service of the Ministry of Internal Affairs of Ukraine together with state specialized forensic institutions of the Ministry of Justice of Ukraine, the Ministry of Health of Ukraine, the Ministry of Defense of Ukraine, the Security Service of Ukraine and the State Border Guard Service of Ukraine conducts forensic activities in the field of intellectual property.

The Strategic Investigations Department of the National Police of Ukraine detects this category of crimes within its competence in order to stop the criminal activities of leaders and members of organized groups and criminal organizations, as well as in case of supporting the relevant criminal proceedings on behalf of the investigator.

As part of the National Police of Ukraine, there is also a Cyber Police Department (an interregional territorial body that has been operating since 2015), which, in accordance with the legislation of Ukraine, ensures the implementation of state policy in the field of combating cybercrime, organizes and carries out operational and investigative activities in accordance with the legislation. The main tasks of the Cyber Police are: implementation of state policy in the field of combating cybercrime; informing the population in advance about the emergence of the latest cybercrimes; implementation of software tools for systematization and analysis of information about cyber incidents, cyber threats and cyber crimes; responding to requests from foreign partners received through the channels of the National 24-hour network of contact points; participation in improving the qualifications of police officers regarding the use of computer technologies in combating crime; participation in international operations and cooperation in real time; ensuring the operation of a network of contact points between 90 countries of the world; combating cybercrimes.

Cyber Police Department includes a unit for combating crimes in the field of illegal content and telecommunications. The department has 16 specialized employees. In addition, each territorial unit, depending on the staffing, has 2-5 operatives working in this area.

Economic Security Bureau of Ukraine (ESBU) is a central executive body tasked with combating offenses that infringe on the functioning of the state's economy. Detectives of Economic Security Bureau of Ukraine conduct pre-trial investigations of criminal offenses related to the illegitimate use of a trademark, trade name, qualified indication of the origin of goods, illegitimate collection for the purpose of use or use of information constituting a trade or banking secret. According to Part 3 of Article 216 of the Criminal Procedure Code of Ukraine the investigation of the crimes provided by Articles 229 and 232 of the Criminal Code of Ukraine is carried out by the detectives of the Economic Security Bureau of Ukraine, however, the General Prosecutor's office may determine the jurisdiction of such crimes by the police.

In accordance with the approved structure of the central office of the Bureau of Economic Security of Ukraine, a unit of detectives for economic protection in the field of intellectual property, virtual assets and customs of the Main Detective Division (with the rights of a Department) of the Bureau of Economic Security of Ukraine was established, with a staff of 31 persons and an actual number of 28 people (as of 11.11.2024). The Division consists of the First Detective Unit (staffed - 10 persons, actual number - 9 persons), the Second Detective Unit (staffed - 10 persons, actual number - 8 persons), the Third Detective Unit (staffed - 10 persons, actual number - 10 persons).

The approved structures, the territorial offices of the BES have a department of detectives for the investigation of criminal proceedings in the field of intellectual property, virtual assets and customs within the Detectives Division (as an independent department) of the BESU TU. The total actual number of employees of these departments is 50, and the total staffing level of these departments is 141.

The ESBU performs its powers through the central office and territorial offices, which currently comprise nine (9).

The State Customs Service of Ukraine, which is the central executive body that implements the state customs policy, maintains the customs register of intellectual property rights protected under national legislation on the basis of applications from right holders.

The State Customs Service, in accordance with its tasks, takes measures to promote the protection of intellectual property rights in the course of foreign economic activity and to prevent the movement of counterfeit goods across the customs border of Ukraine.

Customs control and customs clearance of goods containing intellectual property rights that are imported into or exported from the customs territory of Ukraine are carried out in accordance with the provisions of the Customs Code of Ukraine and other laws of Ukraine.

In particular, Article 544 of the Customs Code of Ukraine provides for the main tasks of the customs authorities, including promotion of intellectual property rights protection, taking measures to prevent the movement of goods across the customs border of Ukraine in violation of intellectual property rights protected by law, and preventing the movement of counterfeit goods across the customs border of Ukraine.

The State Customs Service takes measures to prevent and detect crimes related to the manufacture and distribution of counterfeit and dangerous products on the Ukrainian market, as well as to prevent and detect crimes related to the infringement of copyright and related rights during the reproduction, distribution of software, performance of phonograms, videograms and broadcasting programs.

As a result of the Russian Federation's war of aggression against Ukraine, the customs infrastructure of the State Customs Service's customs offices was damaged.

Customs officials with experience in the field of intellectual property rights enforcement and trained to organise measures to promote the protection of intellectual property rights are being mobilised into the Armed Forces of Ukraine.

The environment for foreign economic activity has changed significantly.

Power outages and interruptions in access to the global Internet make it difficult for customs authorities to perform their tasks and functions in the field of intellectual property rights enforcement.

The current security situation makes it impossible for international experts to come to Ukraine to exchange practical experience, conduct trainings, webinars, etc.

In respect of goods suspected of infringement of intellectual property rights, the customs authorities apply measures to facilitate the protection of intellectual property rights as provided for in Articles 397, 399, 400 of the Customs Code of Ukraine.

Between January and October 2024, as of November, the customs of Ukraine suspended more customs clearance than in previous years throughout the whole year (in 2021 - 406, in 2022 - 300, in 2023 - 347, for 10 months of 2024 - 585 suspensions).

Based on the decisions taken by the customs:

Year	2021	2022	2023	31.10.2024
Number of suspensions of customs clearance of goods	406	300	349	583
Number of destructions	88	93	141	87

Number of protocols under Article 476 of the CCU	27	13	15	16
Labelling of goods under Article 402 of the CCU was changed	3	4	3	5

Measures and programs to reduce counterfeiting

The State Customs Service constantly and systematically improves the level of qualification of customs officials in the area of assisting right holders in protecting their intellectual property rights.

Measures are being taken to establish communication relations with the customs administrations of other EU member states to exchange information, as well as with the right holders, their associations and representatives to obtain information on possible channels, methods, techniques of moving counterfeit goods and persons found (suspected) of such activities in other countries, or goods that may potentially be counterfeited, and to establish risk profiles for prompt response.

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

In accordance with the provisions of the Memorandum No. 17-2024 dated 27.03.2024 on Cooperation and Interaction between the State Customs Service and the US Chamber of Commerce in Ukraine, working meetings and consultations were launched to discuss issues related to the implementation of cooperation activities, coordinated actions aimed at improving the quality of cooperation, as well as to consider current and future cooperation issues, in particular, in the field of promoting the protection of intellectual property rights. As a result of such meetings, the American Chamber of Commerce in Ukraine informed its members about the procedure for registration in the customs register, the procedure for the customs authorities of Ukraine to take measures to promote the protection of intellectual property rights, as well as measures taken by the State Customs Service to raise awareness among the public and business community about the consequences of intellectual property rights infringement.

The State Customs Service has also reached agreements on signing Memoranda of Cooperation with the Association for Combating Counterfeit Goods SNB-REACT U.A., which unites more than 350 brand rights holders covering all industries and has its representative offices in 128 countries, as well as the Alliance Against Counterfeit Spirits, which will allow the State Customs Service to receive contact information about the brand rights holders who are their members for the implementation of the 'ex officio' function, as well as information about possible supply of counterfeit goods to the customs territory of Ukraine, persons who have been found to be engaged in such activities and information about persons who may potentially carry out such activities.

The Security Service of Ukraine participates in the development and implementation of measures to ensure the protection of state secrets, and to assist

in the preservation of trade secrets, the disclosure of which may harm the vital interests of Ukraine.

The Security Service of Ukraine is a specially authorized state body in the field of protection of state secrets (part 6 of Article 5 of the Law of Ukraine "On State Secrets") and issues decisions of state experts on secrets on classification of information as state secrets in the form of the "Code of Information Constituting State Secrets" (part 1 of Article 12 of the mentioned above Law of Ukraine). According to par. 3 and 4 of clause 1 of part 4 of the mentioned above Law of Ukraine, such decisions may be made with respect to intellectual property objects, namely: the grounds and expediency of classifying information as a state secret about inventions (utility models) intended for use in the areas specified in part one of Article 8 of this Law; about inventions (utility models) that have dual use or are intended for use in the field of defense, economy, science and technology, foreign relations, state security and law enforcement. If such a decision is made, the protection of information from unlawful dissemination is carried out on a par with other information constituting a state secret, including the use of counterintelligence, operational and investigative, and criminal procedural powers.

The National Security and Defense Council of Ukraine, as a coordinating body under the President of Ukraine, coordinates and exercises day-to-day control over the activities of executive bodies in the field of national security and defense.

Forensic Examination

Pursuant to part 1 of Article 9 of the Law of Ukraine 'On Forensic Examination', forensic experts certified in accordance with this Law are included in the State Register of Certified Forensic Experts (hereinafter - the Register), which is maintained by the Ministry of Justice of Ukraine.

Pursuant to paragraph 2 of the Procedure for Maintaining the State Register of Certified Forensic Experts, approved by Order of the Ministry of Justice of Ukraine No. 492/5 dated 29.03.2012 (hereinafter - the Procedure), the Register is an official electronic database maintained to create an information fund on persons who have obtained the qualification of a forensic expert in accordance with the procedure provided for by the Law of Ukraine 'On Forensic Expertise'. The Register consists of information about certified forensic experts of the Ministry of Justice of Ukraine, the Ministry of Health of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Defence of Ukraine, the Security Service of Ukraine, the State Border Guard Service of Ukraine and forensic experts who are not employees of state specialised institutions.

In accordance with paragraphs 6, 8, 10 of the Procedure, inclusion and amendment of forensic experts of state specialised institutions is carried out upon submission of the heads of these institutions or heads of expert qualification commissions that have awarded the qualification of a forensic expert.

The accuracy of the information provided to the keeper of the Register shall be ensured by the persons submitting this information.

The Register contains information on 92 forensic experts with the right to conduct examinations in the field of intellectual property in the following expert specialities: 13.1.1 - studies related to literary, artistic works and others, 13.1.2 - research related to computer programs and data compilations (databases), 13.2 - research related to performances, phonograms, videograms, programmes (broadcasts) of broadcasting organisations, 13.3 - research related to inventions and

utility models, 13.4 - research related to industrial designs, 13.5.1 - research related to plant varieties, 13.6 - research related to commercial (brand) names, trademarks (marks for goods and services), geographical indications, 13.8 - research related to trade secrets (know-how) and rationalisation proposals, and 13.9 - economic research in the field of intellectual property.

The information on certified forensic experts contained in the Register is public and available on the website of the Ministry of Justice of Ukraine at <https://rase.minjust.gov.ua/>.

Patent Attorneys

According to the data from the State Register of Intellectual Property Representatives (Patent Attorneys), available in the special information system of the Ukrainian National Office for Intellectual Property and Innovations (SIS), 513 individuals have obtained the status of intellectual property representatives (patent attorneys). A patent attorney may have one or more specializations.

The following is a breakdown by specialization of patent attorneys' activities:

- 434 persons have a specialization in inventions and utility models (84.6%);
- 506 persons specialize in trademarks (98.6%);
- 487 persons specialize in industrial designs (94.9%);
- 256 persons specialize in geographical indications (49.9%);
- 113 persons have a specialization in semiconductor product layout (22%);
- 376 persons have a specialization in legal services (73.3%).

