

The report was prepared  
by the Intellectual Property Rights  
Infringement Monitoring Center of UANIPIO

# **Statistics of Investigation and Consideration of Intellectual Property Cases for 2019-2023**

## Table of contents

Foreword .....	3
Judiciary system.....	6
Judicial consideration in IP sphere .....	7
Local courts .....	9
Commercial cases.....	10
Civil cases .....	14
Criminal cases.....	17
Cases of administrative offences.....	19
Appellate courts.....	20
Commercial cases.....	21
Civil cases .....	24
Criminal cases.....	27
Cases of administrative cases.....	28
The Supreme Court.....	29
Commercial cases.....	30
Civil cases .....	33
Other state authorities protecting IP objects .....	36
Office of the Prosecutor General .....	37
National Police of Ukraine.....	39
Economic Security Bureau of Ukraine .....	41
State Customs Service of Ukraine.....	42
Appeals Chamber of NIPA .....	45
Antimonopoly Committee of Ukraine .....	47
Conclusions .....	50

## Foreword

The creation of a national system of state bodies that consider intellectual property disputes is key to the effective protection of intellectual property rights by their owners.

The Intellectual Property Rights Infringement Monitoring Center (hereinafter – the Monitoring Center) is a structural unit of the State Organization "Ukrainian National Office of Intellectual Property and Innovations".

The Monitoring Center is a specialized platform that brings together various categories of interested parties, including law enforcement and customs authorities, prosecutors, judges, right holders, IP experts for professional communication in order to strengthen legal mechanisms for the protection of infringed intellectual property rights. One of the priorities of the Monitoring Center is to conduct research and analytical activities.

In order to enhance transparency in the fight against intellectual property rights infringements, the Monitoring Center created the Report, which collects and analyzes statistical data on the activities of state authorities in the field of intellectual property. This will further ensure the appropriate level of protection of intellectual property rights holders and stimulate the development of innovation and creativity in Ukraine.

State authorities investigating or considering disputes over intellectual property rights



Judiciary system

- Local courts
- Appellate courts
- The Supreme Court



Prosecutor General's Office of Ukraine



National police of Ukraine



Economic Security Bureau of Ukraine



State Customs Service of Ukraine



Appeals Chamber of NIPA



Antimonopoly Committee of Ukraine

## The judiciary system

- Pursuant to the Law of Ukraine No. 1402-VIII "On the Judicial System and Status of Judges" dated 02.06.2016, the judicial system of Ukraine is a set of all courts of the state based on the unified principles of organization and activity that exercise judicial power. The judicial system consists of local courts, courts of appeal, and the Supreme Court. The highest court in the judicial system is the Supreme Court. Higher specialized courts operate in the judicial system to consider certain categories of cases in accordance with this Law, including the High Court on Intellectual Property, but as of 2024, its structure has not yet been formed.

## **The Prosecutor General's Office of Ukraine**

- In accordance with the Law of Ukraine No. 1697-VII "On Prosecution" dated 14.10.2014, the 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 National Police of Ukraine**

- In accordance with the Law of Ukraine No. 580-VIII "On the National Police" dated 02.07.2015, the National Police of Ukraine is a central executive body that serves the public by ensuring the protection of human rights and freedoms, combating crime, and maintaining public safety and order. The National Police of Ukraine considers cases in the field of intellectual property under Articles 176, 177, 203-1, 229 of the Criminal Code of Ukraine.

## **The Economic Security Bureau of Ukraine**

- In accordance with the Law of Ukraine No. 1150-IX "On the Economic Security Bureau of Ukraine" dated 28.01.2021, the Economic Security Bureau of Ukraine (hereinafter referred to as the "ESBU") is a central executive body tasked with combating offenses that infringe on the functioning of the state economy. In the field of intellectual property, the ESBU is authorized to conduct pre-trial investigations of criminal offenses under Article 229 of the Criminal Code of Ukraine..

## **The State Customs Service of Ukraine**

- In accordance with the Decree of the President of Ukraine No. 1145/96 "On the State Customs Service of Ukraine" dated 29.11.1996, the State Customs Service of Ukraine is defined as a central executive body. The State Customs Service implements the state customs policy, the state policy in the field of combating offenses in the application of legislation on state customs affairs. The Customs Service takes measures to protect intellectual property rights under Articles 399, 400, 401, 401-1, 402 of the Customs Code of Ukraine.

## **The Appeals Chamber of the National Intellectual Property Authority**

- The Appeals Chamber of the National Intellectual Property Authority is a collegial body for consideration of objections to decisions of the National Intellectual Property Authority (hereinafter - NIPA) 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 of Intellectual Property and Innovations" (hereinafter - "UANIPIO") is the entity performing the functions of the NIPA.

## The Antimonopoly Committee of Ukraine

- In accordance with the Law of Ukraine dated 26.11.1993 No. 3659-XII "On the Antimonopoly Committee of Ukraine", the Antimonopoly Committee of Ukraine (the "ACU") is a state body with a special status, the purpose of which is to ensure state protection of competition in business and public procurement. In the field of intellectual property, the ACU considers cases under Article 4 of the Law of Ukraine No. 236/96-BP dated 07.06.1996 "On Protection against unfair competition".

The Report provides statistical data for the last 5 years (2019-2023) on the activities of courts (local courts, courts of appeal, the Supreme Court) by categories of cases; the status of criminal offenses according to statistics from the Prosecutor General's Office; the status of investigations of offenses by the National Police of Ukraine and the Bureau of Economic Security of Ukraine; the application of measures to promote the protection of intellectual property rights by the State Customs Service of Ukraine; the status of consideration of cases by the Appeals Chamber of the National Institute of Intellectual Property; protection against unlawful use of designations by the Antimonopoly Committee of Ukraine.

The data for the Report were obtained at the request of the UANIPIO to the relevant state authorities or from open sources.

# Judiciary system

## Judicial consideration in IP sphere

Courts hear cases in categories according to their jurisdiction. The following table summarizes the categories of intellectual property cases.

<b>Civil cases</b>	<ul style="list-style-type: none"> <li>On the rights to an invention, utility model, industrial design</li> <li>On the rights to a trademark (mark for goods and services)</li> <li>On copyright rights</li> <li>On related rights</li> </ul>
<b>Commercial cases</b>	<ul style="list-style-type: none"> <li>On the rights to an invention, utility model, industrial design</li> <li>On the rights to a trademark (mark for goods and services)</li> <li>On right of the prior user</li> <li>On copyright and related rights</li> </ul>
<b>Criminal cases</b>	<ul style="list-style-type: none"> <li>Infringement of copyright and related rights (Article of 176 of the Criminal Code of Ukraine)</li> <li>Violation of the rights to invention, utility model, industrial design, topography of microelectronic integrated circuits, a variety of plants, innovative proposals (Article of 177 of the Criminal Code of Ukraine)</li> <li>Illegal circulation of disks for laser reading systems, arrays, equipment and supplies for their production (Article of 203<sup>1</sup> of the Criminal Code of Ukraine)</li> <li>Illegal use of a trade or service mark, registered trade name, qualified indication of origin (Article of 229 of the Criminal Code of Ukraine)</li> </ul>
<b>Cases of administrative offences</b>	<ul style="list-style-type: none"> <li>Violation of rights to the object of intellectual property rights (Article of 51<sup>2</sup> of the Code of Ukraine of Administrative Offences)</li> <li>Movement of goods across the customs border of Ukraine in violation of intellectual property rights (Article of 476 of the Customs Code of Ukraine)</li> </ul>

Fig. 1. Number of cases pending in local courts for 2019-2023

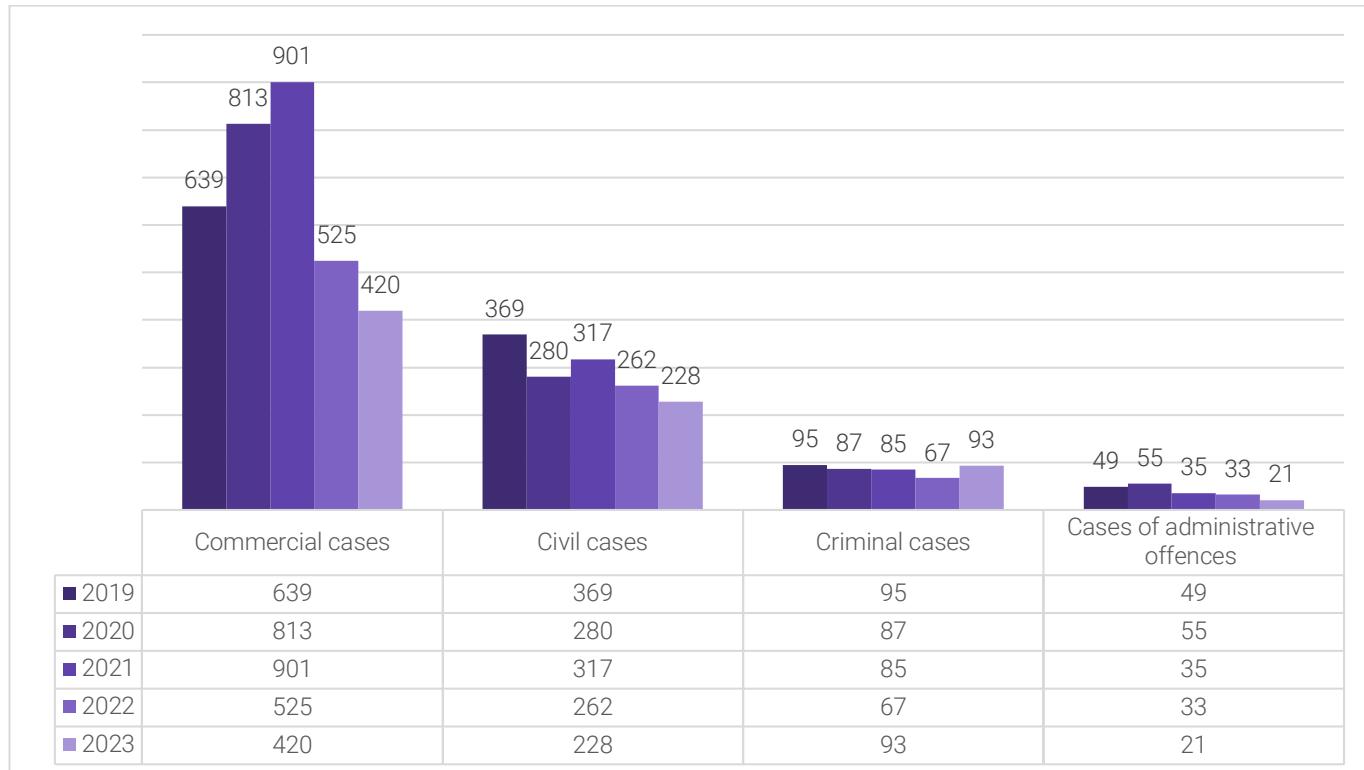


Fig. 2. Number of cases pending in Appellate courts for 2019-2023

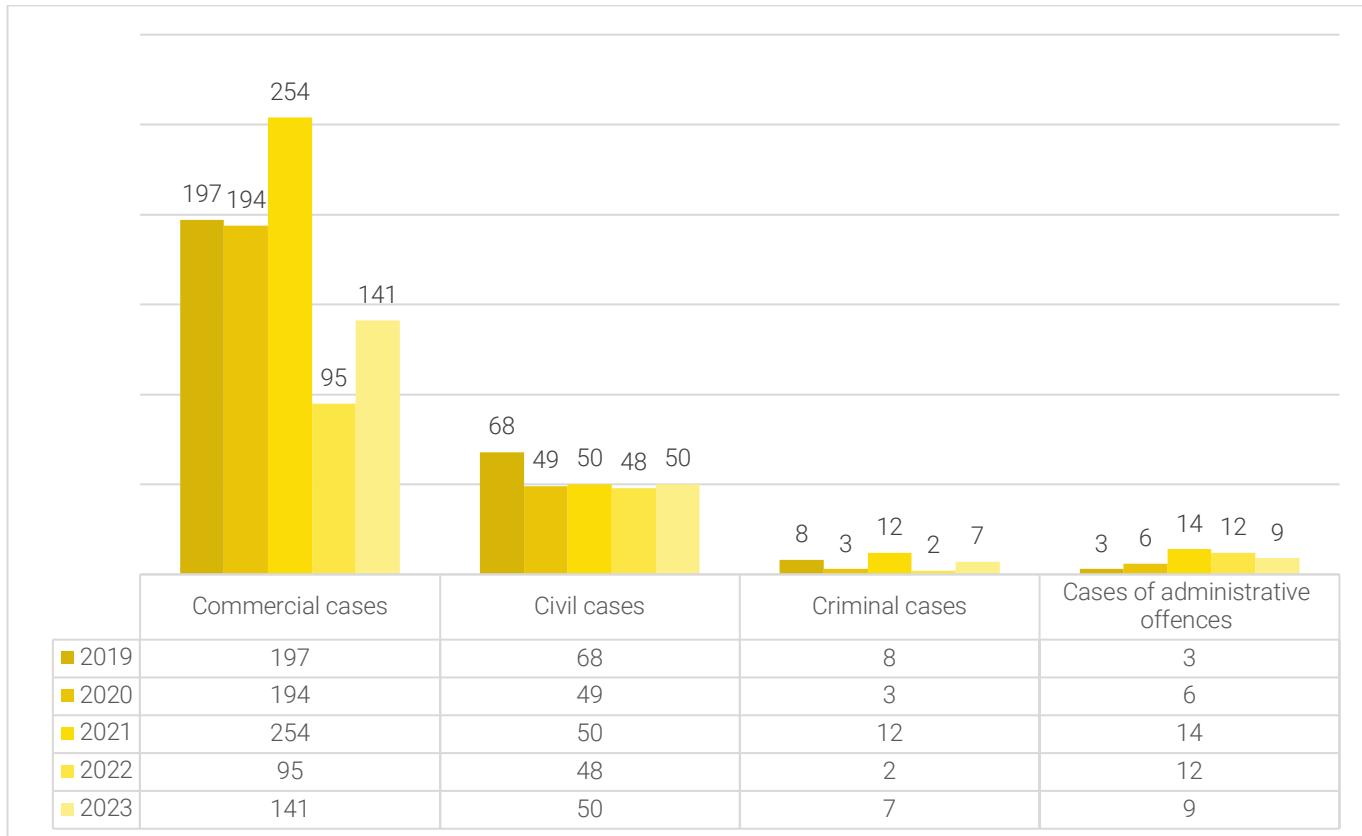
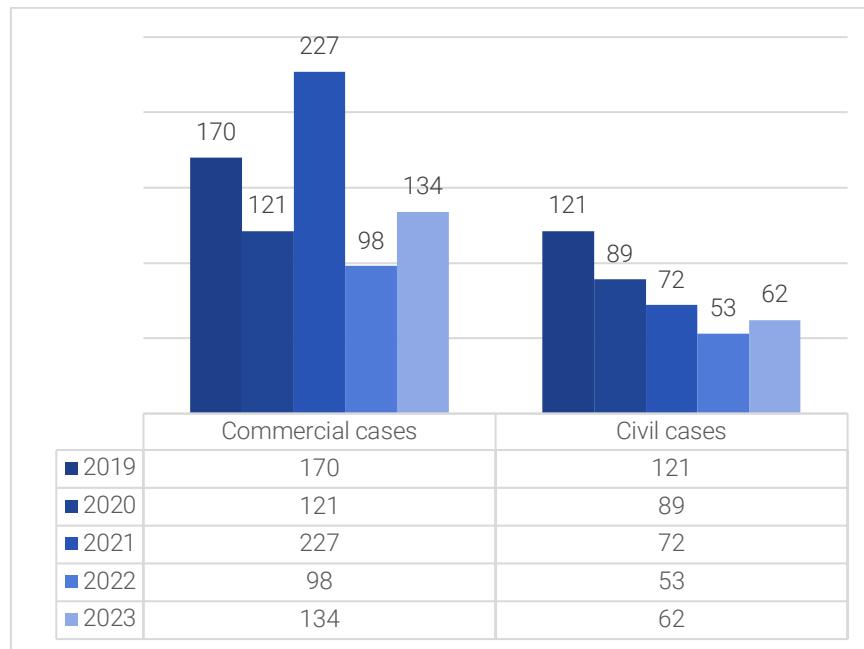


Fig. 3. Number of cases pending in the Supreme court for 2019-2023



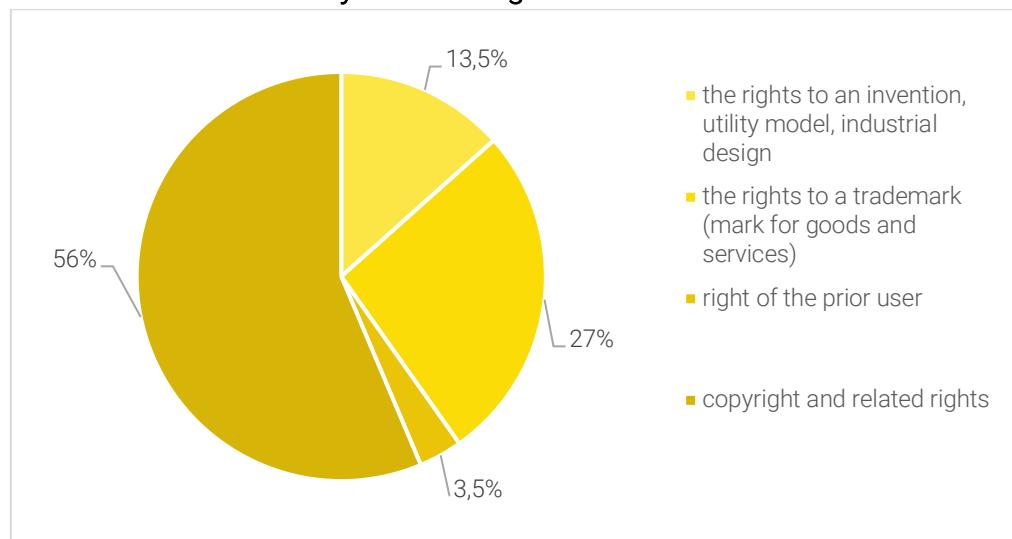
The Supreme Court provides statistics on commercial and civil cases, statistics on criminal cases and cases of administrative offenses in the IP sphere are not available.

The statistics of local and appellate courts, the Supreme Court demonstrate similar dynamics of case consideration, including a decline in the number of cases in 2020 and 2022 and an increase in 2021 and 2023. At present, the rates have not yet returned to pre-war conditions.

# Local courts

## Commercial cases

Fig. 4. Cases pending in local commercial courts by main categories in 2023



Statistics demonstrate that the most disputes relate to copyright and related rights (56%) and trademark rights (27%). The number of disputes over the rights to an invention, utility model, or industrial design is less than half (13,5%), and the number of disputes over the right of prior use is the lowest (3,5%).

More detailed statistics on commercial cases considered by local general courts are provided below.

Table 1. Number of commercial statements of claim and cases under consideration in local general courts in 2019

Category	Number of statements of claim under consideration	including received in the reporting period	Number of statements of claim considered	Number of cases under consideration	including received in the reporting period	Number of cases considered
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>						
on the rights to an invention, utility model, industrial design	662	614	580	639	408	387
on the rights to a trademark (mark for goods and services)	140	121	116	165	73	91
on declaration of trademarks to be well-known in Ukraine	40	39	32	16	14	10
on trade name	10	10	6	3	3	2
on right of the prior user	24	24	21	7	7	4
on copyright and related rights	1	1	1	-	-	-
on the collective management of author's property rights and related rights	299	282	264	292	203	201
on the collective management of author's property rights and related rights	33	32	25	23	18	18

**Table 2. Number of commercial statements of claim and cases under consideration in local general courts in 2020**

Category	Number of statements of claim under consideration	including received in the reporting period	Number of statements of claim considered	Number of cases under consideration	including received in the reporting period	Number of cases considered
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>						
on the rights to an invention, utility model, industrial design	762	696	684	813	538	486
on the rights to a trademark (mark for goods and services)	57	49	46	91	35	36
<i>on declaration of trademarks to be well-known in Ukraine</i>	100	94	91	86	59	43
<i>on trade name</i>	24	22	22	18	16	8
on right of the prior user	31	28	26	38	16	19
on copyright and related rights	9	9	8	7	7	3
<i>on the collective management of author's property rights and related rights</i>	505	473	472	490	392	307
	126	120	114	123	104	81

**Table 3. Number of commercial statements of claim and cases under consideration in local general courts in 2021**

Category	Number of statements of claim under consideration	including received in the reporting period	Number of statements of claim considered	Number of cases under consideration	including received in the reporting period	Number of cases considered
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>						
on the rights to an invention, utility model, industrial design	753	711	699	901	560	546
on the rights to a trademark (mark for goods and services)	48	44	42	84	37	37
<i>on declaration of trademarks to be well-known in Ukraine</i>	113	107	104	116	70	54
<i>on trade name</i>	33	31	33	30	22	14
on right of the prior user	59	55	52	59	35	24
on copyright and related rights	4	4	4	9	4	7
<i>on the collective management of author's property rights and related rights</i>	523	501	492	607	411	392
	214	205	202	215	162	136

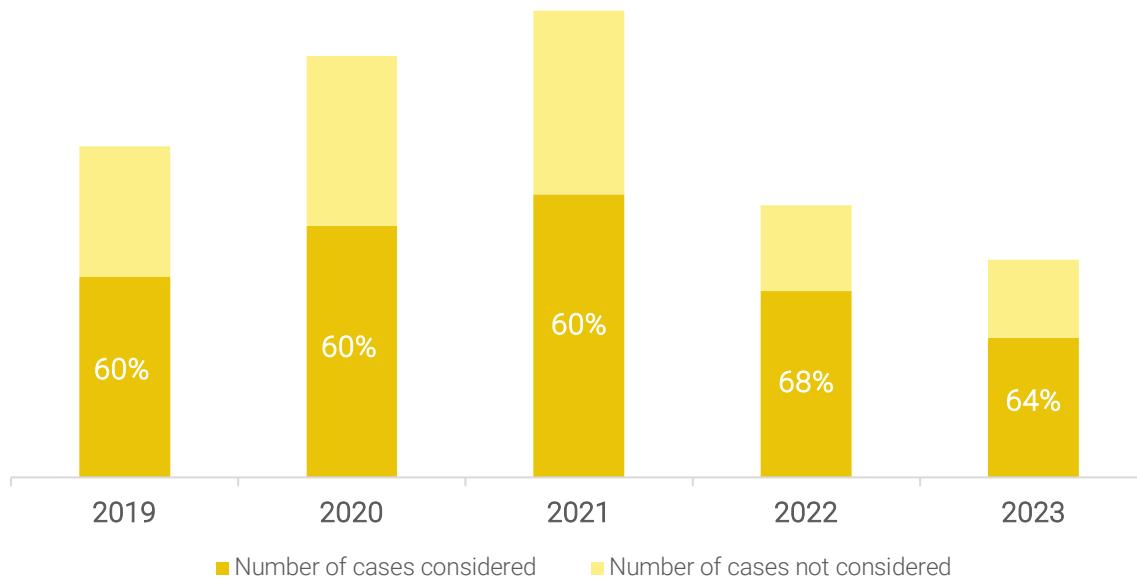
Table 4. Number of commercial statements of claim and cases under consideration in local general courts in 2021

Category	Number of statements of claim under consideration	including received in the reporting period	Number of statements of claim considered	Number of cases under consideration	including received in the reporting period	Number of cases considered
Cases in disputes regarding the protection of intellectual property rights, including:						
on the rights to an invention, utility model, industrial design	235	191	216	525	166	360
on the rights to a trademark (mark for goods and services)	26	21	24	68	20	31
<i>on declaration of trademarks to be well-known in Ukraine</i>	50	42	46	98	34	49
<i>on declaration of trademarks to be well-known in Ukraine</i>	10	10	10	23	7	16
<i>on trade name</i>	22	16	19	49	14	23
on right of the prior user	6	6	5	7	5	4
on copyright and related rights	133	108	124	313	94	252
<i>on the collective management of author's property rights and related rights</i>	48	37	48	109	29	97

Table 5. Number of commercial statements of claim and cases under consideration in local general courts in 2023

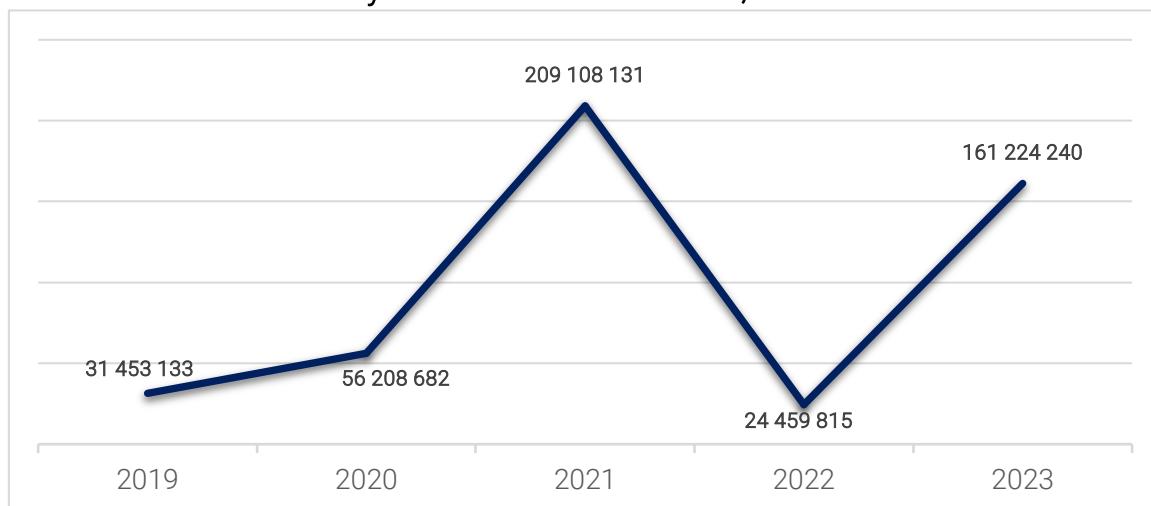
Category	Number of statements of claim under consideration	including received in the reporting period	Number of statements of claim considered	Number of cases under consideration	including received in the reporting period	Number of cases considered
Cases in disputes regarding the protection of intellectual property rights, including:						
on the rights to an invention, utility model, industrial design	321	309	298	420	251	270
on the rights to a trademark (mark for goods and services)	39	38	35	62	30	38
<i>on declaration of trademarks to be well-known in Ukraine</i>	78	74	71	109	59	50
<i>on declaration of trademarks to be well-known in Ukraine</i>	6	6	6	11	5	8
<i>on trade name</i>	25	22	21	46	18	19
on right of the prior user	10	9	10	12	8	7
on copyright and related rights	164	159	154	195	133	155
<i>on the collective management of author's property rights and related rights</i>	31	31	30	38	25	27

**Fig. 5. Dynamics of consideration of cases by local commercial courts for 2019-2023**



Over the 2019-2023 period, statistics demonstrate stable dynamics of case consideration, with the percentage of cases reviewed exceeding 60%. However, over the past two years, the percentage of cases considered has increased, while the number of pending cases has been decreasing.

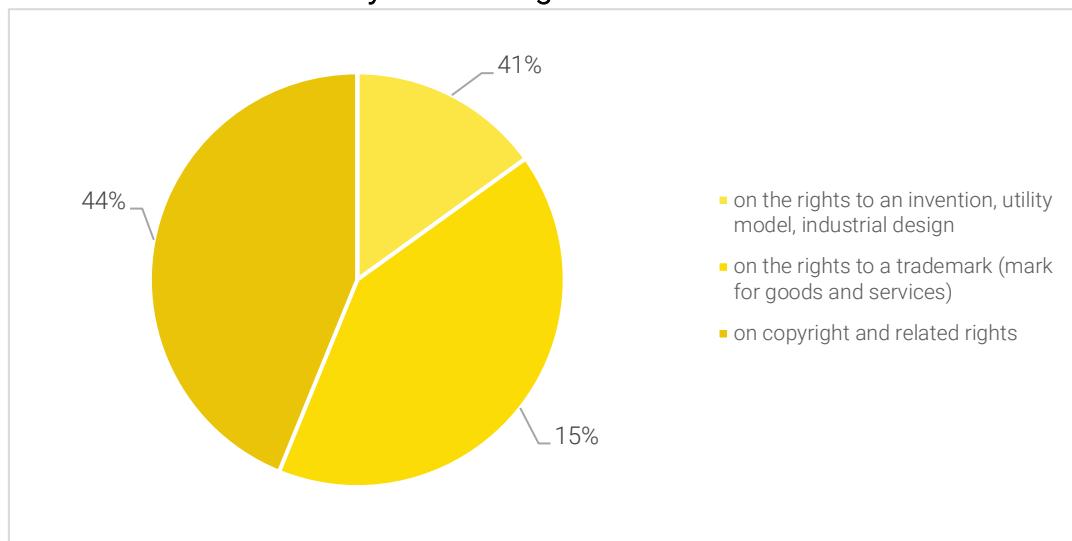
**Fig 6. Total amount of funds ordered to be recovered by local commercial courts, UAH**



The dynamics of the funds amount is directly related to the number of cases reviewed and the volume of claims filed. The figure demonstrates a significant increase in the amount of funds in 2021 compared to the previous year (3 times), as well as a significant decline in 2022 (8 times). In 2023, the situation improves and approaches a rate that is almost equal to that before the full-scale invasion of Ukraine by the Russian Federation.

## Civil cases

Fig. 4. Civil cases pending in local courts by main categories in 2023



In 2023, statistics indicate that the number of copyright and related rights cases (44%) and trademark cases (41%) have almost identical dynamics. At the same time, cases on the rights to an invention, utility model, industrial design (15%) are considered three times less compared to other categories.

More detailed statistics on civil cases considered by local general courts are provided below.