On March 11, 2024, Order of the Ministry of Economy of Ukraine No. 20599 dated 29.12.2023 "On Approval of the Regulation on Intellectual Property Representatives (Patent Attorneys) and Amendments to the Regulations on Certification and Maintenance of the State Register of Intellectual Property Representatives (Patent Attorneys)" came into force.

On September 26, 2024, Order of the Ministry of Economy of Ukraine No. 24028 approved the composition of the **Attestation Commission** of the State Organization "Ukrainian National Office for Intellectual Property and Innovations". The activities of the Attestation Commission are regulated by the Regulation on the Attestation Commission of the National Intellectual Property Authority, approved by the Order of the Ministry of Economic Development and Trade of Ukraine dated 19 July 2019 No. 1241 (as amended by the Order of the Ministry of Economy of Ukraine dated 29.12.2023 No. 20599).

The Attestation Commission consists of 9 members:

- four employees of the UANIPIO;
- one employee of the Ministry of Economy;
- four patent attorneys with at least ten years of practical experience in the field of intellectual property rights protection.

The Attestation Commission within UANIPIO shall approve the procedure for conducting the qualification examination, examination tasks, examiners by specialization, decide on the admission of persons who have expressed their intention to acquire the right to practice as patent attorneys (hereinafter referred to as candidates for patent attorneys) to the examination and their certification, and resolve other issues within its competence.

As of beginning of November 2024, 90 candidates have expressed an intention to acquire the status of an intellectual property representative (patent attorney), including:

- 44 candidates declared their specialization in inventions and utility models;
- 86 candidates declared their specialization in trademarks;
- 35 candidates declared specialization in geographical indications;
- 78 candidates declared their specialization in industrial designs;
- 13 candidates declared their specialization in semiconductor product layout;
- 52 candidates declared specialization in legal services.

Creative sector

The **creative sector** lacks a body responsible for formulating and implementing a systemic policy for their development and monitoring their activities.

On May 19, 2021, the Creative Economy Development Council ¹⁸¹ was established. It is a temporary advisory body of the Cabinet of Ministers of Ukraine established to study the problematic issues of creative industries development and the formation of the creative economy. The functions of the Council are limited and include:

- analysis of the state of affairs and causes of problems in the implementation of state policy aimed at the development of creative industries;
- studying the results of the activities of central and local executive authorities, local governments, enterprises, institutions and organizations on issues within its competence in order to prepare relevant proposals;
- consideration of proposals of enterprises, institutions and organizations, their associations on amendments to legislative acts in order to create favorable conditions for the development of creative industries and the formation of a creative economy and prepares and submits relevant proposals to the Cabinet of Ministers of Ukraine;
- submitting recommendations and proposals to the Cabinet of Ministers of Ukraine based on the results of its work.

Reports and any other information on the results of the activities of the Creative Economy Development Council are not publicly available.

On March 14, 2023, the Government of Ukraine's Priority Action Plan for 2023¹⁸² was approved, which in paragraph 436 provides for the establishment of the National Office for the Development of Creative Industries. The purpose of the Office's activities should be to promote and support the development of creative industries in Ukraine and abroad, promote Ukrainian creative products, and provide consulting services to entrepreneurs. According to the Government's Priority Action Plan, the draft law on the National Office for the Development of Creative Industries should be prepared by the Ministry of Culture and Information Policy of Ukraine by November 2023. As of March 11, 2024, there is no information on the preparation of this draft law.

The Ministry of Culture and Information Policy of Ukraine has limited powers in the field of creative industries, namely, it takes measures to create conditions for the revival and development of the culture of the Ukrainian nation, all kinds of arts, artistic amateurism, centers of traditional culture, folk art crafts, intangible cultural heritage and creative industries.¹⁸³ The Ministry of Culture and Information Policy of Ukraine has no other powers in the field of creative industries.

¹⁸¹ <https://zakon.rada.gov.ua/laws/show/501-2021-%D0%BF#Text>

¹⁸² <https://www.kmu.gov.ua/npas/pro-zatverdzhennia-planu-priorytetnykh-dii-uriadu-na-2023-rik-221r-140323>

¹⁸³ <https://zakon.rada.gov.ua/laws/show/495-2014-%D0%BF#Text>

International cooperation

The institutional framework of IP rights administration is strengthened by the intensification of international cooperation activities.

The context of international cooperation in 2022 - the first half of 2024 was marked by Ukraine's becoming an EU candidate country, which brought a qualitatively new level of cooperation with European partners, as well as the enormous negative consequences of the full-scale invasion of the Russian Federation on 24 February 2022. These challenges have highlighted the need to attract international support, technical and expert assistance, and stimulated the unification of approaches to the protection and defence of national interests and the rights of applicants.

To mobilise the support of the international community, the Government of Ukraine is taking active measures to cooperate with international, regional and national IP institutions, including WIPO, the Commercial Law Development Programme (CLDP) of the US Department of Commerce, the European Union Intellectual Property Office (EUIPO) and EPO, the US Patent and Trademark Office (USPTO), national IP offices of EU member states, etc.

In March 2022, Ukraine joined the Central European and Baltic States (CEBS) Regional Group, which, in particular, contributed to the adoption of the decision of the 63rd series of the WIPO General Assembly of 20.07.2022 "Assistance and Support to the Innovation and Creative Sector and the Intellectual Property System of Ukraine", which was extended during the next WIPO Assemblies in 2023 and 2024.

As part of the strengthening of cooperation with WIPO and the adoption of these decisions, the WIPO International Bureau conducted an assessment of the impact of the war, which was attended by about 100 Ukrainian stakeholders (document A/64/8), and subsequently updated the WIPO International Bureau Report on Assistance and Support to the Innovation and Creative Sector and the Intellectual Property System of Ukraine (document A/65/7). In addition, free access for research and educational institutions of Ukraine to the WIPO Research4Life and ASPI public-private partnership programme was provided; support was provided to projects under joint memoranda of understanding, training and capacity building programmes were developed for national stakeholders and NIPA experts.

On 24 July 2023, the Ministry of Economy of Ukraine and the World Intellectual Property Organisation signed a Memorandum of Understanding on cooperation in the field of intellectual property, aimed at deepening cooperation between the parties aimed at restoring the innovation and creative sectors and the ecosystem of Ukraine, which were significantly affected by the war.

In 2023, the Supreme Court and WIPO signed Memoranda of Understanding on cooperation and the WIPO Lex-Judgments database, according to which Ukraine began to fill the WIPO Lex-Judgments database with national court decisions on intellectual property disputes.

Since October 2022, Ukraine has been participating in regular EUIPO Liason Meetings aimed at ensuring the development and stability of the European Union Intellectual Property Network (EUIPN), which bring together experts from EU national offices, candidate countries and members of the European Free Trade Association (EFTA), as well as representatives of the European Commission and user associations.

In March 2023, a Declaration of Intent on intellectual property aspects was signed by UANIPIO with the EU patent offices of Poland, Lithuania, Latvia and Estonia.

Starting from 26.06.2023, Ukrainian SMEs have the opportunity to apply for funding through the 'Ideas Powered for Business' project from the SME Fund - the SME Support Fund - an initiative of the European Commission implemented by EUIPO. Ukrainian businesses will have an unprecedented opportunity to access financial resources to protect their intellectual property.

On 05.07.2023, a Memorandum of Understanding and Cooperation was signed with the European Union Intellectual Property Office, which defines the following areas of cooperation: harmonisation of best practices in relation to trademarks and industrial designs; measures aimed at improving the level of IP legal culture; cooperation on issues related to their protection in the EU and at the national level; development of alternative dispute resolution mechanisms, etc.

On 12.07.2023, a Memorandum of Understanding on Reinforced Technical and Strategic Partnership with the European Patent Office was signed, which provides for EPO technical assistance for the examination of national patent applications and support of the national IP system; exchange of legal data, patent information; raising awareness and legal culture in the field of IP.

On 23.10.2023, an official visit of the European foreign delegation to UANIPIO took place and the Work Plan with EUIPO until 2025 was signed.

15.03.2024 - the first explanatory meeting of Ukraine and Moldova with representatives of the European Commission on the official screening of the negotiated Title 7 'Intellectual Property Rights'

25-26.03.2024 - official launch of the EU4IP project 'Strengthening Intellectual Property Rights in Ukraine, Moldova and Georgia' - an EU-funded cooperation project between EUIPO and national intellectual property offices - UKRNIPO, Sakpatenti (Georgia) and AGEPI (Moldova), with the implementation period from 01.01.2024 to 31.12.2027. The project aims to ensure the use of IP as a tool for creating a favourable environment for innovation, creativity and free competition, for the economic and cultural development of Georgia, Moldova and Ukraine, strengthening the potential of SMEs, and increasing the level of investment attractiveness.

In 2024, Ukraine continues a series of negotiations with the European Free Trade Association (EFTA) countries to revise the provisions of the Free Trade Agreement between Ukraine and EFTA countries, in particular, in terms of intellectual property.

Within the framework of bilateral cooperation with the United States, Ukrainian specialists participate in the work of the regional IP Working Group of the US Commercial Law Development Programme (CLDP), which is an initiative of the US Department of Commerce (22 December 2023); U.S.-Ukraine Trade and Investment Council (14 November 2023); events of the American Chamber of Commerce in Ukraine and USPTO events.

Despite the suspension of monitoring of Ukraine by the Office of the US Trade Representative within the framework of the annual review of the global status of IP rights protection and enforcement "Special 301 Report", the Government of Ukraine continues to provide written comments and participate in public hearings of the annual review of the "Special 301 Report".

UANIPIO maintains close communication with the International Trademark Association and the anti-counterfeiting network Cooperatieve Vereniging SNB-REACT U.A. on the issue of deepening cooperation, raising the level of qualification of Ukrainian specialists and joint activities to promote IP knowledge and culture.

Strengths/Weaknesses/Analysis

Ukraine does not have a separate act on the National Intellectual Property Authority. As a result, the same provisions on the legal basis for the functioning of this body, its head and Supervisory Board, reporting and other aspects of its activities are duplicated in different laws in the field of intellectual property, in particular, on copyright and related rights, trademarks, inventions and utility models, industrial designs. However, these provisions do not relate to the legal regulation of intellectual property, and therefore their inclusion in these laws is unjustified. Instead, it is advisable to develop a separate act on the activities of the National Intellectual Property Authority and its functions.

The powers of the National Intellectual Property Authority in the field of copyright and related rights need to be clarified. In particular, the legislative list does not include the authority of the National Intellectual Property Authority to issue decisions on state registration of contracts on rights to a work, although state registration of such contracts and maintenance of their register is the exclusive competence of the National Intellectual Property Authority.

The competence of the Ministry of Economy of Ukraine to supervise the activities of CMOs and the functions of the National Intellectual Property Authority to monitor the activities of CMOs are not clearly defined in the legislation. To build an effective system of collective management and ensure the completeness of information on the activities of CMOs, it is advisable to specify the powers of both bodies.

Monitoring the activities of the creative industries, identifying their problems and needs, and compiling statistical information on them are not currently within the powers or responsibilities of any body. As a result, there is no comprehensive and structured information in Ukraine that would allow for the formation of a systemic policy in this area and the development of measures to promote the development of creative industries.