Table 6. Number of civil statements of claim and cases under consideration in local general courts in 2019

Category	Number of statements of claim under consideration	including received in the reporting period	Number of statements of claim considered	Number of cases under consideration	including received in the reporting period	Number of cases considered
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>						
on the rights to an invention, utility model, industrial design	50	47	42	49	23	19
on the rights to a trademark (mark for goods and services)	52	43	38	54	23	26
on copyright rights	58	41	48	150	31	94
on related rights	0	-	-	3	-	2

**Table 7. Number of civil statements of claim and cases under consideration in local general courts in 2020**

Category	Number of statements of claim under consideration	including received in the reporting period	Number of statements of claim considered	Number of cases under consideration	including received in the reporting period	Number of cases considered
Cases in disputes regarding the protection of intellectual property rights, including:						
on the rights to an invention, utility model, industrial design	211	184	138	280	98	87
on the rights to a trademark (mark for goods and services)	25	18	18	48	16	14
on copyright rights	69	61	39	57	27	17
on related rights	73	66	55	92	33	27
	-	-	-	2	-	-

**Table 8. Number of civil statements of claim and cases under consideration in local general courts in 2021**

Category	Number of statements of claim under consideration	including received in the reporting period	Number of statements of claim considered	Number of cases under consideration	including received in the reporting period	Number of cases considered
Cases in disputes regarding the protection of intellectual property rights, including:						
on the rights to an invention, utility model, industrial design	248	199	177	317	121	133
on the rights to a trademark (mark for goods and services)	23	18	19	45	10	20
on copyright rights	63	44	41	75	33	31
on related rights	63	50	50	104	38	48
	2	2	1	3	1	2

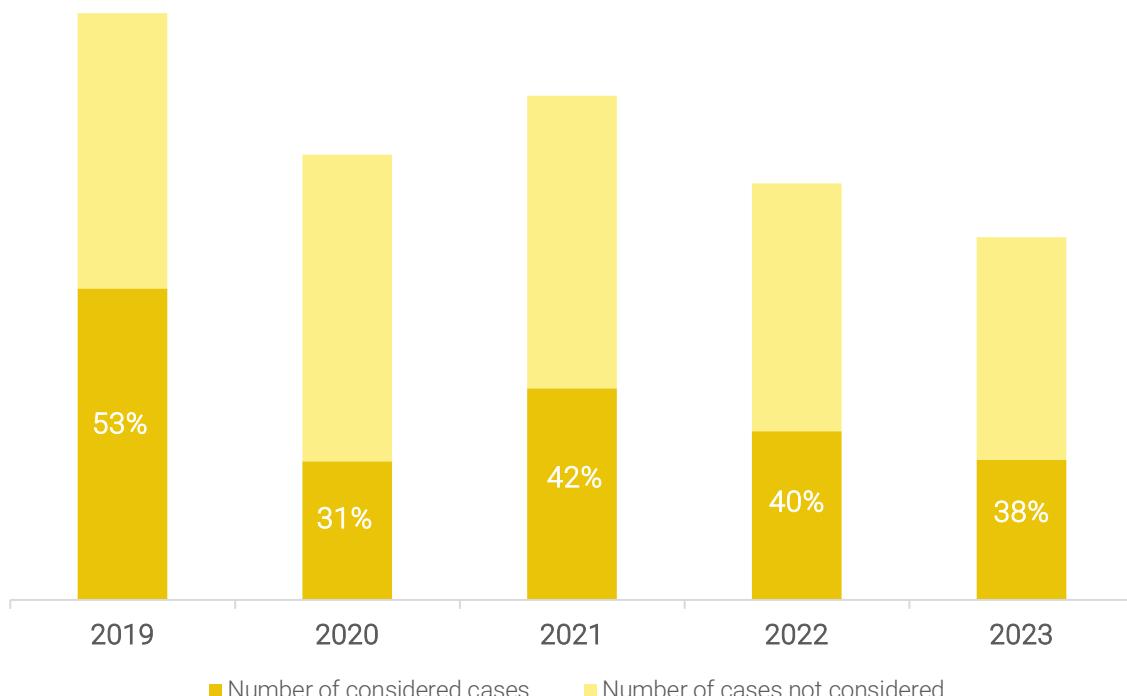
**Table 9. Number of civil statements of claim and cases under consideration in local general courts in 2022**

Category	Number of statements of claim under consideration	including received in the reporting period	Number of statements of claim considered	Number of cases under consideration	including received in the reporting period	Number of cases considered
Cases in disputes regarding the protection of intellectual property rights, including:						
on the rights to an invention, utility model, industrial design	119	74	80	262	64	106
on the rights to a trademark (mark for goods and services)	7	4	3	28	3	12
on copyright rights	27	19	19	68	15	25
on related rights	26	19	19	74	16	29
	1	-	1	1	-	1

**Table 10. Number of civil statements of claim and cases under consideration in local general courts in 2023**

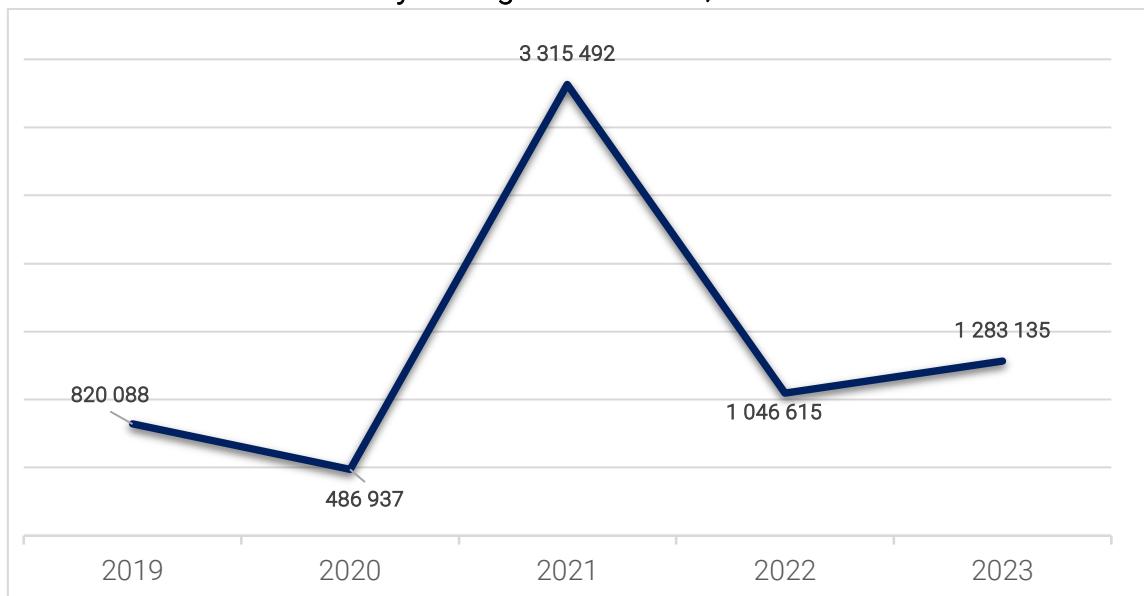
Category	Number of statements of claim under consideration	including received in the reporting period	Number of statements of claim considered	Number of cases under consideration	including received in the reporting period	Number of cases considered
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>						
on the rights to an invention, utility model, industrial design	4	4	4	22	5	10
on the rights to a trademark (mark for goods and services)	20	15	17	60	15	19
on copyright rights	27	23	22	64	19	22
on related rights	1	1	1	-	-	-

**Fig. 8. Dynamics of consideration of civil cases by local courts for 2019-2023**



In 2019, the largest number of pending cases and the number of considered cases was observed, namely 369 cases, of which 196 were considered, which is 53%. In the following years, the number of pending cases decreased, and the percentage of considered cases remained almost stable in the range of 30% to 40%.

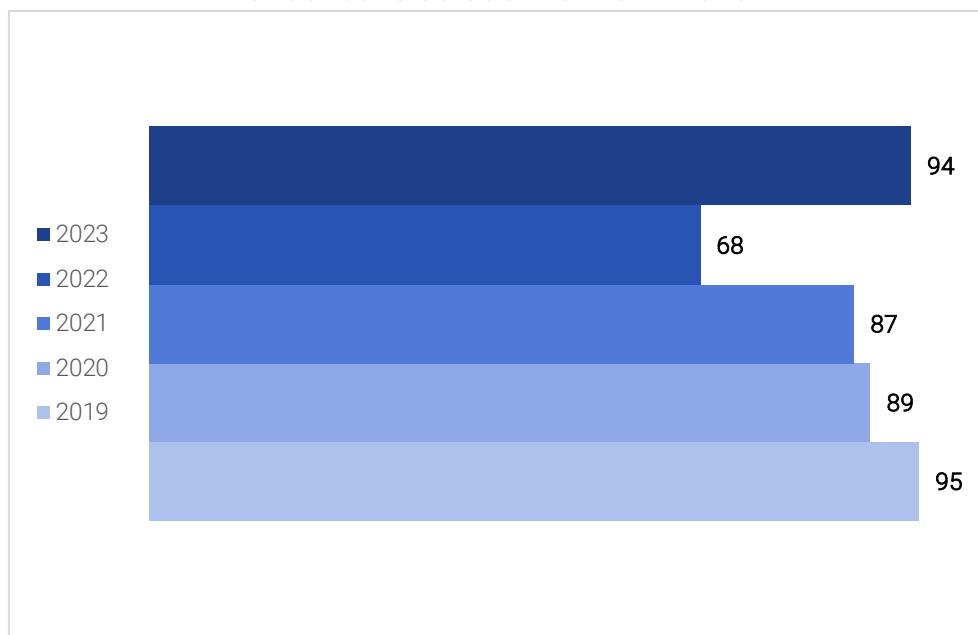
**Fig 9. Total amount of funds ordered to be recovered by local general courts, UAH**



According to statistics, the amount of funds recovered by local general courts increased in 2021. In 2022-2023, the situation is improving and increasing compared to 2019-2020.

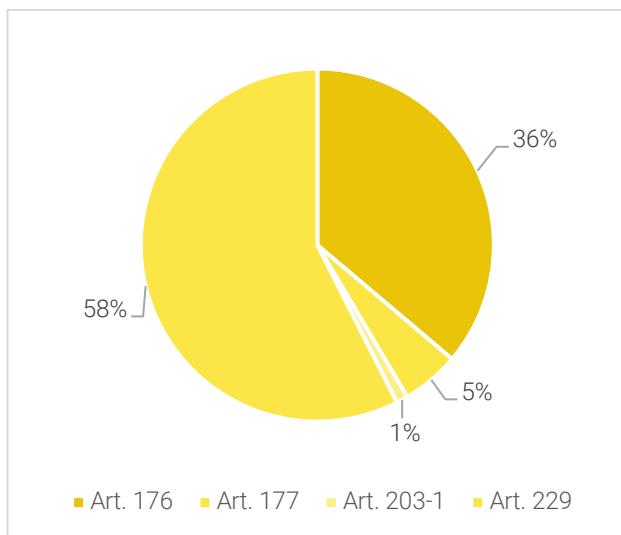
## Criminal cases

**Fig. 10. The number of criminal proceedings under consideration for 2019-2023**



In the period of 2019-2023, the scope of criminal proceedings under consideration was practically stable, a relative decline is seen in 2022.

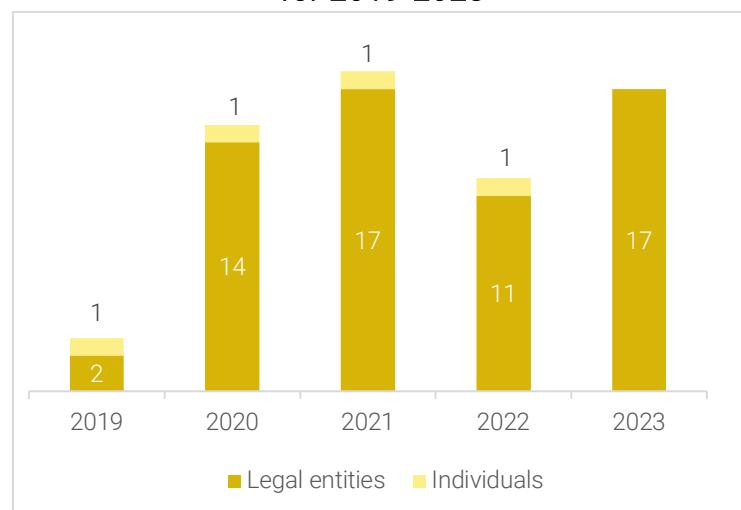
Fig. 11. Criminal proceedings by articles of the Criminal Code of Ukraine in 2023



According to these indicators, the most criminal proceedings are related to Article 176 of the Criminal Code of Ukraine, which concerns copyright and related rights (58%).

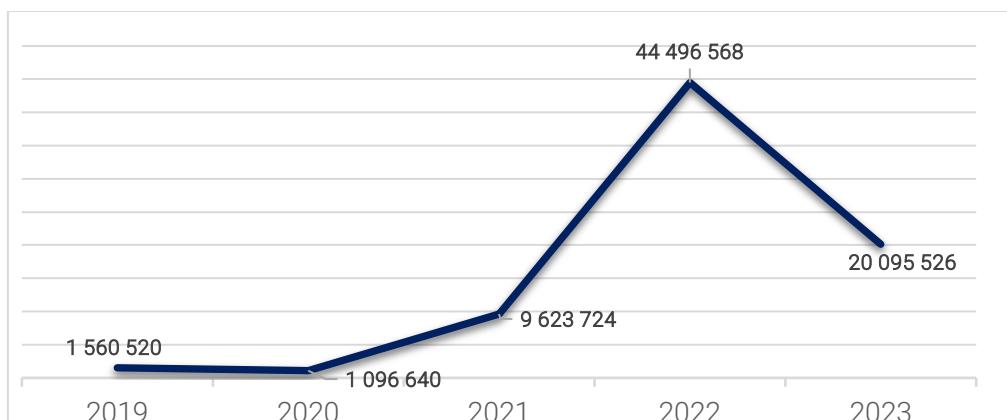
Under Article 229 of the Criminal Code of Ukraine, the number of proceedings is 36%, under Article 177 of the Criminal Code of Ukraine - 5%, and under Article 203-1 of the Criminal Code of Ukraine - only 1%.

Fig. 12. Number of victims among legal entities and individuals for 2019-2023



The number of victims among legal entities is significantly higher than among individuals. In 2023, there were no criminal proceedings concerning victims who were individuals.

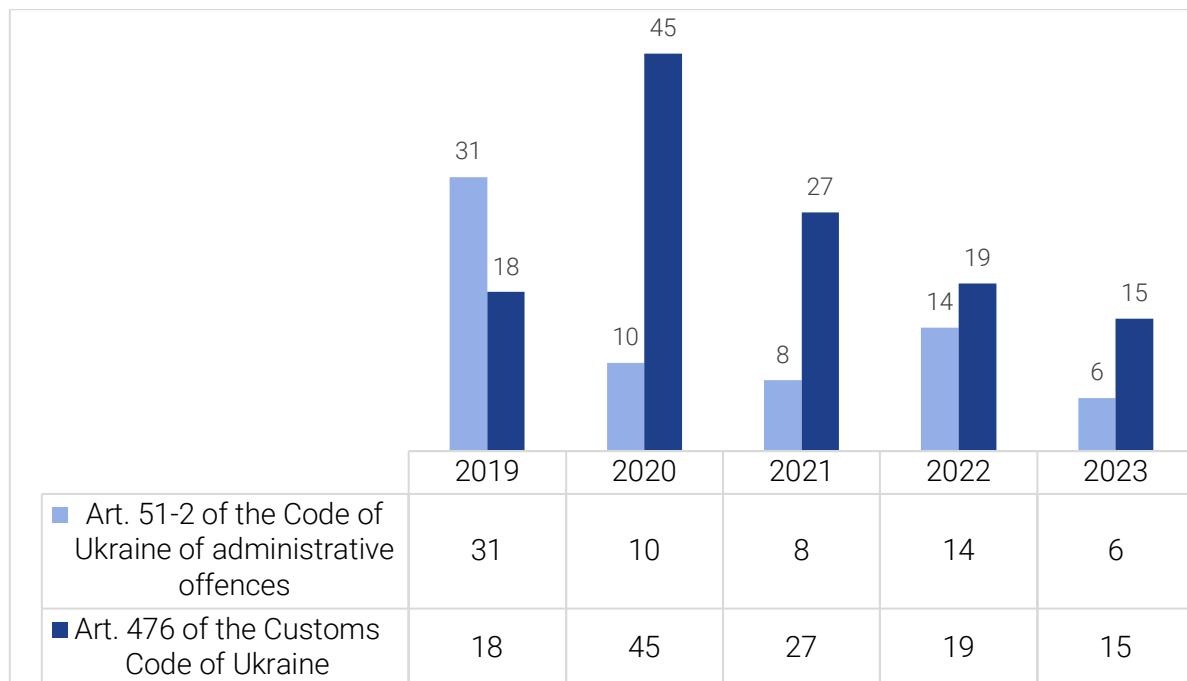
Fig 13. Total amount of funds ordered to be recovered by local general courts in criminal proceedings, UAH



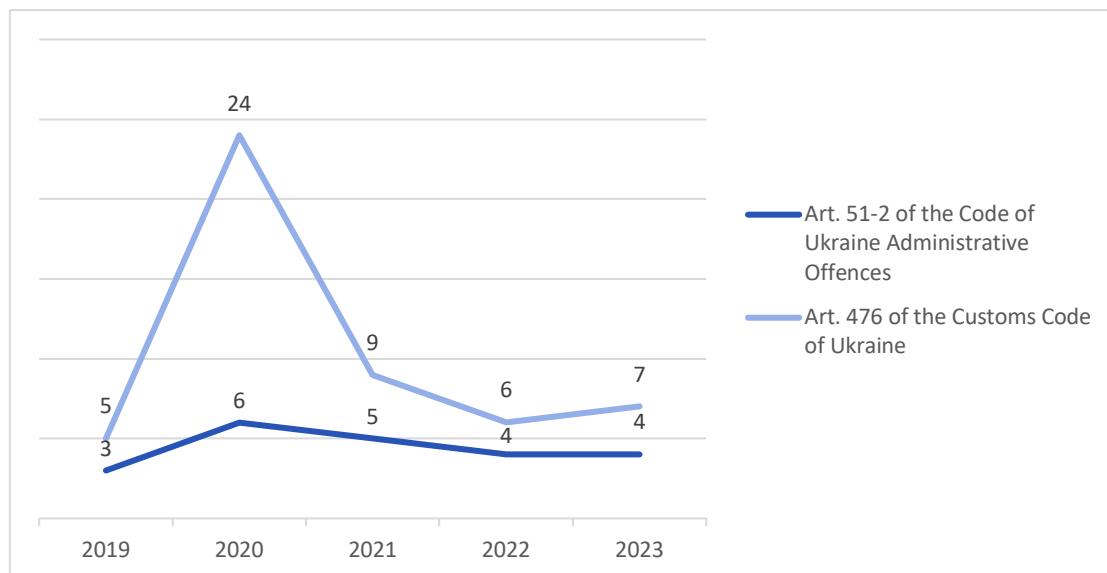
According to statistics, the amount of funds recovered by local general courts in criminal proceedings increased in 2022.

## Cases of administrative offences

Fig. 14. Number of administrative offences for 2019 -2023



The statistics demonstrate that the most of administrative offences are committed at the customs border and, accordingly, relate to Article 476 of the Customs Code of Ukraine. The general dynamics of recorded administrative offences in 2019-2023 is rather downward.

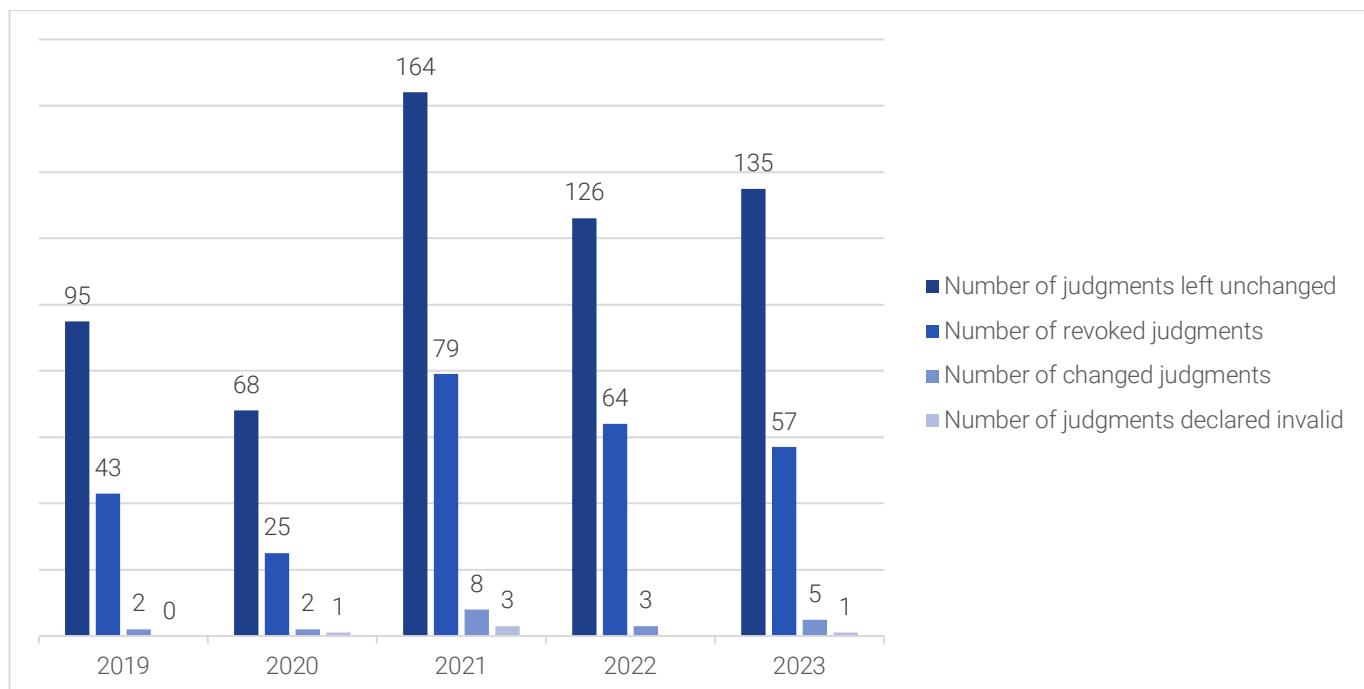
Fig. 15. Number of persons brought to administrative liability under Art. 51<sup>2</sup> of the Code of Ukraine Administrative Offences and Art. 476 of the Customs Code of Ukraine for 2019-2023

The number of persons brought to administrative responsibility under Art. 51<sup>2</sup> of the Code of Administrative Offences is relatively stable and ranges from 3 to 6. At the same time, there was a significant increase under Art. 476 of the Customs Code of Ukraine in 2020.

# Appellate courts

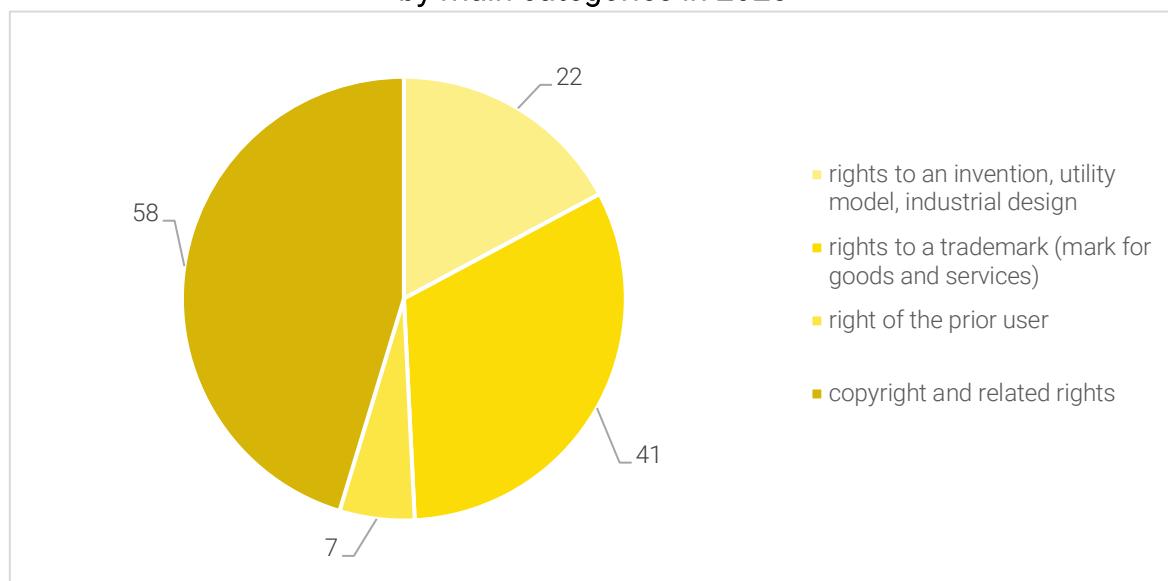
## Commercial cases

Fig. 16. Statistics of reviewed judgments of local commercial courts for 2019-2023



Based on the statistics, the number of revised judgments remains the same. The number of canceled judgments is about half as many as the number of judgments left unchanged. The scope of changed judgments in 2019-2023 ranges from 2-8 judgments. The lowest statistics relates to the number of court judgments declared invalid with the closure of proceedings - from 1 to 3 judgments, in 2019 - none.

Fig. 17. Reviewed judgments of local commercial courts by main categories in 2023



The majority of reviewed judgments relate to copyright and related rights cases. Cases on trademark rights are reviewed twice as often as cases on rights to inventions, utility models, and industrial designs. The lowest rate is for cases on prior use rights.

More detailed statistics on commercial cases considered by appellate courts are provided below.

**Table 11. Number of reviewed judgments of local general courts in commercial cases in 2019**

Category	Number of reviewed judgments	Number of judgments left unchanged	Number of changed judgments	Number of revoked judgments	Number of judgments declared invalid with the closure of case proceedings
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>					
on the rights to an invention, utility model, industrial design	197	135	5	57	-
on the rights to a trademark (mark for goods and services)	82	55	3	24	-
on declaration of trademarks to be well-known in Ukraine	7	4	-	3	-
on trade name	2	2	-	-	-
on right of the prior user	5	2	-	3	-
on copyright and related rights	-	-	-	-	-
on the collective management of author's property rights and related rights	84	60	1	23	-
	9	6	-	3	-

**Table 12. Number of reviewed judgments of local general courts in commercial cases in 2020**

Category	Number of reviewed judgments	Number of judgments left unchanged	Number of changed judgments	Number of revoked judgments	Number of judgments declared invalid with the closure of case proceedings
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>					
on the rights to an invention, utility model, industrial design	194	126	3	64	1
on the rights to a trademark (mark for goods and services)	17	13	-	4	-
on declaration of trademarks to be well-known in Ukraine	27	12	1	14	-
on trade name	3	1	-	2	-
on right of the prior user	9	4	-	5	-
on copyright and related rights	2	2	-	-	-
on the collective management of author's property rights and related rights	79	50	1	27	1
	16	9	1	6	-

Table 13. Number of reviewed judgments of local general courts in commercial cases in 2021

Category	Number of reviewed appeals	Number of reviewed judgments	Number of judgments left unchanged	Number of changed judgments	Number of revoked judgments	Number of judgments declared invalid with the closure of case proceedings
Cases in disputes regarding the protection of intellectual property rights, including:						
on the rights to an invention, utility model, industrial design	320	254	164	8	79	3
on the rights to a trademark (mark for goods and services)	40	30	23	-	7	-
on declaration of trademarks to be well-known in Ukraine	47	34	21	-	13	-
on trade name	5	3	2	-	1	-
on right of the prior user	21	15	8	-	7	-
on copyright and related rights	5	5	1	1	3	-
on the collective management of author's property rights and related rights	164	137	84	6	44	3
	55	48	29	1	16	2

Table 14. Number of reviewed judgments of local general courts in commercial cases in 2022

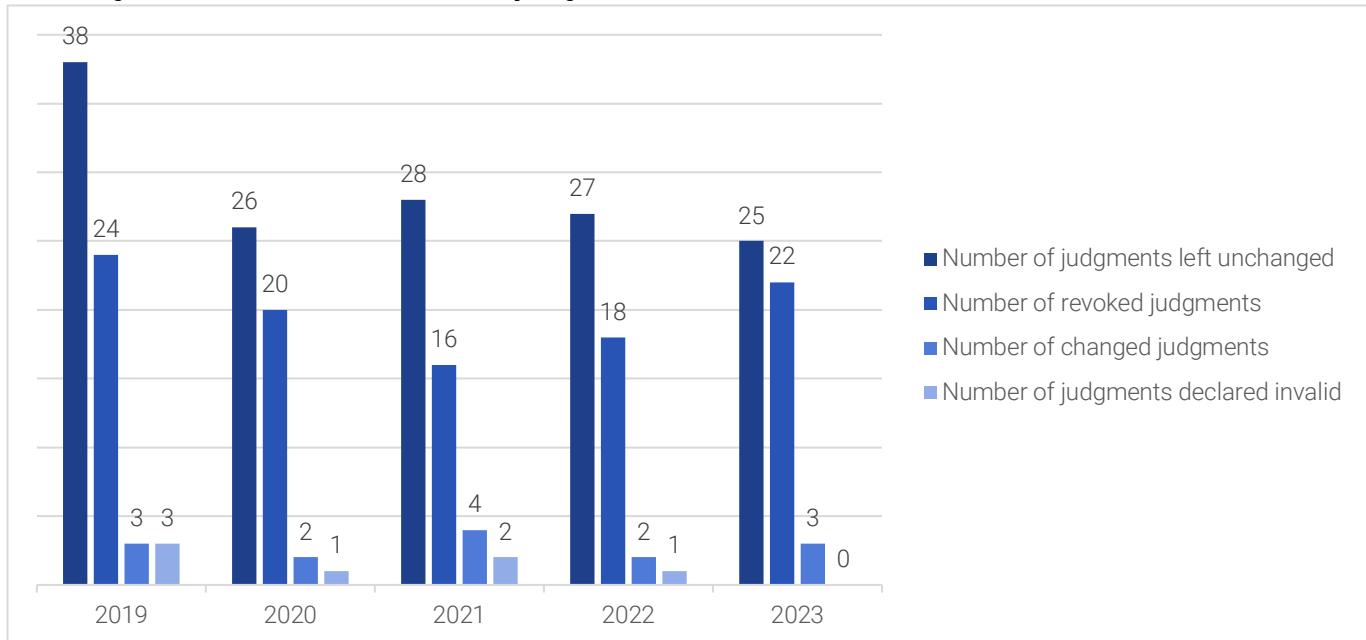
Category	Number of reviewed appeals	Number of reviewed judgments	Number of judgments left unchanged	Number of changed judgments	Number of revoked judgments	Number of judgments declared invalid with the closure of case proceedings
Cases in disputes regarding the protection of intellectual property rights, including:						
on the rights to an invention, utility model, industrial design	118	95	68	2	25	-
on the rights to a trademark (mark for goods and services)	17	16	11	-	5	-
on declaration of trademarks to be well-known in Ukraine	28	18	13	-	5	-
on trade name	8	5	3	-	2	-
on right of the prior user	19	12	10	-	2	-
on copyright and related rights	-	-	-	-	-	-
on the collective management of author's property rights and related rights	53	42	33	1	8	-
	28	20	17	-	3	-