Ukraine has established a multi-level institutional framework to support its **innovation and IP policies**. The involvement of key ministries such as the Ministry of Economy, Ministry of Education and Science, Ministry of Digital Transformation, and Ministry of Strategic Industries illustrates a comprehensive approach to policy formation and implementation. This demonstrates Ukraine's commitment to fostering innovation in critical areas, from digital transformation to industrial development.

However, despite this multi-level framework, several challenges undermine its effectiveness. While the policies aim to strengthen cooperation with the EU and focus on innovation, overlapping responsibilities and lack of coordination between ministries lead to inefficiencies. Duplication of efforts and parallel projects, particularly in funding allocation and innovation initiatives, weakens the overall system. Furthermore, inadequate funding and gaps in innovation infrastructure, particularly for SMEs, limit the commercialization of intellectual property and slow the growth of innovative enterprises.

The existing framework identifies critical national needs, such as defense and economic independence, aligning with broader strategic goals. Yet, there is a pressing need to enhance coordination mechanisms, improve resource allocation, and address the shortages of skilled professionals in IP management, innovation, and technology transfer. These steps are essential to ensure that innovation policies support Ukraine's broader economic rebuilding and development.

Also, as a general overview, there is often a lack of understanding among international partners and investors about the responsible national institution through which they can receive feedback on their interest in technological developments, innovative businesses or IP-intensive projects in Ukraine. The issue of creating a single 'Innovation Office' (as a governmental or semi-governmental institution) that will operate as a 'one-stop shop' for such interested investors and coordinate innovation development issues at the national level is on the agenda and is voiced in a number of governmental theses (in particular, in the draft Innovation Development Strategy developed by the Ministry of Digital Transformation of Ukraine, mentioned above).

Nevertheless, the arguments for establishing such a national institution require further consideration, given the wide range of potential areas of competence, lack of trained staff, lack of resources, and the need for a broad review of the functions of existing bodies. At the same time, addressing the issue of inter-agency coordination and harmonisation of functions may be a transitional solution that would allow improving institutional capacity outcomes with fewer resources.

Moving forward, Ukraine should prioritize updating its institutional framework, focusing on improving inter-ministerial collaboration and ensuring efficient allocation of resources. Strengthening innovation support mechanisms, particularly for SMEs and startups, and strengthening the country's innovation infrastructure will be essential for driving sustainable economic growth.

6. Innovative and Creative Industries with R&D Capacity that Generate and Commercialise IP Assets

Current status

All types of **creative industries** have the potential to commercialize the results of their activities. The lack of statistical data on their activities in 2021-2023 does not allow us to provide accurate information on this.

Based on UNCTAD's global statistics for 2022,¹⁸⁴ the following creative industries sell the largest number of goods and, accordingly, make the largest contribution to the economy (in alphabetical order):

- art crafts (carpets, products related to celebration, other crafts, paperware, wickerware, and yarn);
- audio-visuals (films and CDs, DVDs and tapes);
- design (architecture, fashion, glassware, interior, jewellery, and toys);
- new media (recorded media and video games);
- performing arts (musical instruments and printed music);

¹⁸⁴ UNCTAD Creative Economy Outlook 2022. P. 32. https://unctad.org/system/files/official-document/ditctsce2022d1_en.pdf

- publishing (books, newspapers, and other printed matter);
- visual arts (antiques, painting, photography, and sculpture).

According to the UNCTAD data for 2022,¹⁸⁵ the following creative industries sell the largest number of services (in alphabetical order):

- advertising, market research, and architecture;
- audio-visual;
- cultural, recreational, and heritage services
- information;
- research and development;
- software.

The above-mentioned areas of activity have demonstrated high economic potential in different countries of the world. Given the global nature of these trends, these areas of activity should generally have the potential for economic development in Ukraine as well.

Entities with **innovative** potential in Ukraine are:

- Higher education institutions;
- Institutions of the National Academy of Sciences of Ukraine;
- Institutions of sectoral national academies of sciences;
- Junior Academy of Sciences of Ukraine;
- Manufacturing enterprises, institutions and organisations (including small and medium-sized enterprises);
- Start-ups;
- Individual students, scientists and practitioners.

Ukrainian legislation establishes the commercialization ways for intellectual property rights. Such opportunities are provided for in the Civil Code of Ukraine, the Commercial Code of Ukraine, and special laws in the field of intellectual property: "On Copyright and Related Rights", "On Protection of Rights to Inventions and Utility Models", "On Protection of Rights to Industrial Designs", "On Protection of Rights to Trademarks", "On Protection of Rights to Semiconductor Product Layouts", "On Protection of Rights to Plant Varieties" and several other laws and by-laws.

Strengths/Weaknesses/Analysis

The possibility of economic development of the **creative industries** in Ukraine is very difficult due to the war, as a result of which in 2022-2023 the creative industries suffered losses of personnel, infrastructure, and production capacity; consumption of creative goods and services in the domestic market and their exports decreased significantly, which is partially reflected in the WIPO Report.¹⁸⁶ However, there is no complete statistical information on this.

In particular, according to the results of 2022, in the field of book publishing, there was a decrease in the volume of published books by an average of 50%¹⁸⁷ but there is no data for 2023. The IT sector, on the contrary, showed significant growth

¹⁸⁵ UNCTAD Creative Economy Outlook 2022. P. 46. https://unctad.org/system/files/official-document/ditctsce2022d1_en.pdf

¹⁸⁶ https://www.wipo.int/edocs/mdocs/govbody/en/a_64/a_64_8.pdf

¹⁸⁷ <http://www.upba.org.ua/index.php/uk/vydavnytstva/item/483-deiaki-pidsumky-vydavnychoho-roku-v-umovakh-viiny>

in 2022¹⁸⁸ although there are no statistics for 2023. The State Film Agency of Ukraine (the central executive body that ensures the formation and implementation of state policy in the field of cinema¹⁸⁹) publishes on its website¹⁹⁰ information on the box office of Ukrainian films produced with state support. These data indicate the potential commercial success of some films but there is no complete information including a comparison of the production costs of a particular film and its box office receipts. Music show business in Ukraine is quite developed but there are no statistics on the music market.

Therefore, in general, to identify Ukrainian creative industries with R&D capacity and generate/commercialize IP assets, it is necessary to study the activities of each creative sector.

The national **innovation ecosystem's** functions are defined in the Strategy for the Development of the Innovation Sector for the period up to 2030, enacted by Order of the Cabinet of Ministers of Ukraine No. 526-p on 10 July 2019.¹⁹¹

This Strategy states that at various stages of the innovation process and the process of commercialization of intellectual property objects, the following problems were identified, which should be solved with the help of state policy tools:

- *At the stage of creating innovations:*
 - Insufficient funding, especially state funding.
 - Lack of necessary information about the market prospects of the proposed idea and knowledge and advisory support for the project from the idea to the commercialization stage.
 - Insufficient use by scientists and small and medium-sized businesses of opportunities to participate in international programs.
 - Lack of established communications between scientists and business representatives who are interested in the development of innovations, both to the needs of businesses and innovation drivers, and data on new and improved technological solutions that can be used in production.
 - Insufficient promotion and dissemination of information about positive examples of the transformation of an idea into an innovative product.
 - Lack of reliable forecasting of trends and studies of the influence of instruments of state regulation of innovative development of the economy.
- *At the stage of innovation transfer:*
 - Insufficient funding due to the unpredictability of commercial results of innovations.
 - Limited financial and material resources for the creation of innovative infrastructure.
 - Lack of innovation management specialists, experts in intellectual property management, marketing, legal protection, financial consultants, technology transfer and business planning.

¹⁸⁸ <https://itukraine.org.ua/en/updated-data-it-industry-is-the-only-growing-export-industry-in-ukraine.html>

¹⁸⁹ <https://zakon.rada.gov.ua/laws/show/277-2014-%D0%BF#Text>

¹⁹⁰ <https://usfa.gov.ua/>

¹⁹¹ <https://zakon.rada.gov.ua/laws/show/526-2019-%D1%80#Text>

- Insufficient awareness of scientists and employees of units responsible for commercialization in higher education institutions and scientific institutions regarding the assessment of the level of readiness of scientific and technical (experimental) development, the subsequent market effect of transferred (commercialized) technologies, the development of a commercial development strategy, technology transfer scenarios, which are at different stages of market readiness or implementation.
- Lack of information about information partners.
- Absence of a legally established mechanism for the transfer of technologies created or purchased with budget funds abroad.
- Low level of interest of higher education institutions in carrying out innovative activities.
- Restrictions on contributions in the form of intangible assets for institutions of higher education and scientific institutions during the formation of authorized capital and the creation of legal entities for the implementation of scientific and technical results.
- The complexity of assessing the value of objects of intellectual property rights and the lack of specialists for its implementation.
- *At the stage of innovation implementation by creating specialized small innovative enterprises (startups):*
 - Onerous regulation, in particular, complicated access to the labor market for foreigners and an excessively complicated process of enterprise liquidation, which is extremely relevant for startups since innovative activity is a high-risk type of business and some startups turn out to be unsuccessful.
 - High level of taxes (primarily on wages and profits of enterprises).
 - Lack of necessary knowledge and skills for conducting business activities.
 - Large-scale expenses for a newly formed enterprise for renting premises and equipment, paying for third-party services (primarily accounting).
 - Insufficient development of venture financing in Ukraine and problems of legal protection of property of foreign investors.
 - Lack or limited effectiveness of innovative infrastructure, which should promote the development of innovative entrepreneurship.
- *At the stage of introducing innovations at an already existing enterprise, going into mass production:*
 - Insufficient level of interest of business entities in the implementation of the results of domestic scientific research and scientific and technical (experimental) developments, which require additional time and financial resources for their full application.
 - Lack of awareness of the possibilities of small and medium-sized enterprises in the field of using innovations, high transaction costs for searching and accessing databases, and lack of effective information transmission channels regarding the demand of enterprises for the science and education sector.

- Insufficient independent assessment of the technological level of scientific and technical (experimental) development and the possibility of its technical implementation.
- Lack of presentation skills of innovators (people who create new or improve existing competitive technologies, products (products) and/or services), the ability to estimate the amount of funds they can receive from the enterprise, which bears the main risks during the implementation of the innovation.
- Lack of a "common language" of representatives of business and science.
- Low level of awareness of innovators in the field of legal protection and protection of intellectual property.

There are also a number of problems that concern all stages of the transformation of an idea into innovative products, in particular the problem of the departure of qualified personnel, scientists, inventors and entrepreneurs abroad, the main reasons for which are:

- better opportunities for implementing ideas abroad (primarily access to financing, legal protection, proximity to sales markets, lower cost of doing business);
- higher quality of life (security and rule of law, education and health care, social protection when needed, infrastructure, ecology, etc.);
- a creative and entrepreneurial environment created in the world's renowned centers of innovation.

The WIPO Report on Assistance for Ukraine's Innovation and Creativity Sector, published on June 7, 2023, highlights the resilience and adaptability of Ukraine's SMEs, startups, and innovation ecosystem despite challenges caused by the war. SMEs constitute 99.98 percent of Ukraine's business sector, though the war exacerbated existing issues, such as labor shortages caused by migration, disrupted supply chains, and restricted access to financial resources. Despite these obstacles, most SMEs stabilized their operations within a year, demonstrating remarkable resilience.