**Table 15. Number of reviewed judgments of local general courts in commercial cases in 2023**

Category	Number of reviewed appeals	Number of reviewed judgments	Number of judgments left unchanged	Number of changed judgments	Number of revoked judgments	Number of judgments declared invalid with the closure of case proceedings
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>						
on the rights to an invention, utility model, industrial design	26	22	20	-	2	-
on the rights to a trademark (mark for goods and services)	48	41	27	-	14	-
on declaration of trademarks to be well-known in Ukraine	7	7	4	-	3	-
on trade name	31	24	15	-	9	-
on right of the prior user	7	7	4	-	3	-
on copyright and related rights	63	58	35	2	20	1
on the collective management of author's property rights and related rights	20	19	9	-	10	-

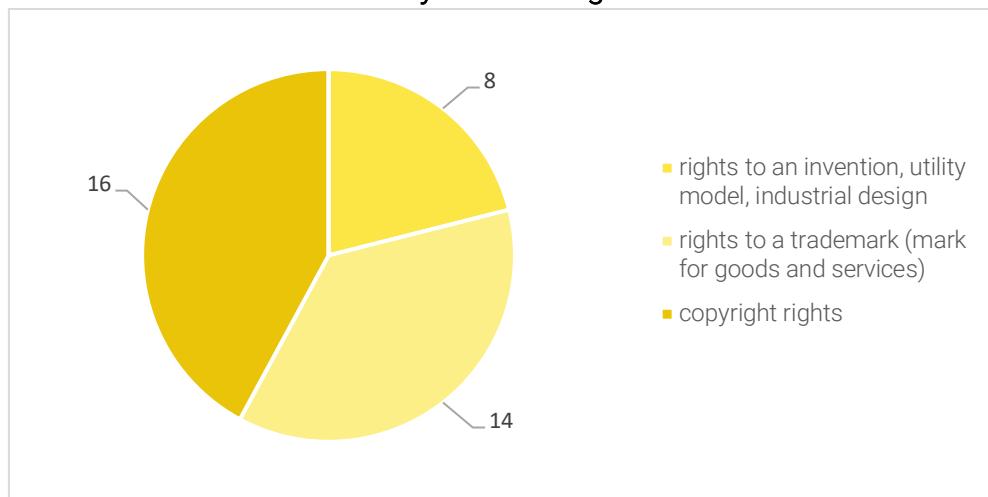
## Civil cases

**Fig. 18. Statistics of reviewed judgments of local courts in civil cases for 2019-2023**



According to the statistics, the number of judgments left unchanged and revoked over the past two years is almost identical. The scope of changed judgments in 2019-2023 ranges from 2-4 judgments. The lowest statistics relate to the number of court judgments declared invalid with the closure of proceedings - from 1 to 3 decisions, in 2023 - none.

Fig. 19. Reviewed judgments of local general courts in civil cases by main categories in 2023



За статистикою вбачається, що кількість переглянутих рішень суду у справах щодо авторських прав та справах щодо прав на торговельні марки є майже ідентичною. Перегляд рішень у справах щодо прав на винахід, корисну модель, промисловий зразок є меншим вдвічі, в той час як справи щодо суміжних прав до апеляційного суду не надходили.

Нижче надаємо детальнішу статистику розгляду цивільних справ апеляційними судами.

Table 16. Number of reviewed judgments of local general courts in civil cases in 2019

Category	Number of reviewed judgments	Number of judgments left unchanged	Number of changed judgments	Number of revoked judgments	Number of judgments declared invalid with the closure of case proceedings
Cases in disputes regarding the protection of intellectual property rights, including:					
on the rights to an invention, utility model, industrial design	68	38	24	3	3
on the rights to a trademark (mark for goods and services)	6	5	1	-	-
on copyright rights	23	12	10	1	-
on related rights	25	14	6	2	3
	0	-	-	-	-

Table 17. Number of reviewed judgments of local general courts in civil cases in 2020

Category	Number of reviewed judgments	Number of judgments left unchanged	Number of changed judgments	Number of revoked judgments	Number of judgments declared invalid with the closure of case proceedings
Cases in disputes regarding the protection of intellectual property rights, including:					
on the rights to an invention, utility model, industrial design	49	26	20	2	1
on the rights to a trademark (mark for goods and services)	10	4	6	-	-
on copyright rights	12	6	5	1	-
on related rights	14	11	3	-	-
	0	-	-	-	-

**Table 18. Number of reviewed judgments of local general courts in civil cases in 2021**

Category	Number of reviewed judgments	Number of judgments left unchanged	Number of changed judgments	Number of revoked judgments	Number of judgments declared invalid with the closure of case proceedings
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>					
on the rights to an invention, utility model, industrial design	50	28	16	4	2
on the rights to a trademark (mark for goods and services)	12	9	2	-	1
on copyright rights	14	7	6	1	-
on related rights	16	8	5	3	-
	0	-	-	-	-

**Table 19. Number of reviewed judgments of local general courts in civil cases in 2022**

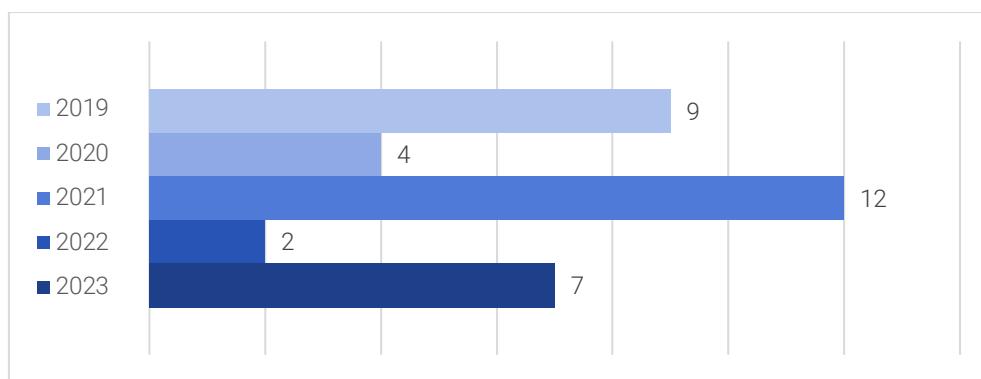
Category	Number of reviewed judgments	Number of judgments left unchanged	Number of changed judgments	Number of revoked judgments	Number of judgments declared invalid with the closure of case proceedings
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>					
on the rights to an invention, utility model, industrial design	48	27	18	2	1
on the rights to a trademark (mark for goods and services)	4	3	1	-	-
on copyright rights	6	4	1	-	1
on related rights	28	14	12	2	-
	1	-	1	-	-

**Table 20. Number of reviewed judgments of local general courts in civil cases in 2023**

Category	Number of reviewed judgments	Number of judgments left unchanged	Number of changed judgments	Number of revoked judgments	Number of judgments declared invalid with the closure of case proceedings
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>					
on the rights to an invention, utility model, industrial design	50	25	22	3	0
on the rights to a trademark (mark for goods and services)	8	4	3	1	0
on copyright rights	14	7	7	0	0
on related rights	16	7	7	2	0
	0	0	0	0	0

## Criminal cases

Fig. 20. Total number of reviewed judgements in criminal proceedings for 2019-2023



During 2019-2023, the total number of reviewed judgments ranged from 2 to 12. The most of these cases were recorded in 2021, and the lowest amounts were in 2020 and 2022.

Table 21. Number of reviewed judgments of local general courts in criminal cases in 2019

Article of the Criminal Code of Ukraine	Number of reviewed judgements	Number of judgements left unchanged	Number of changed judgements	Number of revoked judgements
Art. 176	1	0	0	1
Art. 177	5	0	0	5
Art. 203-1	1	0	0	1
Art. 229	2	2	0	0

Table 22. Number of reviewed judgments of local general courts in criminal cases in 2020

Article of the Criminal Code of Ukraine	Number of reviewed judgements	Number of judgements left unchanged	Number of changed judgements	Number of revoked judgements
Art. 176	1	1	0	0
Art. 203-1	1	1	0	0
Art. 229	2	1	0	1

*No cases under Article 177 of the Criminal Code of Ukraine*

Table 23. Number of reviewed judgments of local general courts in criminal cases in 2021

Article of the Criminal Code of Ukraine	Number of reviewed judgements	Number of judgements left unchanged	Number of changed judgements	Number of revoked judgements
Art. 176	4	3	0	1
Art. 177	5	0	2	3
Art. 229	3	2	0	1

*No cases under Article 203-1 of the Criminal Code of Ukraine*

**Table 24. Number of reviewed judgments of local general courts in criminal cases in 2022**

Article of the Criminal Code of Ukraine	Number of reviewed judgements	Number of judgements left unchanged	Number of changed judgements	Number of revoked judgements
Art. 176	2	2	0	2

*No cases under Articles 177, 203-1, 229 of the Criminal Code of Ukraine*

**Table 25. Number of reviewed judgments of local general courts in criminal cases in 2023**

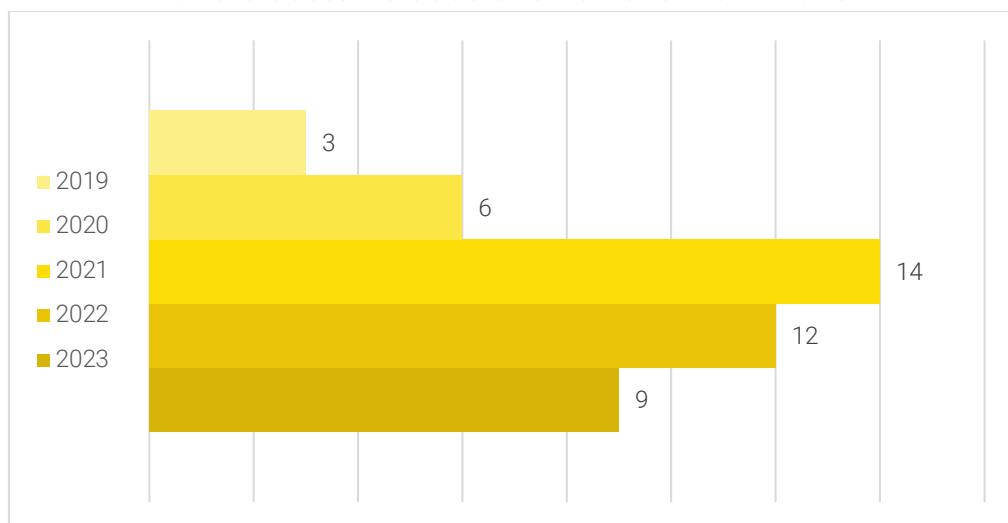
Article of the Criminal Code of Ukraine	Number of reviewed judgements	Number of judgements left unchanged	Number of changed judgements	Number of revoked judgements
Art. 229	7	2	0	5

*No cases under Articles 176, 177, 203-1, of the Criminal Code of Ukraine*

Based on the statistics, the total number of reviewed judgments is quite low, ranging from 4 to 12 per year, being insignificant compared to the scope of civil and commercial cases. The dynamics of case review demonstrates a decrease, particularly in 2022 and 2023, the number of reviewed judgments is limited to only one category. In most cases, courts make decisions to revoke the judgment.

## Cases of administrative cases

**Fig. 21. Total number of court decisions reviewed under Article 476 of the Customs Code of Ukraine for 2019-2023**

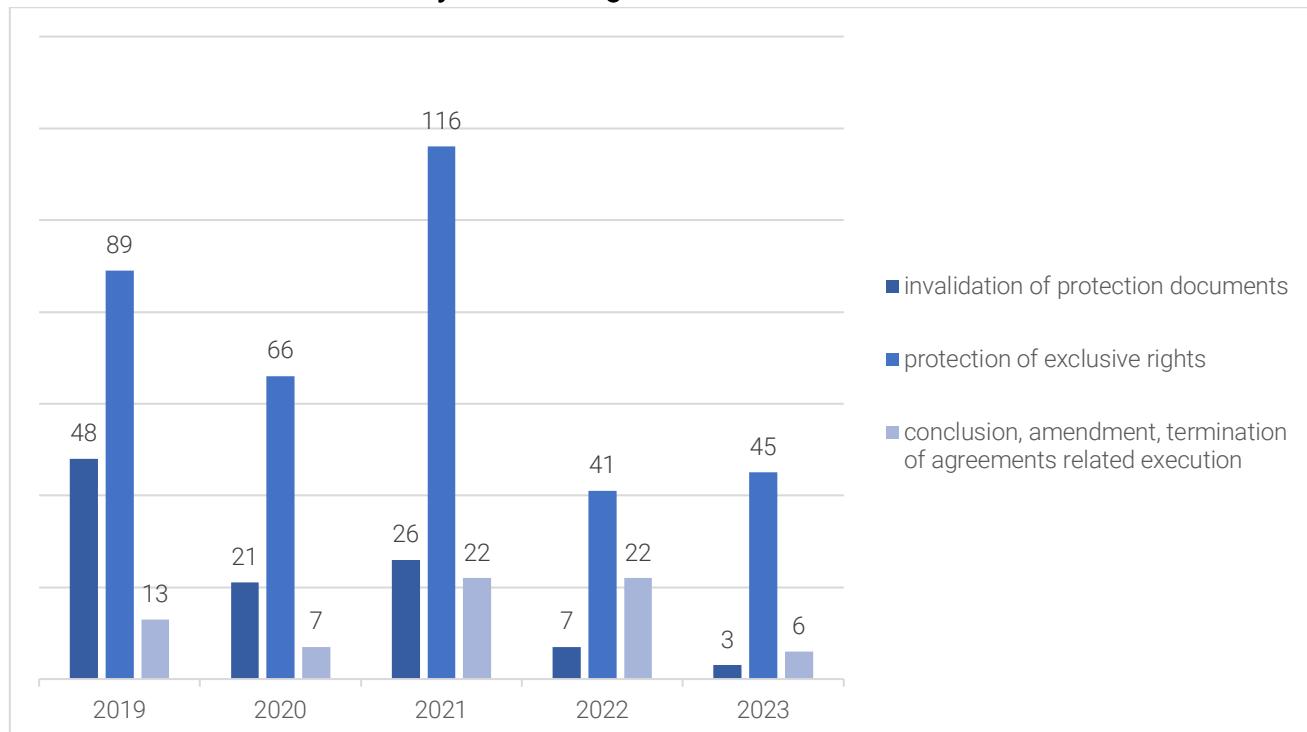


From 2019 to 2023, the appellate courts reviewed cases only related to Article 476 of the Customs Code of Ukraine, and there were no cases related to Article 51-2 of the Code of Ukraine of Administrative Offences. According to the data, the total number of cases is growing until 2021 and decreasing in 2022-2023.

# The Supreme Court

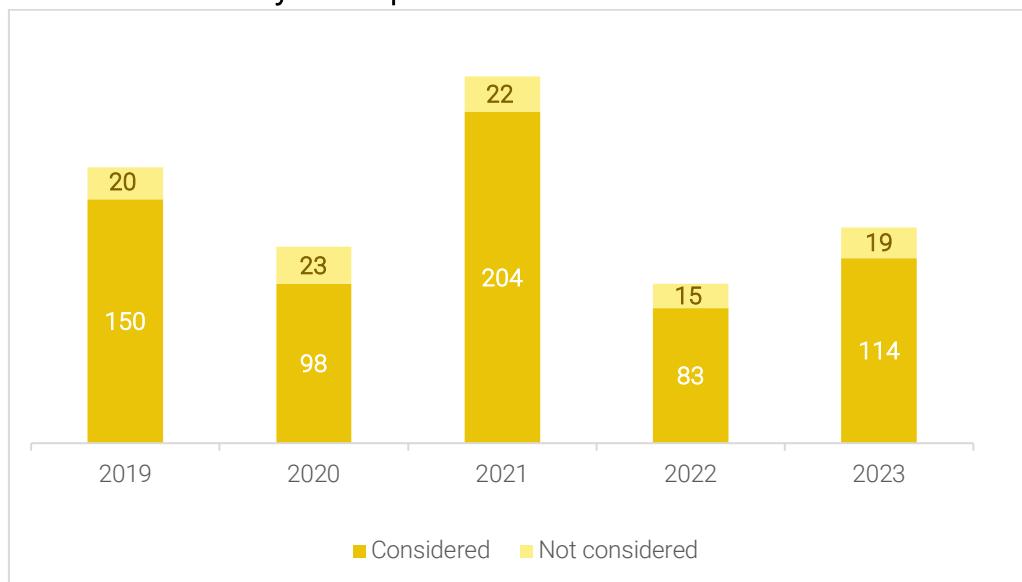
## Commercial cases

Fig. 22. Statistics on the number of commercial cases under consideration by main categories for 2019-2023



During the period from 2019 to 2023, the category of cases related to the protection of exclusive rights was consistently in a leading position. However, in the period of 2022-2023, the number of cases in this category decreased by half compared to 2021, when the highest number of cases was recorded. The dynamics of cases in other categories was relatively identical.

Fig. 23. Number of commercial cases considered and not considered by the Supreme Court for 2019-2023



The number of pending cases in 2019-2023 was almost identical, remaining at around 20 cases, with the lowest number in 2022 amounting to 15 cases. The highest rate of pending cases was observed in 2021, exceeding the number of cases in 2022 by more than three times, and twice as much as in 2023.

More detailed statistics on commercial cases considered by the Supreme court are provided below.

**Table 26. Number of considered commercial cases and cases under consideration by the Supreme Court in 2019**

Category	Under consideration (total), including:	not considered at the beginning of reporting period	submitted for consideration	Considered (total)	Not considered at the end of reporting period
Cases in disputes regarding the protection of intellectual property rights, including:					
invalidation of protection documents	170	5	165	150	20
protection of exclusive rights (total), including:	48	3	45	42	6
<i>copyright (related rights)</i>	89	0	89	81	8
<i>rights to industrial property objects</i>	63	0	64	57	6
conclusion, amendment, termination of agreements related execution (total), including:	18	0	18	16	2
<i>copyright (related rights)</i>	13	0	13	12	1
<i>rights to industrial property objects</i>	7	0	7	7	0
conclusion, amendment, termination of agreements related execution (total), including:	6	0	6	5	1

**Table 27. Number of considered commercial cases and cases under consideration by the Supreme Court in 2020**

Category	Under consideration (total), including:	not considered at the beginning of reporting period	submitted for consideration	Considered (total)	Not considered at the end of reporting period
Cases in disputes regarding the protection of intellectual property rights, including:					
invalidation of protection documents	121	17	104	98	23
protection of exclusive rights (total), including:	21	5	16	20	1
<i>copyright (related rights)</i>	66	8	58	54	12
<i>rights to industrial property objects</i>	38	6	32	32	6
conclusion, amendment, termination of agreements related execution (total), including:	20	2	18	14	6
<i>copyright (related rights)</i>	7	1	6	6	1
<i>rights to industrial property objects</i>	3	0	3	3	0
conclusion, amendment, termination of agreements related execution (total), including:	2	1	1	2	0

**Table 28. Number of considered commercial cases and cases under consideration by the Supreme Court in 2021**

Category	Under consideration (total), including:	not considered at the beginning of reporting period	submitted for consideration	Considered (total)	Not considered at the end of reporting period
Cases in disputes regarding the protection of intellectual property rights, including:					
invalidation of protection documents	227	22	205	204	22
protection of exclusive rights (total), including:					
copyright (related rights)	116	14	102	106	9
rights to industrial property objects	67	8	59	62	5
conclusion, amendment, termination of agreements related execution (total), including:	37	6	31	35	1
copyright (related rights)	22	0	22	15	7
rights to industrial property objects	10	0	10	7	3
copyright (related rights)	3	0	3	1	2

**Table 29. Number of considered commercial cases and cases under consideration by the Supreme Court in 2022**

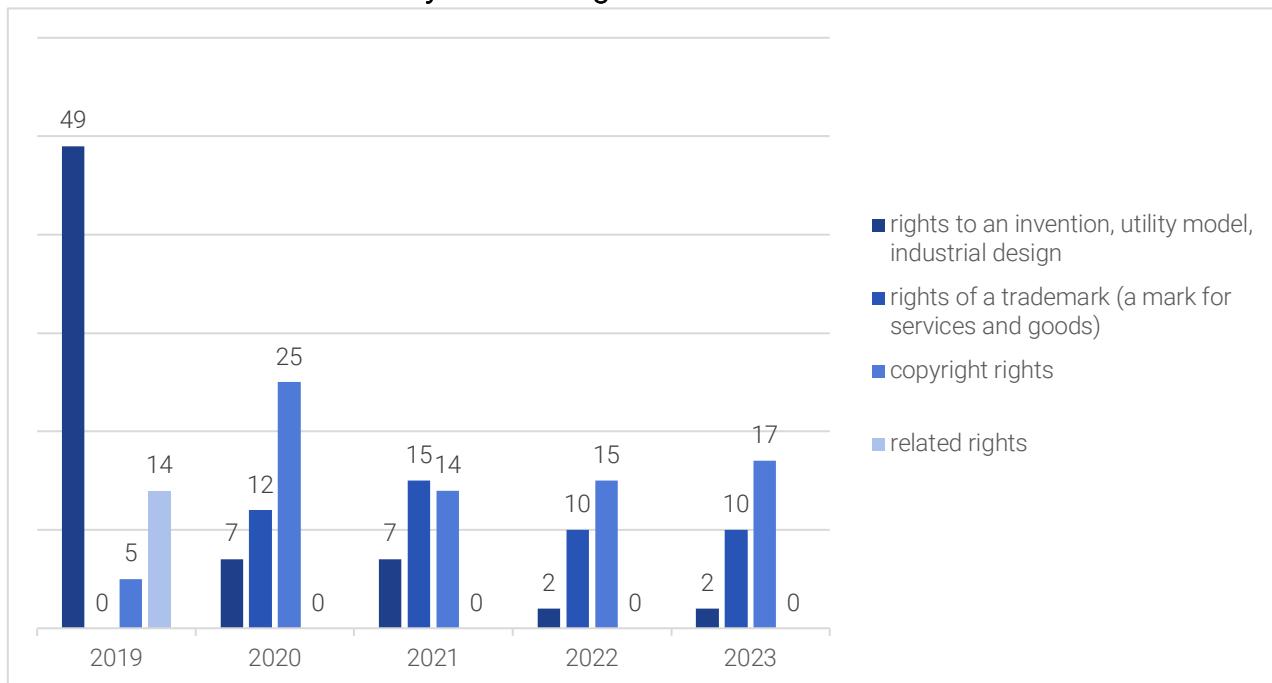
Category	Under consideration (total), including:	not considered at the beginning of reporting period	submitted for consideration	Considered (total)	Not considered at the end of reporting period
Cases in disputes regarding the protection of intellectual property rights, including:					
invalidation of protection documents	98	23	75	83	15
protection of exclusive rights (total), including:					
copyright (related rights)	41	10	31	34	7
rights to industrial property objects	21	5	16	16	5
conclusion, amendment, termination of agreements related execution (total), including:	9	2	7	8	1
copyright (related rights)	22	7	15	22	0
rights to industrial property objects	9	3	6	9	0
copyright (related rights)	3	2	1	3	0

**Table 30. Number of considered commercial cases and cases under consideration by the Supreme Court in 2023**

Category	Under consideration (total), including:	not considered at the beginning of reporting period	submitted for consideration	Considered (total)	Not considered at the end of reporting period
Cases in disputes regarding the protection of intellectual property rights, including:					
invalidation of protection documents	3	2	1	1	1
protection of exclusive rights (total), including:	45	7	38	41	4
copyright (related rights)	25	5	20	24	1
rights to industrial property objects	7	1	6	7	0
conclusion, amendment, termination of agreements related execution (total), including:	6	0	6	5	1
copyright (related rights)	2	0	2	1	1
rights to industrial property objects	4	0	4	4	0

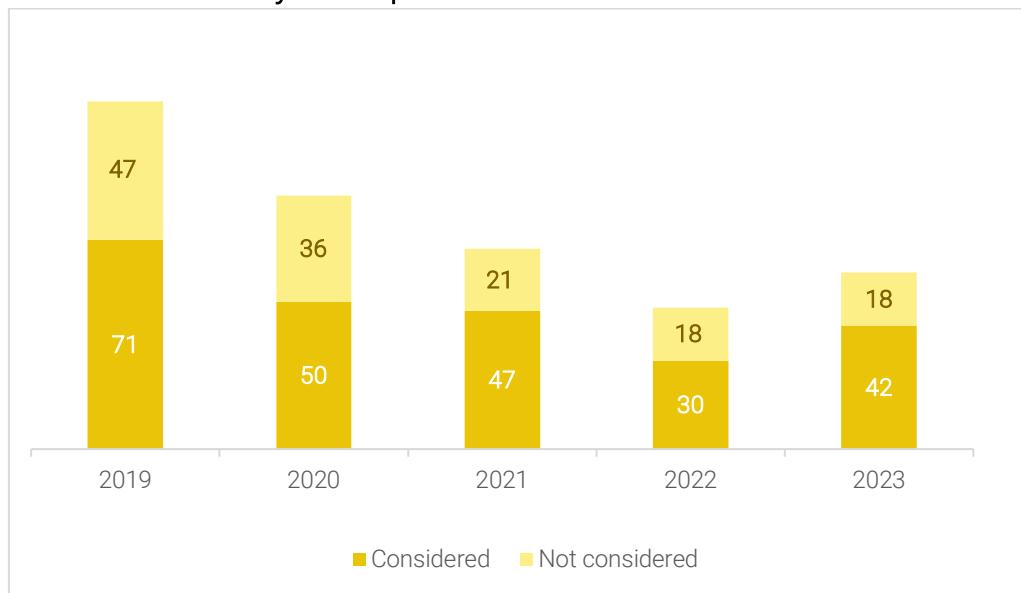
## Civil cases

**Fig. 24. Statistics on the number of civil cases under consideration by main categories in 2019-2023**



The indicators of 2020-2023 are quite similar: relatively the same number of cases relate to trademark and copyright, and there are no cases on related rights. The data of 2019 is different, as evidenced by the large scope of cases concerning the rights to invention, utility model, industrial design and related rights, which is not observed in subsequent years.

**Fig. 25. Number of civil cases considered and not considered by the Supreme Court for 2019-2023**



Since 2019, there has been a decrease in the number of considered and not considered cases, only in 2023 the amount increased compared to 2022.

More detailed statistics on civil cases considered by the Supreme court are provided below.