Ukraine's innovation sector quickly adapted to address critical national needs, focusing on defense technologies, cybersecurity, and ICT infrastructure. The Ukrainian Startup Fund adjusted its support toward military and deep-technology projects. Before the war, the Ukrainian startup scene was booming, with \$832 million in venture capital investments recorded in 2021. Despite losing ground in global startup rankings in 2022, Ukraine retained a position in the top 50 and improved by one spot in 2023. Two Ukrainian companies, airSlate and Unstoppable Domains, reached unicorn status during the war, while Preply raised \$50 million to expand globally.

The IT sector, already a key driver of Ukraine's economy before the war, demonstrated extraordinary resilience. The number of registered IT companies increased by over 14,000 in 2022, and IT service exports reached a record \$7.34 billion, despite the country's economic downturn.

The Ukrainian startup ecosystem showed impressive tenacity, with 95 percent of startups maintaining some operations in Ukraine and 56 percent continuing exclusively from within the country. Government-backed initiatives, such as university-based startup accelerators, further supported innovation. One prominent example is the Sikorsky Challenge, a comprehensive innovation ecosystem at the

National Technical University of Ukraine, which provides training, incubation, and access to investors.

In the digitalization sphere, Ukraine saw significant growth, as the number of registered business entities in this sector increased between 2021 and 2022. The Ministry of Digital Transformation confirmed that the digital economy remained a vital engine for national resilience.

The WIPO report also emphasizes the importance of fostering the innovation ecosystem as part of Ukraine's post-war recovery. Medium-term priorities include supporting projects aimed at economic growth, capacity building, and initiatives benefiting women and youth in the intellectual property sector.

7. Support Infrastructures for Business and IP-intensive Areas of Innovative and Creative Sectors

Current status

UANIPIO is identified as one of the focal point of infrastructure supporting business and IP-intensive sectors in Ukraine, being the central authority for registration, management, and protection of IP rights. Being a state organization under the umbrella of the Ministry of Economy, it fosters innovation and creativity through its services: IP registration and patent issuance, international cooperation within the framework of PCT, Madrid Protocol, and Hague Agreement. Its mandate also provides for the training and examination of patent attorneys, the appeal mechanisms, and the best practices dissemination concerning IP management. The broad array of services provision positions UANIPIO as a cornerstone against which the Innovation Ecosystem shall be developed nationwide and internationally regarding entrepreneurship and the creative industries of Ukraine.

National IP & Innovation Hub – project developed by UANIPIO since 2023, and serves as a powerful center for innovation that supports research, development, commercialization of IPRs and technology transfer, encourages investment in Ukraine's economy and promotes job creation.

Under National IP & Innovation Hub project UANIPIO also implemented a pilot programme “**Capacity Building for Commercialisation of Innovative Technologies Developed by Universities**”¹⁹² for higher education institutions in cooperation with US partners.

Regional innovation hubs¹⁹³ established on the basis of the following universities participated in the pilot programme:

- National Technical University Dnipro Polytechnic;
- Zhytomyr Polytechnic State University;
- Lutsk National Technical University.

Representatives of the universities and hubs gained knowledge and practical skills in the following areas:

- IP management at the university;
- IP Policy of the University;
- concluding agreements on IPRs commercialisation;

¹⁹² <https://nipo.gov.ua/idei-iaki-prynosiat-hroshi-pilotna-prohrama/>

¹⁹³ https://nipo.gov.ua/wp-content/uploads/2024/06/Dorozhnia_karta_rehionalnykh_khabiv-web.pdf

- negotiating rules for technology transfer, etc.

To date, 2 regional innovation hubs have been established at Dnipro and Zaporizhzhia Polytechnics and 1 regional innovation hub - at Zhytomyr Polytechnic has joined the IP&I Hub network.

Thanks to the active work of these hubs, **UAH 3.77 million of funding** was raised for the implementation of innovative projects, which contribute to the development of start-ups and innovative enterprises in Ukraine.

UANIPIO has developed **Guidelines on Intellectual Property Policy for Higher Education and Research Institutions of Ukraine**¹⁹⁴ under WIPO Methodology, which will help to strengthen the capacity and development of new business tools for universities and research institutes.

The recommendations are aimed at:

- strengthening the capacity and development of new business instruments for universities and research institutes;
- development of intellectual capital in Ukraine;
- encouraging the promotion and support of research and development;
- ensuring legal certainty of legal relations in connection with the creation and IPRs commercialization;
- effective IPRs protection and management.

The document contains, in particular, recommendations on:

- IPRs;
- IPRs management;
- distribution of remuneration and use of income received from the IPRs commercialization;
- cases and conditions of IPRs' free use;
- confidentiality;
- IPRs protection.

An annex to these Guidelines is the Model Intellectual Property Policy, which defines, among other things, the ownership of IPRs, the procedure for their identification, acquisition, evaluation, protection and further commercialization, and the distribution of income from the IPRs commercialization among employees, students, researchers, inventors, innovators, and other innovation process participants of the higher education and research institutions.

The purpose of the IP Policy is:

- raising the level of the IP legal culture among educational and scientific activities participants';
- encouragement, stimulation and support of scientific research and development;
- ensuring legal certainty of legal relations in connection with the creation and IPRs commercialization.

On the basis of these recommendations, a higher education institution or a research institution may develop and approve its own IP Policy regulations.

The **State Innovative Financial and Credit Institution**, established in accordance with the Law of Ukraine "On Innovative Activities," is a state institution

¹⁹⁴ https://nipo.gov.ua/wp-content/uploads/2024/01/Metodychni_rekomendatsii_polityka_IV_ZVO_NU_Ukrainy-web.pdf

managed by the Ministry of Strategic Industries of Ukraine. It was founded fully by the State represented directly by the Cabinet of Ministers of Ukraine. The charter of the State Innovative Financial and Credit Institution was approved by the Resolution of the Cabinet of Ministers of Ukraine “On Issues of the State Innovative Financial and Credit Institution,” adopted on 15 June 2000 under No. 979.¹⁹⁵

The institution was established with the purpose of providing financial support for the innovative activities of economic entities of various forms of ownership, as well as attracting domestic and foreign investments for the development of the real sector of the economy, increasing the domestic export potential of products produced at enterprises of the national economy, protection and support of the national producer of goods.

The institution in accordance with the tasks assigned to it: credits and finances scientific and technical and marketing research, design and technological and other design works, scientific and technical research, as well as innovative and investment projects and programs in accordance with the legislation; acquires intellectual property rights and implements them; conducts survey and research of potential objects of innovation and investment attractiveness, provides information service for participants of innovation and investment projects and programs on a contractual basis; organizes the selection of innovative and investment projects and programs, searches for their executors and investors both in Ukraine and abroad, in particular on a competitive basis, and participates in the implementation of these projects and programs; organizes and conducts, in accordance with the legislation, expertise, in particular, of innovative and investment projects; participates in the development of projects of legislative and other normative legal acts in the field of innovative activities and investments; provides management and support of innovative and investment projects and programs; prepares conclusions and proposals regarding the expediency of attracting foreign loans and investments, in particular under state guarantees; ensures the search for potential investors and creditors for domestic economic entities, provides services for the preparation of a set of technical, economic and other necessary documentation for innovative and investment projects and programs; implements joint innovation and investment projects and programs with foreign investors, etc.

The State Innovation Financial and Credit Institution activity indicators were received in response to an official request for information from UANIPIO. They are as follows: the number of submitted applications for receiving support for innovative activities for 2019-2023 was 19 units, the number of applications that received support for innovative activities – was 7, and the average annual share of finance by the institution in total projects` funding was 39 %. The total volume of allocated funds for these projects for 2019-2023 was 95,1 million UAH.

Meanwhile, such activities as partial interest-free lending of innovative projects, full or partial compensation of interest paid by subjects of innovative activity to commercial banks and other financial and credit institutions for lending to innovative projects, provision of state guarantees to commercial banks providing loans to priority innovative projects, property insurance for the implementation of innovative projects were not conducted at 2019–2023 at all.

¹⁹⁵ <https://zakon.rada.gov.ua/laws/show/979-2000-%D0%BF#Text>

As for activity direction, “Organization of competitive selection of innovative and investment projects and programs for their financial support” were provided such indicators:

- number of organized selection competitions, units: in 2019 – 2; 2020 – 1; 2021 – 1; 2022 – 0; 2023 – 0;
- number of projects that participated in these competitions, units: in 2019 – 7; 2020 – 5; 2021 – 4; 2022 – 0; 2023 – 0;
- share of projects that received funding, %: in 2019 – 71; 2020 – 5; 2021 – 25.

As for activity direction, “Financing from own and borrowed funds of scientific and technical and marketing research, design and technological and other project works, scientific and technical research, as well as innovative and investment projects and programs” in 2019 amount of funds raised from other institutions to finance these projects and programs was 3,8 million UAH, which was attracted jointly from Ministry of Economy of Ukraine and the State Enterprise “Ukrainian Institute for Intellectual Property”, the number of funded projects and programs for 2019 was 18 units. Such activities were not carried out in subsequent years (2020-2023).

A lot of activity directions were not carried out at all in the period 2019-2023, exemplified by:

- transfer of equipment, equipment for rent (leasing);
- financing measures for the development of innovative infrastructure;
- financing of innovative and investment projects and programs at the expense of state budget funds in accordance with the priorities of innovative and investment development of the national economy;
- attracting funds, including foreign funds, providing guarantees for financing scientific and technical and marketing research, design and technological and other project works, scientific and technical research, innovative and investment projects and programs;
- establishing cooperation with international financial organizations and governmental and non-governmental organizations of foreign countries to attract financial resources to Ukraine's economy and implement joint innovative and investment projects and programs.

The **State Innovative Non-Banking Financial and Credit Institution “Small Innovative Business Support Fund”** was formed in accordance with the Resolution of the Cabinet of Ministers of Ukraine, “On the Formation of the State Innovative Non-Banking Financial and Credit Institution “Small Innovative Business Support Fund,” adopted on 12 December 2011 under No. 1396.¹⁹⁶

The State, represented by the Cabinet of Ministers of Ukraine, is the Fund’s only founder. The Ministry of Education and Science of Ukraine manages the Fund.

The fund was created with the aim of providing state support for the introduction of domestic high-tech scientific, scientific and technical developments and inventions into production in accordance with the priority areas of innovative activity, primarily to support the implementation of innovative projects of small business entities (small innovative business).

The official request for information on UANIPIO was sent to the Ministry of Education and Science of Ukraine to analyze the activity of The State Innovation Non-Bank Financial Institution “Small Innovation Business Support Fund. Although

¹⁹⁶ <https://zakon.rada.gov.ua/laws/show/1396-2011-%D0%BF#Text>

the mentioned Fund should report to the Ministry regarding the results of its activity on a quarterly and annual basis, including the implementation of financial plans and compliance with the strategy and main directions of the Fund's activities, the requested information by UANIPIO was not received by the Ministry of Education and Science of Ukraine, which contradicts to the legislation of Ukraine, because the Fund was not liquidated.

The **Innovation Development Fund (unofficial name – Ukrainian Startup Fund)** is the state institution that helps innovative projects and technological startups attract funds at the early stages and launch their projects. The Fund is a driver of the development of the startup ecosystem, provides conditions for the growth of the field, forms a positive investment image of the tech industry of Ukraine abroad and represents Ukrainian innovative solutions around the world.¹⁹⁷ The Ministry of Digital Transformation of Ukraine manages the Innovation Development Fund.