**Table 31. Number of considered civil cases and cases under consideration by the Supreme Court in 2019**

Category	Under consideration (total), including:	not considered at the beginning of reporting period	submitted for consideration	Considered (total)	Not considered at the end of reporting period
Cases in disputes regarding the protection of intellectual property rights, including:					
on the rights to an invention, utility model, industrial design	49	32	17	36	13
on the rights to a trademark (mark for goods and services)	0	0	0	0	0
on the copyright rights	5	5	0	3	2
on the related rights	14	4	10	5	6

**Table 32. Number of considered civil cases and cases under consideration by the Supreme Court in 2020**

Category	Under consideration (total), including:	not considered at the beginning of reporting period	submitted for consideration	Considered (total)	Not considered at the end of reporting period
Cases in disputes regarding the protection of intellectual property rights, including:					
on the rights to an invention, utility model, industrial design	7	2	5	2	4
on the rights to a trademark (mark for goods and services)	12	6	6	5	6
on the copyright rights	25	17	8	16	9
on the related rights	0	0	0	0	0

**Table 33. Number of considered civil cases and cases under consideration by the Supreme Court in 2021**

Category	Under consideration (total), including:	not considered at the beginning of reporting period	submitted for consideration	Considered (total)	Not considered at the end of reporting period
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>					
on the rights to an invention, utility model, industrial design	72	34	38	47	21
on the rights to a trademark (mark for goods and services)	7	3	4	5	2
on the copyright rights	15	6	9	7	7
on the related rights	14	7	7	13	1
	0	0	0	0	0

**Table 34. Number of considered civil cases and cases under consideration by the Supreme Court in 2022**

Category	Under consideration (total), including:	not considered at the beginning of reporting period	submitted for consideration	Considered (total)	Not considered at the end of reporting period
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>					
on the rights to an invention, utility model, industrial design	52	23	29	30	18
on the rights to a trademark (mark for goods and services)	2	2	0	2	0
on the copyright rights	10	7	3	5	3
on the related rights	15	1	14	8	6
	0	0	0	0	0

**Table 35. Number of considered civil cases and cases under consideration by the Supreme Court in 2023**

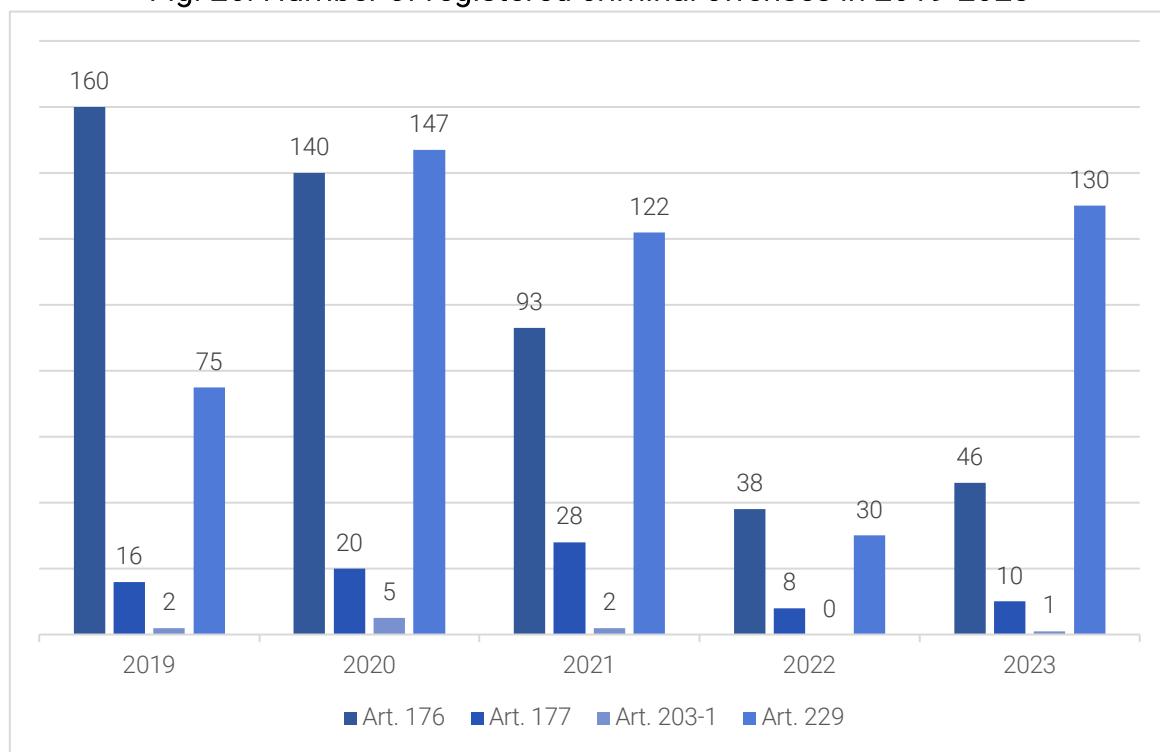
Category	Under consideration (total), including:	not considered at the beginning of reporting period	submitted for consideration	Considered (total)	Not considered at the end of reporting period
<b>Cases in disputes regarding the protection of intellectual property rights, including:</b>					
on the rights to an invention, utility model, industrial design	62	18	44	42	18
on the rights to a trademark (mark for goods and services)	2	0	2	1	1
on the copyright rights	10	3	7	7	3
on the related rights	17	6	11	14	3
	0	0	0	0	0

# **Other state authorities protecting IP objects**

## Office of the Prosecutor General

In accordance with paragraph 4 of Section 1 of the Regulation on the Unified Register of Pre-trial Investigations (hereinafter - the URPTI), the procedure for its formation and maintenance, approved by the Order of the Prosecutor General of Ukraine No. 298 dated 30.06.2020, the owner and manager of information from the URPTI is the state represented by the Office of the Prosecutor General. Based on the data from the URPTI, the Office of the Prosecutor General prepares unified reports on criminal offenses and perpetrators, as well as the progress of criminal proceedings, including in IP sphere under Articles 176, 177, 203-1, 229 of the Criminal Code of Ukraine.

Fig. 26. Number of registered criminal offenses in 2019-2023



Most of the registered criminal offenses relate to Art. 176 of the CCU and Art. 229 of the CCU, as well as the lowest rate for Art. 203-1 of the CCU. The total number of registered criminal offenses was the lowest in 2022, and an increase was observed in 2023.

Table. 36. Number of criminal offenses on infringement of copyright and related rights, Article 176 of the Criminal Code in 2019-2023

Reporting period	Criminal offenses registered in the reporting period	Criminal offenses in which proceedings were closed	Closed, including under paragraphs 1, 2, 4 (4-1), 6, 9-1 of part 1 of Article 284 of the CPCU	Criminal offenses accounted for in the reporting period	Of these: criminal offenses for which the proceedings were sent to court (Article 283(2) and (3) of the CPCU)
2019	160	12	12	148	66
2020	140	22	22	118	32
2021	93	11	11	82	29
2022	38	7	7	31	10
2023	46	13	13	33	7

**Table 37. Number of criminal offenses on infringement of rights to an invention, utility model, industrial design, integrated circuit topography, plant variety, rationalization proposal, Article 177 of the Criminal Code in 2019-2023**

Reporting period	Criminal offenses registered in the reporting period	Criminal offenses in which proceedings were closed	Closed, including under paragraphs 1, 2, 4 (4-1), 6, 9-1 of part 1 of Article 284 of the CPCU	Criminal offenses accounted for in the reporting period	Of these: criminal offenses for which the proceedings were sent to court (Article 283(2) and (3) of the CPCU)
2019	16	4	4	12	0
2020	20	1	1	19	0
2021	28	5	5	23	2
2022	8	2	2	6	0
2023	10	1	1	9	1

**Table 38. Number of criminal offenses on illegal trafficking of disks for laser reading systems, matrices, equipment and raw materials for their production, Article 203-1 of the Criminal Code in 2019-2023**

Reporting period	Criminal offenses registered in the reporting period	Criminal offenses in which proceedings were closed	Closed, including under paragraphs 1, 2, 4 (4-1), 6, 9-1 of part 1 of Article 284 of the CPCU	Criminal offenses accounted for in the reporting period	Of these: criminal offenses for which the proceedings were sent to court (Article 283(2) and (3) of the CPCU)
2019	2	0	0	2	0
2020	5	1	1	4	0
2021	2	0	0	2	0
2022	0	0	0	0	0
2023	1	1	1	0	0

**Table 39. Number of criminal offenses on illegal use of a mark for goods and services, trade name, qualified indication of the origin of goods, Article 229 of the Criminal Code in 2019-2023**

Reporting period	Criminal offenses registered in the reporting period	Criminal offenses in which proceedings were closed	Closed, including under paragraphs 1, 2, 4 (4-1), 6, 9-1 of part 1 of Article 284 of the CPCU	Criminal offenses accounted for in the reporting period	Of these: criminal offenses for which the proceedings were sent to court (Article 283(2) and (3) of the CPCU)
2019	75	13	13	62	7
2020	147	24	24	123	2
2021	122	28	27	95	12
2022	30	3	3	27	2
2023	130	11	11	119	26

# National Police of Ukraine

According to the Law of Ukraine "On the National Police", the National Police of Ukraine carries out pre-trial investigation of criminal offenses within the defined jurisdiction, including in the IP sphere under the following articles of the Criminal Code of Ukraine:

- **Article 176 of the Criminal Code of Ukraine** (infringement of copyright and related rights)
- **Article 177 of the Criminal Code of Ukraine** (violation of the rights to invention, utility model, industrial design, topography of microelectronic integrated circuits, a variety of plants, innovative proposals)
- **Article 203-1 of the Criminal Code of Ukraine** (illegal circulation of disks for laser reading systems, arrays, equipment and supplies for their production)
- **Article 229 of the Criminal Code of Ukraine** (illegal use of a trade or service mark, registered trade name, qualified indication of origin)

Table. 40. Number of criminal offenses recorded by the National Police of Ukraine in 2019

Article of the Criminal Code of Ukraine	Criminal offenses recorded	Criminal offenses in which persons were served with a notice of suspicion	Criminal offenses for which proceedings have been sent to court	Criminal offenses in which proceedings were closed	Criminal offenses in which no decision was made at the end of the reporting period
Art. 176	147	68	66	12	81
Art. 177	12	0	0	4	12
Art. 203-1	2	0	0	0	2
Art. 229	58	6	3	10	55

Table. 41. Number of criminal offenses recorded by the National Police of Ukraine in 2020

Article of the Criminal Code of Ukraine	Criminal offenses recorded	Criminal offenses in which persons were served with a notice of suspicion	Criminal offenses for which proceedings have been sent to court	Criminal offenses in which proceedings were closed	Criminal offenses in which no decision was made at the end of the reporting period
Art. 176	118	34	32	22	85
Art. 177	19	0	0	1	19
Art. 203-1	4	0	0	1	4
Art. 229	118	34	32	22	85

Table 42. Number of criminal offenses recorded by the National Police of Ukraine in 2021

Article of the Criminal Code of Ukraine	Criminal offenses recorded	Criminal offenses in which persons were served with a notice of suspicion	Criminal offenses for which proceedings have been sent to court	Criminal offenses in which proceedings were closed	Criminal offenses in which no decision was made at the end of the reporting period
Art. 176	81	29	29	11	52
Art. 177	23	2	2	5	21
Art. 203-1	2	0	0	0	2
Art. 229	92	14	12	27	78

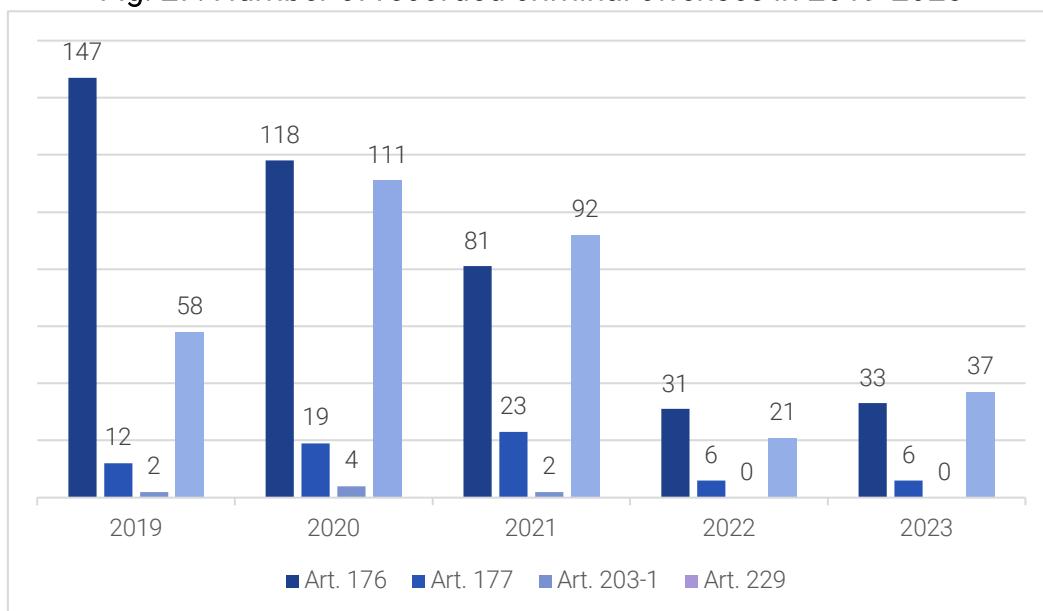
Table 43. Number of criminal offenses recorded by the National Police of Ukraine in 2022

Article of the Criminal Code of Ukraine	Criminal offenses recorded	Criminal offenses in which persons were served with a notice of suspicion	Criminal offenses for which proceedings have been sent to court	Criminal offenses in which proceedings were closed	Criminal offenses in which no decision was made at the end of the reporting period
Art. 176	31	10	10	7	21
Art. 177	6	2	0	2	6
Art. 203-1	0	0	0	0	0
Art. 229	21	5	2	3	19

Table 44. Number of criminal offenses recorded by the National Police of Ukraine in 2023

Article of the Criminal Code of Ukraine	Criminal offenses recorded	Criminal offenses in which persons were served with a notice of suspicion	Criminal offenses for which proceedings have been sent to court	Criminal offenses in which proceedings were closed	Criminal offenses in which no decision was made at the end of the reporting period
Art. 176	33	7	7	13	26
Art. 177	6	1	1	1	5
Art. 203-1	0	0	0	0	0
Art. 229	37	13	12	5	25

Fig. 27. Number of recorded criminal offenses in 2019-2023



According to the statistics, the number of registered criminal offenses decreased from 2019 to 2022, and in 2023 the scope of registered criminal offenses increased over the previous year. Most of the registered criminal offenses relate to Art. 176 of the CCU and Art. 229 of the CCU, whereas in 2022-2023 there were not any proceedings under Art. 203-1 of the CCU at all.

## Economic Security Bureau of Ukraine

The Department of Detectives of the Economic Security Bureau of Ukraine was partially formed at the end of 2021 in accordance with the Law of Ukraine "On the Economic Security Bureau of Ukraine". The ESBU fulfills law enforcement, analytical, economic, informational and other functions.

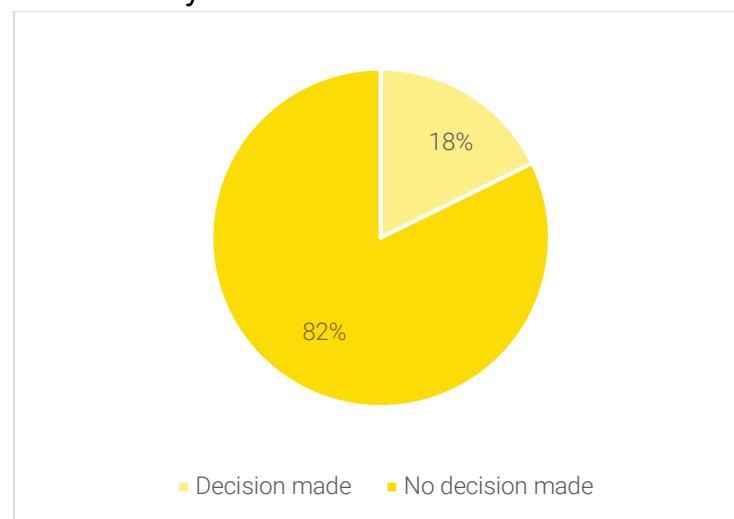
The category of offenses in the IP sphere includes the criminal offense under Art. 176 of the CCU, which is under the jurisdiction of the investigative bodies of the National Police in accordance with Art. 216 of the CPCU. The BES detective units do not have any information on criminal proceedings related to criminal offenses under Art. 176 of the CCU.

According to Art. 216 of the CPCU, BES detectives, in particular, carry out pre-trial investigation of criminal offenses under Art. 229 of the Criminal Code - "Illegal use of a mark for goods and services, a trade name, a qualified indication of the origin of goods shall be punishable by a fine of one thousand to two thousand tax-free minimum incomes".