The Innovation Development Fund was created per the Resolution of the Cabinet of Ministers of Ukraine, adopted on 7 November 2018 under No. 895.¹⁹⁸

The indicators of Innovation Development Fund activity were received in response to an official request for information on UANIPIO. The dynamics of funded projects and startups for 2020-2023 are as follows: 2020 – 69 projects with total funding of 59,9 million UAH; 2021 – 148 projects with total funding of 97,7 million UAH; 2022 – 43 projects with total funding of 29,7 million UAH and 2023 – 57 projects with total funding of 58,1 million UAH. The main sectors for funding as a share of total funding were:

- in 2020: Big Data (18 %), Fintech/Legaltech (14 %) and Artificial Intelligence (11,5 %);
- in 2021: Lifestyle (22 %), Educational technologies (15,4 %) and Healthcare (12,4 %);
- in 2022: Educational technologies (17,5 %), Healthcare (12,7 %) and Defense sectors (12,9 %);
- in 2023: Defense sector (55 %) and Infrastructure reconstruction (17 %).

The sectors diversified for the funded projects in 2023 were quite smaller than in previous years, and they were directed only to 6 sectors.

The **Innovation Development Council** is a provisional advisory body to the Cabinet of Ministers of Ukraine. It aims to study problematic issues related to the implementation of state policy in the field of innovation development, ensuring effective cooperation of the Cabinet of Ministers of Ukraine, executive authorities, civil society, subjects management and subjects of innovative activity in order to develop, organize, coordinate and implement measures, mechanisms and conditions for the innovative development of the national economy, the creation of innovative infrastructure and the implementation of reforms in the field of innovative activity.

The Regulation on the Council for the Development of Innovations and its composition was enacted by the Resolution of the Cabinet of Ministers of Ukraine, “On Establishing the Innovation Development Council,” adopted on 25 October 2017 under No. 895.¹⁹⁹

¹⁹⁷ <https://usf.com.ua/>

¹⁹⁸ <https://zakon.rada.gov.ua/laws/show/895-2018-%D1%80#Text>

¹⁹⁹ <https://zakon.rada.gov.ua/laws/show/895-2017-%D0%BF#Text>

The Innovation Development Council's activities are presented at its members' meetings. It should be restarted and given more responsibilities in terms of an examination of all draft normative legal acts of the Cabinet of Ministers of Ukraine on issues related to innovative activities." Such an innovation will ensure a broad discussion of changes to the regulatory and legal field in the field of innovation and will allow the interests of all stakeholders to be taken into account. In fact, there was no support for innovative activities in Ukraine.

The **Working Group on the Economy's Innovative Development** was established under the Order of the President of Ukraine, "On the Working Group on the Economy's Innovative Development," adopted on 11 August 2021 under No. 521/2021-pn. It aims to create a communication platform for discussion and development of proposals for accelerating the innovative development of the economy.²⁰⁰

Among the Working Group's tasks are making proposals regarding the priority measures for the development of the digital transformation of the economy, the introduction of technological innovations into production processes, the areas of implementation of innovative projects for the activation of the most promising areas of economic activity, implementation of the latest approaches and standards of activity in the relevant areas; creation of conditions for the implementation of innovative projects of priority for the state and the development of technological companies.

Institutions that support the innovative development of Ukraine's economy should also include the **Chamber of Commerce and Industry of Ukraine** and **regional chambers of commerce and industry** (established under the Law of Ukraine "On Chambers of Commerce and Industry in Ukraine"²⁰¹), **business associations, business incubators, innovation agencies** and other similar institutions that support relevant stakeholders in the field of intellectual property.

On 26 July 2018, the Ministry of Economic Development and Trade of Ukraine and the World Intellectual Property Organization concluded a Memorandum of Understanding on the establishment of Technology and Innovation Support Centers in Ukraine (hereinafter – the Memorandum). Clause 3.3 of the Statute of the State Organization "National Office for Intellectual Property and Innovations" defines ensuring the functioning of the network of technology and innovation support centers as one of the National Intellectual Property Authority's key functions. The national TISC focal point operates on the basis of the NIPA. Since 2019, the Ministry of Economic Development has ensured the expansion of the TISC network in Ukraine. For instance, TISCs were opened at the National Aviation University, Vadym Hetman Kyiv National University of Economics, V. N. Karazin Kharkiv National University, National Technical University "Kharkiv Polytechnic Institute" and Ternopil National University of Economics. TISC is a joint project of Ukraine and WIPO aimed at the development of intellectual property and the stimulation of innovation processes. TISCs are primarily busy providing inventors with remote access to high-quality technical information and related services, allowing innovators to unlock their potential, secure rights, and manage them.

²⁰⁰ <https://zakon.rada.gov.ua/laws/show/521/2021-%D1%80%D0%BF#n14>

²⁰¹ <https://zakon.rada.gov.ua/laws/show/671/97-%D0%B2%D1%80#Text>

As for January 2025, the network of TISCs consists of the TISC Focal Point at the UANIPIO and 46 regional TISCs.

The TISC network assists inventors, innovators, authors, creators, start-ups in the field of IPRs protection and innovation, as well as providing access to patent information. By providing high-quality information support on IP and innovation, encouraging technology commercialisation, facilitating cooperation between academia and businesses, and improving intellectual property management, TISC's representatives are able to provide professional support to businesses. This allows for the effective implementation of scientific developments in production applications, increasing business competitiveness and promoting the sustainable development of Ukraine's innovation ecosystem.

The supporting infrastructure for the **creative sector** is mostly in the form of individual initiatives. A systemic policy to support the creative industries in Ukraine began to take shape on the eve of the full-scale invasion and has not been implemented because of the war.

Strengths/Weaknesses/Analysis

For the purposes of this report, we can highlight the following government agencies that are active in the field of state support for innovative activities in Ukraine:

- four ministries (Ministry of Economy of Ukraine, Ministry of Education and Science of Ukraine, Ministry of Digital Transformation of Ukraine, Ministry of Strategic Industries of Ukraine),
- one state organization (the Ukrainian National Office for Intellectual Property and Innovations),
- three state financial institutions (the State Innovative Financial and Credit Institution, the State Innovative Non-Banking Financial and Credit Institution "Small Innovative Business Support Fund" and the Innovation Development Fund), and
- two provisional advisory bodies (the Innovation Development Council under the Cabinet of Ministers of Ukraine and the Working Group on the Economy's Innovation Development subordinate to the President of Ukraine).

It should be noted that the mentioned ministries' functions include state support for innovative activities and public-private partnerships in the innovation sphere.

It is necessary to conduct an independent audit of the Innovation Development Fund, the State Innovative Financial and Credit Institution, The State Innovation Non-Bank Financial Institution "Small Innovation Business Support Fund" and, on its basis, ensure their financing at the required level or reorganization, in case of unsatisfactory performance of statutory tasks. It is also advisable to clearly define the functions and tasks for each of the mentioned institutions in order to determine the specifics of each activity and avoid duplication of duties and areas of activity and irrational spending of budget funds.

These entities' activities require coordination to avoid possible duplication, parallelism and irrational spending of budget funds.

Paragraphs 53–55 of the abovementioned WIPO Report on the Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System, document A/64/8, outline that *"[t]he war impacted the TISCs network established under the 2018 Memorandum of Understanding (MoU) between the*

Ministry of Economic Development and Trade of Ukraine and WIPO. As of February 2022, 17 TISCs were established, primarily in institutions of higher education, with the coordinating TISC hosted in UANIPIO.

“At the beginning of the war, innovative activity and, subsequently, innovation indicators, decreased, which influenced the work of TISCs. As of today, activity in the innovation sphere is once again resuming. Scientists, researchers, and innovators are actively engaged in the issues of Ukraine’s recovery during the war and post-war periods.

“The majority of TISCs have resumed the provision of their services. Nevertheless, some TISCs are located in higher education institutions that were partially destroyed or damaged (for example, the TISCs located in Chernihiv and Kharkiv), making impossible or significantly impeding the exercise of tasks and the provision of services by these TISCs. In one case, a TISC host institution was relocated to another region and is currently under the process of adaptation and arrangement. A new TISC will be opened soon within the relocated higher education institution.”

Furthermore, § 69 of the above Report found that *“the National Academy of Sciences reported the following needs: development of recommendations for higher education and scientific institutions on IP policies for universities and scientific and research institutions; the organization of targeted grant support for conducting research at the Academy’s institutions; improving the laboratory facilities of the institutions; and annual training of specialists in IP management and technology transfer by the WIPO Academy (together with the National IP Training Institution) in Ukraine for those working in scientific and higher education institutions, with the possibility of obtaining qualifications and diplomas (certificates), which would allow for the provision of qualified support for inventive activity and commercialization of IP rights in budgetary institutions”.*²⁰²

8. Culture of IP: IP Education, Training and Awareness

Current status

Intellectual property education is traditionally part of the general legal education received at law faculties, and extremely rarely (and usually in the form of electives or single additional classes) for other forms of education. Educational programs of higher and other specialized education in the field of creative industries do not provide for the study of copyright and related rights and other aspects of intellectual property law.

There are different private initiatives aimed at developing basic knowledge of copyright, related rights, and other areas of intellectual property. Some trainings are specialized for artists, while others are general for everyone. There is no official statistics on this issue, and many organizers of such trainings and programs post only temporary announcements before the event and do not keep information about each event that has already been completed.

²⁰² https://www.wipo.int/edocs/mdocs/govbody/en/a_64/a_64_8.pdf

Nevertheless, Ukraine has undertaken several initiatives to promote IP education, training, and awareness, namely through activity of public institution (mainly UANIPIO) and NGOs, association and private initiatives:

IP Academy²⁰³: Established in October 2019 through a Memorandum of Understanding between the World Intellectual Property Organization (WIPO) and Ukraine's Ministry of Economy, the IP Academy serves as the National Intellectual Property Training Centre. Its mission includes popularizing knowledge on intellectual and creative pursuits, enlightening the public in these fields, and facilitating the professional advancement of specialists in the IP sector. In 2023, the Academy completed a comprehensive training program for trainers, achieving official status as a partner of the WIPO Academy.

Popularization of WIPO Academy Online Courses²⁰⁴: The WIPO Academy offers a range of online courses covering various IP aspects in multiple formats and languages. These courses cater to entrepreneurs, researchers, inventors, and IP managers, providing essential knowledge and skills to leverage the IP system for business development and job creation. The program includes general courses for beginners and advanced courses on topics like copyright, patents, and trademarks.

EU4IP, EU funded regional program²⁰⁵: In October 2023, Ukraine, along with Moldova and Georgia, joined the EU's regional program aimed at aligning national IP legislation with EU *acquis* and standards. This four-year program, with a budget of 4 million euros, encompasses initiatives related to legislative approximation, modernization of the IP ecosystem, and education and training, including programs for Ukrainian judges in the IP field.

All-Ukrainian Awareness-Raising Campaigns²⁰⁶: To instill respect for creators' rights and enhance legal culture among Ukrainian children, the IP Office conducts law awareness meetings and workshops. These events cover topics such as children's rights to their own creations and the importance of creativity, aiming to foster a new generation that values intellectual and creative activities.

Since 2023, UANIPIO has been implementing the **34 Poles of Creativity** project, which organizes webinars, meetings and disseminates information materials on intellectual property for creative industries, in particular in the field of fashion,²⁰⁷ art,²⁰⁸ and digitization of museum collections.²⁰⁹

In 2022, the Ministry of Culture and Information Policy of Ukraine organized a series of webinars for Ukrainian artists on the peculiarities of copyright in certain areas of activity (painting, sculpture, photography), free use of works.²¹⁰

These initiatives collectively contribute to developing a robust IP culture in Ukraine, ensuring that various stakeholders, from students to professionals, are well-informed about intellectual property rights and their significance.

Cooperation with institutions such as the National Ecological and Naturalistic Center of the Ukrainian Ministry of Education and Science further amplifies these

²⁰³ <https://nipo.gov.ua/en/ip-academy-en/>

²⁰⁴ <https://nipo.gov.ua/kursy-wipo-academy/>

²⁰⁵ <https://nipo.gov.ua/en/ukraine-joined-eu-s-regional-program-to-support-intellectual-property>

²⁰⁶ https://nipo.gov.ua/wp-content/uploads/2024/02/IP_Academy_Report-2023-EN-web.pdf

²⁰⁷ <https://nipo.gov.ua/34-poliusy-tvorchosti-iv-svit-mody/>

²⁰⁸ <https://nipo.gov.ua/provedeno-zakhid-ap-mystetstvo/>

²⁰⁹ <https://ukrpatent.org/uk/news/main/pravovi-aspekty-otsyfruvannia-muzejnykh-kolektsii-05022024>

²¹⁰ <https://mcip.gov.ua/events/6-travnia-vidbudetsia-vebinar-osnovy-avtorskoho-prava-dlia-kreatyvnykh-industriy/>.

However, at least two were held; in both cases the lecturer was Anna Stefan.

efforts. Joint activities, including ecological forums and competitions, integrate IP education with broader themes of innovation and sustainability, ensuring that these values permeate different facets of education and public engagement.

Other important initiative that contribute to IP culture development is the establishment of the **Intellectual Property Rights (IPR) Monitoring Center**²¹¹ under UANIPIO, which focuses on ensuring the protection of intellectual property rights in Ukraine. Its primary activities include:

1. **Countering Counterfeiting and Piracy:** The center actively monitors and addresses the production and distribution of counterfeit goods. It collaborates with law enforcement, customs authorities, and rights holders to combat violations.
2. **Educational Initiatives:** The center organizes training and awareness programs aimed at professionals, educators, and the general public. These programs emphasize the importance of IP enforcement, providing practical knowledge on detecting and preventing violations.
3. **Research and Analytics:** Through its analytical activities, the center identifies trends in IP violations, compiles data, and develops strategies to enhance IP protection in Ukraine. This information is shared with stakeholders to ensure informed decision-making.
4. **Support for Rights Holders:** The center provides advisory services for businesses and individuals on protecting their IP rights and addressing infringements.

In 2012, at the initiative of the Ukrainian Alliance Against Counterfeiting and Piracy (UAACP) and with the support of government agencies and organizations of the intellectual property protection and enforcement system, Ukraine launched the open-ended Ukrainian awareness campaign “**Anti-Counterfeiting and Anti-Piracy Days in Ukraine**”. The goal of the campaign is to promote respect for intellectual property rights, develop a rational consumption model, and raise awareness among Ukrainians about the risks and consequences of purchasing counterfeit goods.

As part of the Ukrainian campaign “Anti-Counterfeiting and Anti-Piracy Days in Ukraine”, regular events are held for representatives of government agencies and businesses, students, schoolchildren, and journalists. Over the years, more than 140 awareness-raising events have been held not only in the capital of Ukraine, but also in other major cities such as Lviv, Odesa, Poltava, Kharkiv, Vinnytsia, and Rivne. More than 70,000 people took part in these events.

During the campaigns, participants have the opportunity to get acquainted with samples of counterfeit and pirated products of the mobile UAACP Museum of Counterfeits.

On December 10, 2015, the first stationary UAACP Museum of Counterfeits in Ukraine was opened in the premises of the Kyiv University of Law of the National Academy of Sciences of Ukraine at 7a Dobrokhotova Street.

On November 5, 2020, the second stationary UAACP Museum of Counterfeits was opened at the site of the Department of Specialized Training and Dog Training of the State Customs Service (DSPKZ), Khmelnytskyi.

During this campaign, the UAACP conducts an anonymous public opinion questionnaire, which shows that adults and schoolchildren in 80% of cases do not

²¹¹ <https://nipo.gov.ua/wp-content/uploads/2024/10/IPR-Monitoring-Center-about-web.pdf>

think about whether the goods they buy are original, and only 15% of adults and young people are sure that they have never bought counterfeits. Unfortunately, the student audience is more likely to buy counterfeit goods; young people are not interested in the quality of the goods, which they are mostly satisfied with, but are attracted by the cheapness of fakes. In 50% of cases, the student community bought counterfeit goods consciously, and 25% of students will continue to buy counterfeits because they see nothing wrong with it, and money is always in short supply.

In spring of this year, the UANIPIO's Intellectual Property Rights Infringement Monitoring Center launched an nationwide poll **“Survey of Public Opinion on Awareness of Intellectual Property Rights and Objects and Purchase of Counterfeit Goods”**, which will be conducted throughout the year with wide involvement of the Ukrainian community. The interim results of the survey (mainly of adults with higher education) show that only 3% of respondents have never heard of IP rights, but 20% of respondents have never thought about whether they buy goods that infringe IP rights and only 32% of them are sure that they have never bought counterfeit goods. At the same time, 56% of respondents bought a counterfeit unknowingly because they confused it with the original and only later realized that they had purchased a counterfeit, 18% consciously bought a counterfeit because it was cheaper than the original and its quality suited them, and 5% bought it consciously because counterfeits are cheaper than the original and they do not pay attention to quality. It is encouraging that 39% of respondents, despite having bought counterfeits several times, will not do so again if they have doubts about the originality of the goods.

In 2023-2024, all structural divisions of the UANIPIO actively participated in holding educational and awareness-raising events on a regular basis for representatives of government agencies and business, students and schoolchildren.

The IPR Infringement Monitoring Center has conducted information and awareness raising activities:

- the Monitoring Center participated in the seminar of the IP Office “Protection of Intellectual Property Objects in Publishing”, where the main types of violations in book publishing and solutions for strengthening protection were discussed, in particular with the participation of the Monitoring Center as a communication platform.

- the workshop “Plagiarism, piracy, counterfeiting: threats and problems” for scholars of grades 9-11 and teachers of Lyceum No. 9 “Harmony”. The event was aimed at raising awareness of the problems of production and sale of counterfeit goods. Lyceum students learned about plagiarism and the main criteria for detecting it, about piracy and threats to the country, about counterfeiting and its harmful effects, especially during martial law.

- the educational event as part of the World Anti-Counterfeiting Day for 7th and 8th grade scholars of Lyceum No. 9 “Harmony” in Obolon district of Kyiv. The event focused on the problem of IP rights protection, demonstrated the threats arising from the production, distribution, import, purchase, and consumption of counterfeit products with practical situations.

- the educational online meeting for teachers of the State University of Trade and Economics (DTeU) specialized event “Ukrainians Against Counterfeiting!”. The specialized event for teachers was aimed at educating them on IP rights. The teachers were told about the global system of intellectual property rights protection and the role of the IP office in the system of intellectual property protection.

- the seminar for customs authorities to improve the skills of customs authorities. The seminar became a unique platform for advanced training of customs authorities and at the same time a professional platform for communication between customs officers and right holders. The participants discussed the combating of counterfeit goods.

- the discussion on IP protection organized with the Young Lawyers Council. The event touched upon important and topical issues of the IP sphere, in particular, what are the key trends in IP protection in 2024 and how the full-scale invasion of Russia has changed approaches to the protection of intellectual property rights.

- the round-table discussion on counterfeiting in book publishing. The topic of the round-table discussion: "State - publishers - marketplaces: united in the combat against counterfeiting and piracy in book publishing". The participants discussed issues of counterfeiting in the publishing sector and ways to solve them.

- the meeting of the working group on intellectual property rights infringement in book publishing. A meeting of the working group developing mechanisms to counteract intellectual property rights infringement in book publishing. The participants discussed the most pressing problems of combating pirated copies of books, exchanged experiences and shared their own cases.

In order to increase the visibility of demonstrating the risks of counterfeiting during educational events, the UAACP and Intellectual Property Rights Infringement Monitoring Center within UANIPIO provided samples of counterfeit products from its mobile Museum of Counterfeits for use during such events.

The IPR Monitoring Center of the UANIPIO has launched an anti-piracy campaign in the book publishing industry (**ANTI PIRACY: BOOKS**). This campaign aims to raise awareness about the importance of purchasing original books, educate citizens on the harm caused by piracy, and inform them of the legal consequences of distributing pirated copies.

UANIPIO has engaged publishers, authors, lawyers, and public figures in this effort, and together we have developed informational materials such as videos, advice guides, discussions, and expert reviews. The primary goal is to encourage Ukrainians to be mindful and refrain from purchasing pirated books.

The campaign conducted research on public opinions regarding book purchases and awareness of piracy (counterfeiting) in the book publishing industry. The total figures and results will be published at the conclusion of the information campaign.

In December 2023, UANIPIO, in collaboration with the Ministry of Education and Science of Ukraine, conducted a survey to identify the main gaps in the activities of patent-licensing and innovation divisions of HEIs and scientific institutions in Ukraine. The total number of respondents was 152 institutions.

The main number of submitted applications and received protective documents for IP rights belong to the HEIs, which are subordinated to the Ministry of Education and Science. However, taking into account the fact that the divisions dealing with patent-licensing and innovation activities mostly did not indicate the presence of patents, it can be assumed that most of these documents are mainly copyright certificates.

Regarding the issue of concluding agreements on technology transfer, the majority of surveyed institutions (84.5%) did not conclude agreements on technology transfer. The majority of the respondent institutions (55%) did not note any

achievements in the work of units engaged in patent licensing and innovation activities. Among the main achievements, the units of the Higher Education Institution mainly determined the holding of contests of innovative ideas and hackathons, the creation of innovation hubs, the availability of received author's certificates for a scientific publication, etc.

As for the main problems in the work of the divisions engaged in patent-licensing and innovation activities, in most cases, regardless of the subordination of the institution, the insufficient level of funding, the low level of commercialization of intellectual property objects, and the insufficient level of communication with patent authorities were outlined.

The assessment of the level of possession of individual knowledge and skills in order to identify the strengths and main problems of the divisions engaged in patent-licensing and innovation activities was carried out on a scale from 1 to 5.

The obtained results of the survey show that the divisions engaged in patent-licensing and innovation activities in universities and scientific institutes, regardless of the subordinate institution, mostly rate highly the level of preparation and submission of applications for objects of intellectual property rights registration; obtaining protective documents and ensuring protection rights for objects of intellectual property rights; patent search, digital literacy, creativity; the legal framework of the sphere of intellectual property, etc. (average weighted by points at the level of 3.9-4.2 points).

The weakest aspects of the work of these divisions (average score from 1.8 to 2.4) are the command of other foreign languages (except Russian); provision of income distribution (royalty); conducting marketing research; development of a marketing strategy; development of a strategy for the commercialization of intellectual property rights; the procedure for concluding technology transfer contracts and managing such contracts.

Strengths/Weaknesses/Analysis

Intellectual property law education for the **creative industries** has begun to emerge in Ukraine as non-formal education that is delivered outside of traditional higher and other specialized education programs. This approach has significant advantages, as it focuses not on general issues of copyright or related rights or other areas of intellectual property but is based on the specifics of certain creative industries and the objects they create. This allows for more individualized development of educational materials and takes into account the needs of specific areas of activity. In addition, non-formal education is more convenient from the point of view of organization of training and can be acquired at any time. Some of these educational initiatives are free of charge, and the materials are freely available, which contributes to the dissemination of knowledge, raising awareness of the creative industries both of their own intellectual property rights and of the need to respect the intellectual property rights of other persons or organizations.

UANIPIO plays a significant role in promoting IP culture in Ukraine through extensive media outreach and public engagement initiatives. Leveraging a variety of communication platforms, UANIPIO ensures that key messages about the importance of IP rights reach diverse audiences, from professionals and educators to children and the general public.

The organization actively maintains a presence on social media platforms such as Facebook and LinkedIn, where it shares updates on training sessions, campaigns, and new educational resources. National IP Academy's online presence is a central part of this strategy, with over 63,000 content views and nearly 43,000 page visits recorded in 2024²¹². These efforts reflect a dedicated commitment to keeping the public informed about ongoing IP initiatives and opportunities for involvement.

As part of its awareness campaigns, UANIPIO collaborates with media outlets to publish articles, conduct interviews, and create video content that highlights the importance of intellectual property in innovation and societal development. Recent media features have covered topics such as the connection between IP and sustainable development, strategies for protecting creative rights, and the role of IP in fostering eco-innovation.

By combining traditional and digital media approaches, UANIPIO has successfully amplified the reach of its programs, ensuring that IP education, training, and awareness activities resonate broadly across Ukraine. These efforts significantly contribute to embedding a culture of IP awareness and respect in society, reinforcing the value of creativity and innovation as fundamental pillars of progress.

While much effort has been taken by UANIPIO and its partners to promote the IP culture, there is still an issue of gaining more extensive awareness among the mass public in the country about their rights in respect of intellectual property. Abovementioned data show that in different groups of society, the general level of awareness in regard to IP is quite low (even within HEI), being an obstacle to embedding a solid IP culture.

One of the key weaknesses is that education and awareness programs have reached different levels, especially in rural and less economically developed areas. This problem only deepened as a result of Russian Federation war of aggression against Ukraine. Large cities and academic centers enjoy focused campaigns and training programs, while the smaller ones are usually underrepresented. This geographic disparity contributes to a gap in understanding the practical relevance of IP rights for fostering innovation, creativity, and economic growth.

These groups are largely unaware of the ways in which IP protection may serve to enhance the economic potentials of the social groups, the small entrepreneurs, artisans, and students in non-STEM disciplines. Surveys and consultations should additionally be more focused to show to general public the risks from counterfeiting and piracy or the opportunities opened up by protecting IP rights.

Another factor is the limited availability of accessible, practical, and relevant information. While the resources and training provided by UANIPIO are important, the complexity of IP law itself and the perceived specialization in that area discourage more general engagement. Simplified, relatable content and more proactive outreach to underserved audiences are needed.

Finally, there is a lack of general awareness of IP by society as a whole regarding the potential use of IP as a tool for economic and cultural development. Many individuals and small businesses do not yet consider IP protection to be part of their success or a means of preserving the rich cultural heritage of Ukraine.

Overcoming these weaknesses will require long-term efforts at the extension of geographical and social coverage, simplification of the message by making it more relevant, and embedding the awareness of IP in larger narratives of innovation,

²¹² <https://nipo.gov.ua/wp-content/uploads/2024/12/IP-Academy-zvit-2024.pdf>

creativity, and national progress. This would ensure a far more complete and inclusive culture of IP in Ukraine.

9. Key Sectors and Industries to Leverage

Given the trends and achievements of various **creative sectors** in Ukraine in previous years, we can identify the following key industries that have significant potential for economic development and the development of Ukraine's creative economy:

- software development;
- video games development;
- advertising;
- fine arts and crafts based on the use of traditional cultural expressions;
- design;
- visual arts;
- musical art;
- cinematography;
- media.

This list includes areas of activity that can be considered quite developed based on information in open sources about the launch of new products, organization and holding of various events, and participation in international exhibitions and festivals. However, as noted above, Ukraine lacks complete information on the economic output of the creative sectors.

The legal, economic and organizational principles of the formation of an integral system of priority areas of **innovative activity** and their implementation in Ukraine are determined by the Law of Ukraine, "On Priority Areas of Innovative Activity in Ukraine," adopted on 8 September 2011 under No. 3715-VI. The legal basis for the formation and implementation of priority areas of innovative activity is the Constitution of Ukraine, Laws of Ukraine "On State Planning and Drafting of Programs for Economic and Social Development of Ukraine", "On Scientific, Research and Technical Innovative Activity", "On Innovative Activity", "On Priority Areas of Scientific and Technological Development" and other legal acts regulating this sphere.

Priority areas of innovative activity in Ukraine are economically justified and determined by the Law of Ukraine, "On Priority Areas of Innovative Activity in Ukraine," adopted on 8 September 2011 under No. 3715-VI. This law outlines priority areas of innovative activity aimed at ensuring national security and defense, the economic security of the state, the creation of high-tech competitive, environmentally friendly products, the provision of high-quality services and the increase of the country's export potential through the effective use of domestic and global scientific and technical achievements.

The priority areas of innovative activity are divided into strategic and medium-term priority areas. The Verkhovna Rada of Ukraine approves strategic priority directions for a period of up to 10 years. Medium-term priority directions are determined for a period of up to 5 years and aim to implement strategic priority directions.

Article 4 of the Law of Ukraine, “On Priority Areas of Innovative Activity in Ukraine,” adopted on 8 September 2011 under No. 3715-VI, provides for the following **strategic priority areas** up until the end of martial law in Ukraine:

1) technological renewal and development of the spheres of national security and defense;

2) development of new energy transportation technologies, implementation of energy-efficient, resource-saving technologies, and development of alternative energy sources;

3) mastering new technologies of high-tech development of the transport system, rocket and space industry, aircraft and shipbuilding, weapons and military equipment;

4) mastering new technologies for the production of materials, their processing and joining, creating an industry of nanomaterials and nanotechnologies;

5) technological renewal and development of the agro-industrial complex;

6) introduction of new technologies and equipment for high-quality medical care, treatment, and pharmaceuticals;

7) wide application of cleaner production and environmental protection technologies;

8) development of modern information, communication technologies, and robotics.

The specified strategic priority directions are defined as of 21 December 2023.²¹³

Medium-term priority areas of innovative activity at the national level for the period until December 31 of the year following the termination or abolition of martial law in Ukraine, defined by the Resolution of the Cabinet of Ministers of Ukraine, adopted on 28 December 2016 under No. 1056,²¹⁴ up until the end of the year that will follow the end of the war:

1. The technological renewal and development of the spheres of national security and defense:

Information and communication and radio-electronic systems and technologies to be used to ensure national security and defense. Information security and cyber security;

Technologies (tools, systems) of artificial intelligence and robotics for defense purposes;

Methods and means of information-analytical and normative-methodical support of decision-making processes in the field of national security and defense. Automated systems of combat (combat operations), troops (forces);

Methods and means of education of specialists in the security and defense sector;

Technologies of coding, transmission and reception (automatic recognition, processing, analysis, generation, visualization) of information. Technologies of cryptographic protection of information;

²¹³ <https://zakon.rada.gov.ua/laws/show/3715-17#Text>

²¹⁴ <https://zakon.rada.gov.ua/laws/show/1056-2016-%D0%BF#Text>

Methods and means of preventing the emergence of emergency situations, responding to them through the elimination of the situations' consequences and neutralizing the means of destruction;

Methods and means of tactical medicine and disaster medicine;

Biological safety and biological protection.

2. The development of new energy transportation technologies, implementation of energy-efficient, resource-saving technologies, and development of alternative energy sources:

Systems of generation and transportation of electric and thermal energy;

Fuel bases, transportation and use systems;

Technologies for the development and use of new types of fuel, renewable and alternative sources of energy and types of fuel;

Energy efficiency and energy saving, energy markets;

Ecologically balanced energy security.

3. Mastering new technologies of high-tech development of the transport system, rocket and space industry, aircraft and shipbuilding, weapons and military equipment:

New samples of weapons, ammunition, military and special equipment, high-precision weapons, air defense systems, unmanned platforms and shock robotics with promising tactical and technical characteristics;

Technologies for the creation of radio equipment, radar devices, means of radio-electronic warfare and technical intelligence;

Intelligent information and management technologies for diagnostics, operation and repair of military and special equipment;

Technologies in the aviation and space rocket industry.

4. Mastering new technologies for the production of materials, their processing and joining, creating an industry of nanomaterials and nanotechnologies:

New materials and special purpose substances with unique properties and functional characteristics and technologies for their production;

Innovative metal materials and products thereof;

Ceramic and composite materials and coatings for extreme conditions of use;

Optical, radio-transparent, electric, magnetic, semi- and superconducting, low-dimensional and smart materials;

Substances, materials and processes of chemical production;

Biomaterials and materials for medical purposes;

Materials and equipment for strategically important sectors of the economy;

New resource-saving, energy-saving and environmentally safe processes for obtaining competitive substances, and materials and products thereof.

5. The technological renewal and development of the agro-industrial complex:

Biotechnological and genetic methods and technologies of breeding, breeding, growing and industrial processing of animals to obtain high-quality and safe products;

Methods and technologies of diagnosis, treatment and prevention of animal diseases, development of veterinary medicines;

Technologies for monitoring the condition and rational use of aquatic biological resources, biotechnology of aqua- and mariculture;

Ecologically balanced and efficient land use;

Technologies for growing agricultural plants and breeding their new varieties and hybrids;

Food production technologies for the functioning of a sustainable and efficient food system.

6. The introduction of new technologies and equipment for high-quality medical care, treatment, and pharmaceuticals:

Etiology, pathogenesis, treatment, and prevention of non-infectious diseases;

Etiology, pathogenesis, treatment, and prevention of infectious diseases;

Creation of new medicines and medical products;

New diagnostic methods and technologies;

Mini-invasive, high-tech, reconstructive surgery and transplantology;

Information technologies in medicine.

7. The wide application of cleaner production and environmental protection technologies:

Modeling and forecasting of the state of the natural environment, technologies for overcoming negative impacts on it;

Technologies for monitoring the ecological state of natural and artificial ecosystems;

Innovative technologies of preservation and balanced use of natural (mineral raw materials, land, soil, water and biotic) resources;

Assessment and integrated management of water resources, water supply and water treatment technologies, and availability of drinking water;

Reproduction of natural complexes and objects, protection of the nature reserve fund, preservation of biodiversity of natural and artificial ecosystems, genome decoding for valuable species;

Circular economy technologies.

8. The development of modern information, communication technologies, and robotics:

Artificial intelligence systems;

Technological tools and software engineering services;

Cyber-physical systems, Internet of things. Robotics. Computer processing of signals of various types and origins;

Deep learning, big data, neural networks;

Information and communication systems and networks;

Supercomputer complexes. Modeling and solving extremely complex problems.

Cloud computing;

Intelligent interactive information and analytical systems. Integrated systems of databases and knowledge. National information resources;

Digitization of social and humanitarian processes and education in the digital age;

Modernization of archive files;

Technologies of learning and socialization of children and youth with special educational needs in the context of creating a society of equal opportunities.²¹⁵

10. Strengths and Weaknesses analysis

²¹⁵ <https://zakon.rada.gov.ua/laws/show/1056-2016-%D0%BF#Text>

The Strategic Development Plan of the State Organisation "Ukrainian National Office of Intellectual Property and Innovations" for 2024-2028 provides for the following analysis of the strengths and weaknesses of public administration in the IP sphere:

Strengths	Weaknesses
• the presence of a strong intellectual potential and high creativity level in Ukraine; • the country's status as an EU candidate; • fulfilled obligations to implement the Association Agreement with the EU in the IP field (98 %); • support by the Government, Parliament and MPs for the IP sphere in the context of ongoing military aggression, and understanding of the role of this sphere in the post-war reconstruction and innovation breakthrough of Ukraine; • high degree of integration of Ukraine into international and regional structures of intellectual property, membership in many international and regional treaties in the IP field; • support from WIPO for Ukraine and the state's legal intellectual property protection system; • effective cooperation of the state IP legal protection system with international and regional organisations in this area, in particular with the EUIPO and EPO, and with national IP offices in other countries; • the regulatory framework in the field of intellectual property is mostly in line with international standards (international agreements, WIPO standards, ISO compliance by UANIPIO etc); • availability of an advisory body in the IP field at the level of the Cabinet of Ministers of Ukraine, which	• the national economy is affected by the negative impacts of the ongoing war of aggression of the Russian Federation against Ukraine; • millions of Ukrainian citizens leaving the country for other countries, which affects innovation and inventive activity; • low interest of creative industries in the legal protection of IP rights; • low capacity of the science and education sectors to create intellectual property and finance their legal protection (taking into account the difficulties in making payments for fees through the treasury account); • difficult financial and economic situation of industrial production, a significant part of which was relocated as a result of hostilities in the south and east of Ukraine; • inefficient use of intellectual property potential by national businesses, including SMEs, and creative industries, including in export promotion and creating a favourable image of Ukraine abroad; • lack of effective mechanisms for managing IP in the defence industry; • low level of encouragement of employers to introduce the results of creative activities into production, as well as to identify the most talented and promising developments and attract the attention of foreign investors, poor organisation of innovation activities; • the regulatory framework in the field of IP is not fully harmonised with EU acquis;

significantly increases the possibility of prompt and cross-sectoral response to challenges for the IP sector; • developed IP infrastructure, the presence of a team of creators and inventors, patent attorneys, patent experts, assessors in the IP field, etc; • successful reformation of the state system of legal protection of intellectual property and the availability of professional body that ensures the implementation of the state policy in the IP field; • institutional consolidation under the umbrella of the NIPA of legal protection of industrial property and copyright and related rights and strengthening of the areas of IP rights protection, promotion of IP and innovation; • many years of experience and high qualification of the expert corps and management personnel; • a high degree of transparency in decision-making processes; • providing the right to electronic filing of applications for registration of IPRs and mechanisms to encourage such filing at the legislative level; • free online public access to databases and information and reference systems on IPR objects; • compliance of the quality of patent and utility model examination with the international level; • preservation of the status of the International Searching Authority and International Preliminary Examining Authority for the NIPA; • availability of certain instruments to stimulate the creation and acquisition of legal protection; • a sufficiently high level of information and technical support for the main activities of the organisation;	• inadequate use of competitive potential and economic advantages in terms of protection and enforcement of geographical indications; • inadequate quality of regulatory and legal regulation and lack of effective legal mechanisms to ensure quality of: - assessment of intellectual property rights; - effective mechanisms for accounting and implementation of IP rights in production; - commercialisation of intellectual property; - use of intangible assets in the insurance market, in mortgage and other civil transactions; - the methodological basis for determining the amount of damage caused by infringement of IP rights; these factors directly affect the development of the IP market and, consequently; • non-systematic activities on strategic management of the state system of IP legal protection in previous years, which negatively affected the development of the national IP system; • long terms of obtaining legal protection for trademarks; • non-use of attestation procedures for patent attorneys in recent years; • lack of detailed information on the IP market and its evolution; • insufficient development of consulting and information services in the IP and innovation sector; • the incomplete process of forming the assets of the UANIPIO as a result of the reform of the state system of intellectual property legal protection by transferring assets from the UIPI (formerly Ukrpatent); • inadequate level of updating of technological bases in recent years, which directly affects the efficiency of performance of the NIPA's powers;
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• prompt and detailed communication to the public on the Internet and social networks on the results of the organisation's activities; • an extensive system of professional development of the organisation's employees, including active involvement of WIPO, EPO, EUIPO, USPTO and other national IP offices; • active promotion of IP training activities and its promotion in business, research and development of higher education institutions, scientific institutions, non-governmental organisations, and civil society; • active promotion of IP culture in the society.	• low institutional capacity of the bodies with functions and responsibilities for the protection and enforcement of IP rights, insufficient coordination between the state system of IP protection and law enforcement agencies; • high level of piracy and counterfeiting, lack of coordinated measures and effective infrastructure to prevent and combat these threats; • lack of consolidated databases in the field of IP and innovation with the participation of the state system of legal protection of IP, law enforcement agencies, customs authorities, etc; • insufficient participation of right holders in measures to protect IP rights; • slowdown in the process of establishing the High IP Court of Ukraine; • weak activity in promoting the alternative dispute resolution in IP; • lack of effective mechanisms for managing the IP of sanctioned persons; • problems in the system of training and retraining of professional staff for the IP sector and the innovation ecosystem, insufficient human resources in the sector; • low level of knowledge and culture in the IP sphere in the society.
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11. Conclusions

INDUSTRIAL PROPERTY

The Ukrainian industrial property landscape has continued to make impressive strides despite the challenges posed by Russian war of aggression against Ukraine and economic uncertainties. The growth across key industrial IP rights — especially in utility models and trademarks—highlights the resilience and adaptability of Ukrainian businesses and innovators. This upward trend, primarily led by national applicants, signals a positive shift toward building a more innovation-driven economy.

An important milestone in Ukraine's IP development is the ongoing effort to align national legislation with the EU *acquis*, as part of the country's broader European integration goals. The harmonisation process involves comprehensive updates of the

legal framework, enforcement measures and procedural standards to meet EU requirements under the relevant acquis of Chapter 7 "Intellectual Property Law" of the Negotiation Process. Aligning with EU standards will pave the way for smoother integration into the European innovation ecosystem, improve market access, and boost the global competitiveness of Ukrainian enterprises. Achieving this goal requires continued collaboration with European institutions such as the European Union Intellectual Property Office and the European Patent Office.

Additionally, Ukraine's accession to two key international agreements—the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, and the European Patent Convention —marks a significant step toward strengthening the protection and international recognition of Ukrainian intellectual property rights. Joining the Geneva Act will enhance the global protection of Ukrainian GIs, prevent potential misuse, and support the promotion of the country's cultural heritage and traditional products.

To sustain progress and further enhance the IP framework, it is crucial to continue streamlining administrative procedures, improving examination efficiency, and providing stronger support for local applicants. Embracing international cooperation and aligning with best practices will be key to driving sustainable growth in Ukraine's IP sector.

COPYRIGHT AND RELATED RIGHTS

Ukraine has made positive achievements in the field of copyright and related rights, both at the level of improving legislation and supporting right holders with state registration of copyright, raising their awareness of their rights, and assisting in dispute resolution. Further development of this area is seen in strengthening legislative guarantees for the protection and enforcement of copyright and related rights, which is also associated with the fulfillment of Ukraine's European integration obligations.

Recommended strategic goals:

- 1) systematization and further modernization of the legislation in the field of copyright and related rights, taking into account new trends and technologies;
- 2) continuing to harmonize Ukrainian legislation with EU law, in particular, by implementing the provisions of the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/ EC and 2001/29/EC;
- 3) strengthening the protection of copyright and related rights in the digital environment.

COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS

The system of collective management of copyright and related rights in Ukraine remains insufficiently effective. Although there has been a complete change in the legislation in this area, its application in practice has demonstrated a number of problems that cannot be resolved without clarifying the legal provisions. In addition, monitoring of the CMO's activities is actually limited to analysing information on the amounts of remuneration collected, distributed and paid, but does not cover other information. This information can be important for determining progress in the field of collective management, identification of problems and needs in this field, therefore,

monitoring of the CMO's activities should be taken beyond the scope of purely financial indicators.

Recommended strategic goals:

- 1) improving the procedure for setting tariffs, including the criteria on which tariffs should be based;
- 2) improving the procedure for accreditation of CMOs;
- 3) improving the monitoring of the CMO's activities.

CREATIVE INDUSTRIES

In the field of creative industries, there are various strategies that involve the development of their infrastructure, production capabilities and the development of creative cities. Taking them into account, in order to avoid duplication of strategic goals in different strategies, it is necessary, first of all, to improve the national policy in the field of creative industries. The current list of creative industries of Ukraine was formed according to ineffective criteria and does not fully reflect the creative sector of the economy. Legal regulation of creative industries was mainly formed in the first years after the restoration of Ukraine's independence and does not take into account the trends of the development of the market economy, and therefore is outdated in many respects. Also, there is no authorized body in Ukraine that would monitor the activities of creative industries identifying their contribution to the national economy, their needs and ways to meet these needs. It is also important to continue raising the creative industries' awareness on their intellectual property. This can be carried out through the means of non-formal education which is more accessible and does not require the suspension of professional or creative activity to obtain it, and is therefore more efficient for creative entrepreneurs.

Recommended strategic goals:

- 1) improving the list of creative industries, which will cover all areas that produce creative goods and/or provide creative services;
- 2) improving the legislation governing the creative industries;
- 3) improving the national policy in the field of creative industries, in particular, by establishing a body responsible for formulating such a policy, monitoring the activities of the creative industries, identifying their problems and needs, and developing measures to respond to problems and needs;
- 4) continuing the development of non-formal education in the field of intellectual property for creative industries.

INNOVATION CONTEXT

Among the envisioned strategic directions and priorities for the National Intellectual Property Strategy in Ukraine should be the following economic and legal mechanisms:

- creation of a market for objects of intellectual property rights;
- use of objects of intellectual property rights in the financial and credit mechanism;
- commercialization of intellectual property objects through innovative activity;
- improvement of the turnover capacity of intangible assets in Ukraine, in particular objects of intellectual property rights in the sphere of economic activity, economy and finance.

The Strategy should also aim to improve the economic and legal mechanisms for ensuring the turnover of intellectual property rights in business, the economy and finance.

Based on the set goals, the task of the strategy should be to improve the legislation of Ukraine in the following directions:

1) incentives, assistance and encouragement to create the registration of the results of scientific and technical activities as objects of intellectual property rights and obtain protective documents for them;

2) commercialization of objects of intellectual property rights, means for State support;

3) introduction of infrastructure, favorable conditions and mechanisms for the use of objects of intellectual property rights in various sectors of the economy;

4) assessment of intellectual property rights;

5) insurance of objects of intellectual property rights;

6) use of objects of intellectual property rights as collateral;

7) use of objects of intellectual property rights in credit relations;

8) accounting and other accounting of intangible assets;

9) taxation of operations with objects of intellectual property rights;

10) technology transfer.

Solving the task will involve the development of proposals for changes and additions to the legislation.