**Table 45. Number of criminal offenses recorded by the Economic Security Bureau of Ukraine in 2022-2023**

Year	Number of criminal offenses recorded under Article 229 of the CCU	Criminal offenses in which persons were served with a notice of suspicion	Criminal offenses for which proceedings were sent to court	Criminal offenses in which proceedings were closed	Criminal offenses in which no decision was made at the end of the reporting period
2022	5	0	0	0	5
2023	79	14	14	6	65

**Fig. 28. Number of decisions made and not made by the Economic Security Bureau of Ukraine on criminal offenses in 2023**



According to the data, there are 4 times more registered criminal offenses where no decision was made at the end of the reporting period.

# State Customs Service of Ukraine

In order to facilitate the protection of intellectual property rights during the transfer of goods across the customs border of Ukraine, the State Customs Service, in accordance with its functions, provides for the maintenance of a customs register of intellectual property rights protected by law.

Fig. 29. Number of objects registered in the customs register during the year

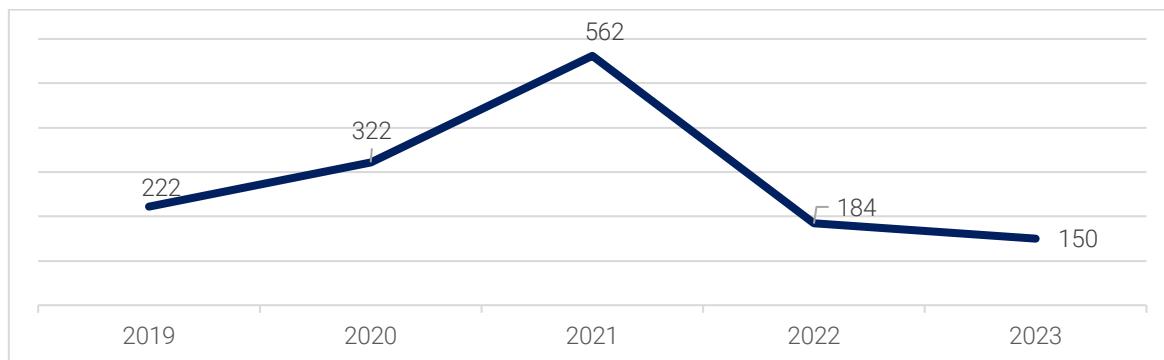


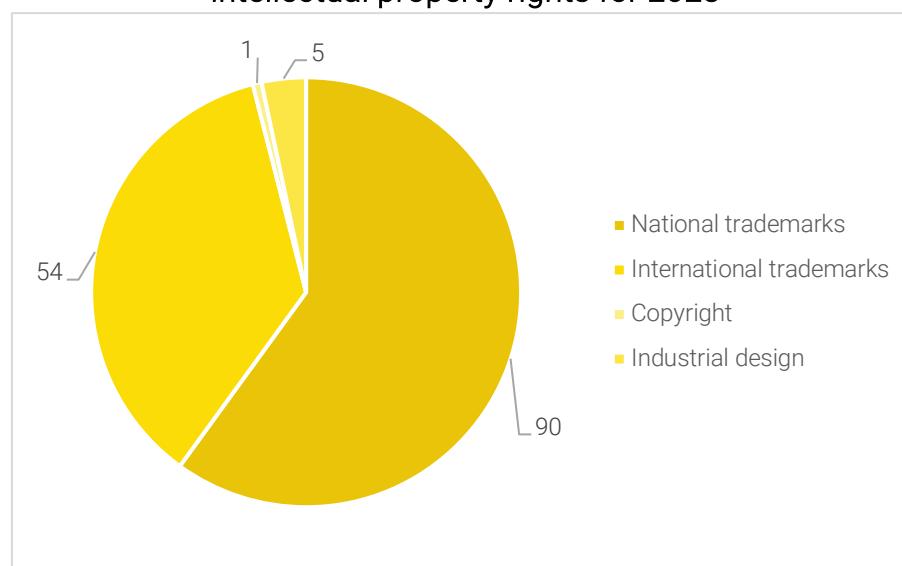
Table 46. Number of objects registered in the customs register at the end of the year

Old register		New register			
2019	2020	2020	2021	2022	2023
4189	4504	17	643	829	980

## Statistics of the State Customs Service of Ukraine for 2023

As of December 31, 2023, the customs register contains 980 intellectual property rights objects registered at the application of the right holders. These include trademarks, industrial designs, inventions, and copyrighted works.

Fig. 34. Number of registered objects of intellectual property rights for 2023



Total registered in 2023:

- 144 trademarks, including 90 under national law and 54 under international law;
- 1 object of copyright;
- 5 industrial designs (all protected under national law).

After the registration of an intellectual property right in the customs register, the customs authorities take measures to facilitate the protection of intellectual property rights based on the data of such register.

The customs authorities apply measures to facilitate the protection of intellectual property rights to goods suspected of infringement of intellectual property rights in accordance with Article 397 of the Customs Code of Ukraine.

### Measures for assistance in IP rights enforcement

#### Article 399 of the Customs Code of Ukraine

Suspension of customs clearance of goods on the basis of data of the customs register of intellectual property items, protected in accordance with the law

#### Article 400 of the Customs Code of Ukraine

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

#### Article 401 of the Customs Code of Ukraine

Destruction of goods, customs clearance of which is suspended on suspicion of infringement of intellectual property rights

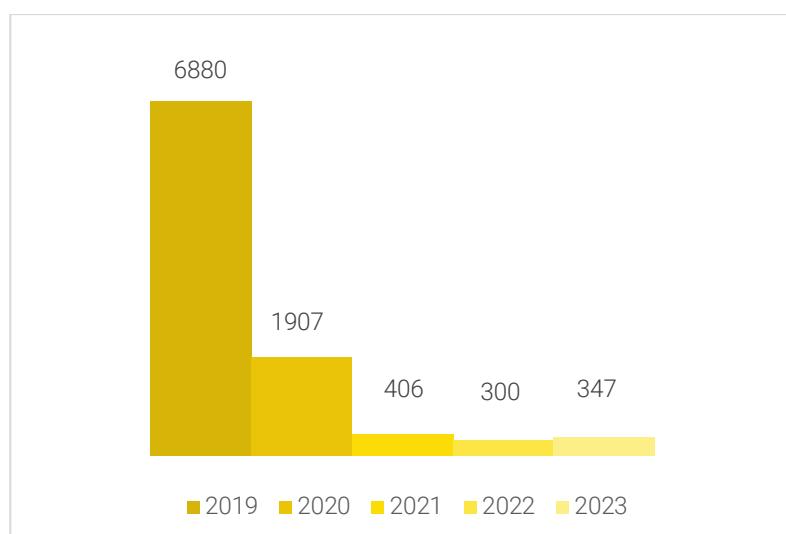
#### Article 401-1 of the Customs Code of Ukraine

Suspension of customs clearance and destruction of small consignments of goods which are moved (shipped) across the customs border of Ukraine in international postal and express items

#### Article 402 of the Customs Code of Ukraine

Change of marking on goods and their packing

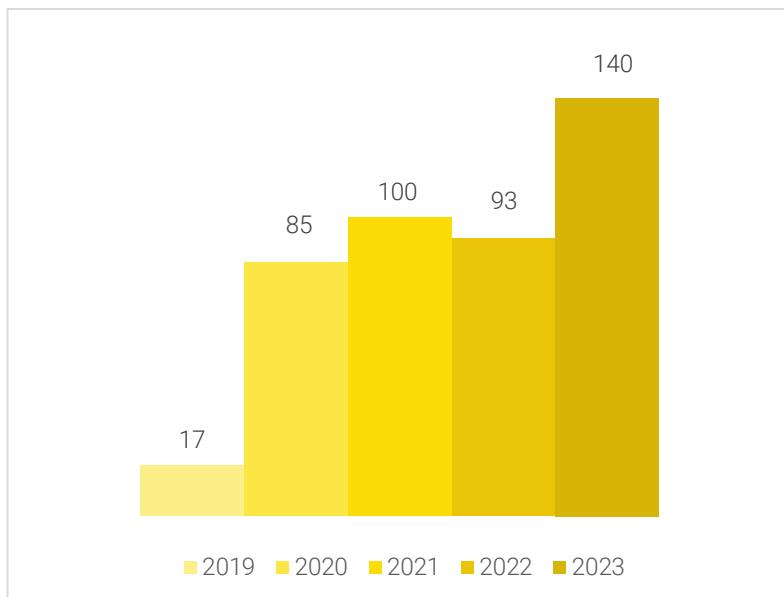
Fig. 30. Total number of applications for suspension of customs clearance of goods for IPR infringement under Articles 399 and 400 of the Customs Code of Ukraine



Year	Art. 399 of the Customs Code of Ukraine	Art. 400 of the Customs Code of Ukraine
2019	6862	18
2020	1884	23
2021	366	40
2022	288	12
2023	314	33

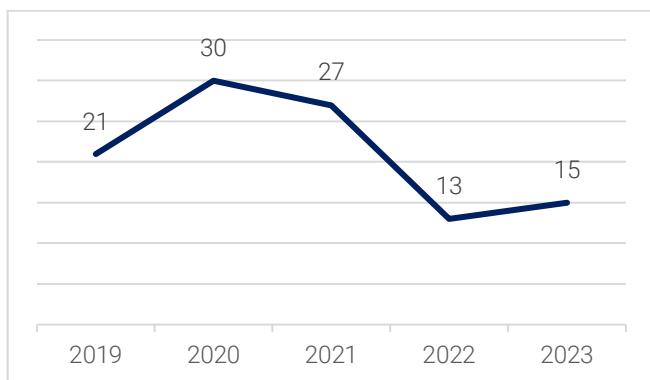
For the period of 2019-2023, most of the suspensions made by the Customs Service of Ukraine were based on the data of the customs register of intellectual property rights in accordance with Article 399 of the Customs Code of Ukraine, which indicates the importance of registration of intellectual property rights in the customs register.

**Fig. 31. Number of cases involving destruction of goods under Articles 401 and 401<sup>1</sup> of the Customs Code of Ukraine**

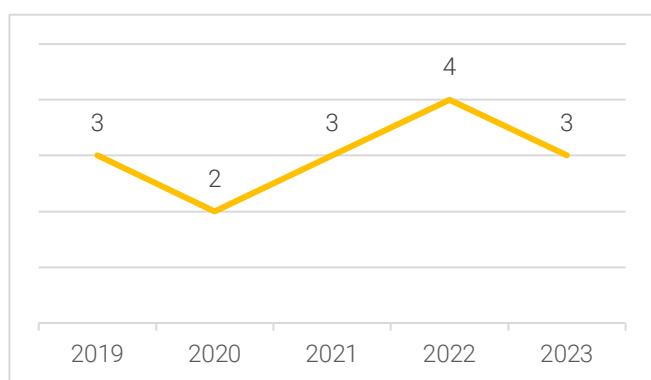


Specifically, Articles 401 and 401<sup>1</sup> of the Customs Code of Ukraine were amended in 2019, and the number of cases of their application increased in the following years. Over the past two years, the number of cases of application of Article 401-1 of the CCU, which was added to the current version of the Code in 2019, has also increased.

**Fig. 32. Number of protocols on violation of customs rules under Article 476 of the Customs Code of Ukraine**



**Fig. 33. Number of cases involving change of marking under Article 402 of the Customs Code of Ukraine**



The number of protocols on violations of customs rules decreased in 2022-2023, while the number of cases of marking changes remained relatively unchanged and minimal.

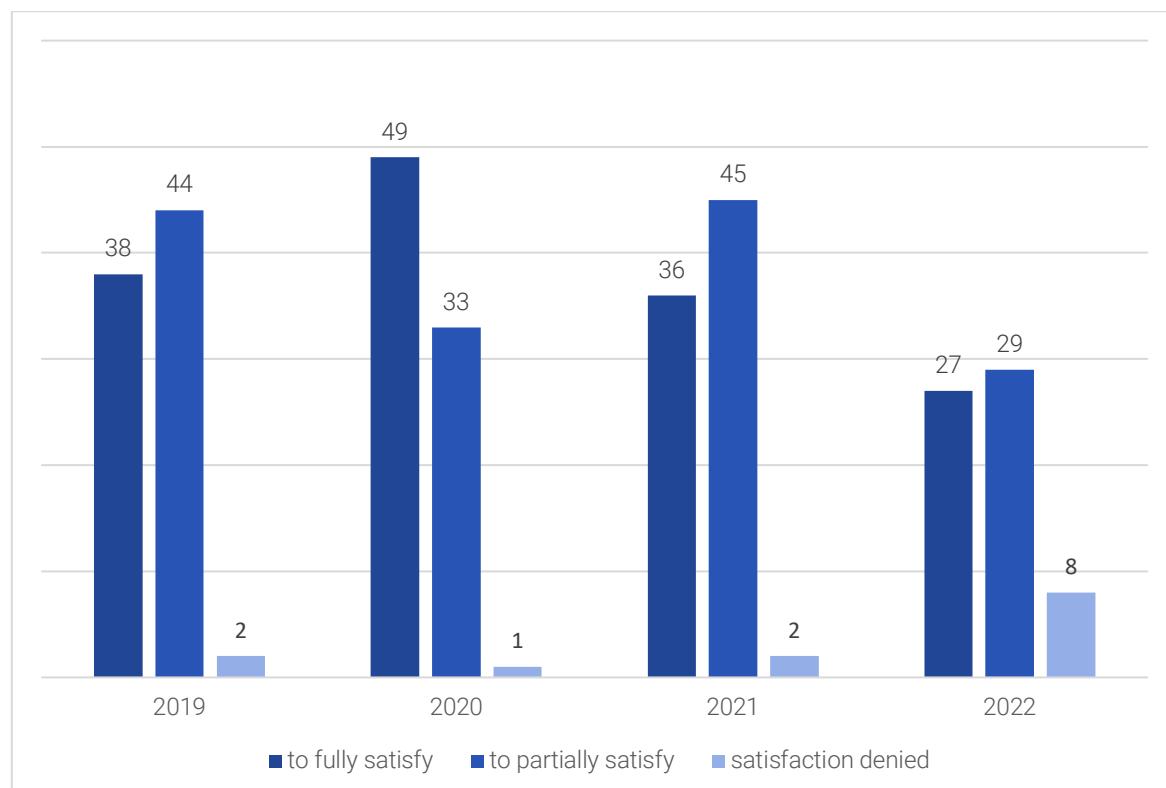
## Appeals Chamber of NIPA

In accordance with the Law of Ukraine "On Amendments to Certain Laws of Ukraine on the Establishment of the National Intellectual Property Authority" No. 703-IX dated June 16, 2020 and the Order of the Cabinet of Ministers of Ukraine No. 943-r dated 28.10.2022 "Some Issues of the National Intellectual Property Authority" since November 2022, the activities of the Appeals Chamber of NIPA have been temporarily suspended until the completion of organizational and legal measures specified in the above regulations, which requires the formation of a new composition of the Appeals Chamber of NIPA and their approval by the relevant orders. In this regard, the Appeals Chamber of NIPA did not consider any cases in 2023.

Table 47. Number of the Appeals Chamber decisions on oppositions for 2019-2022

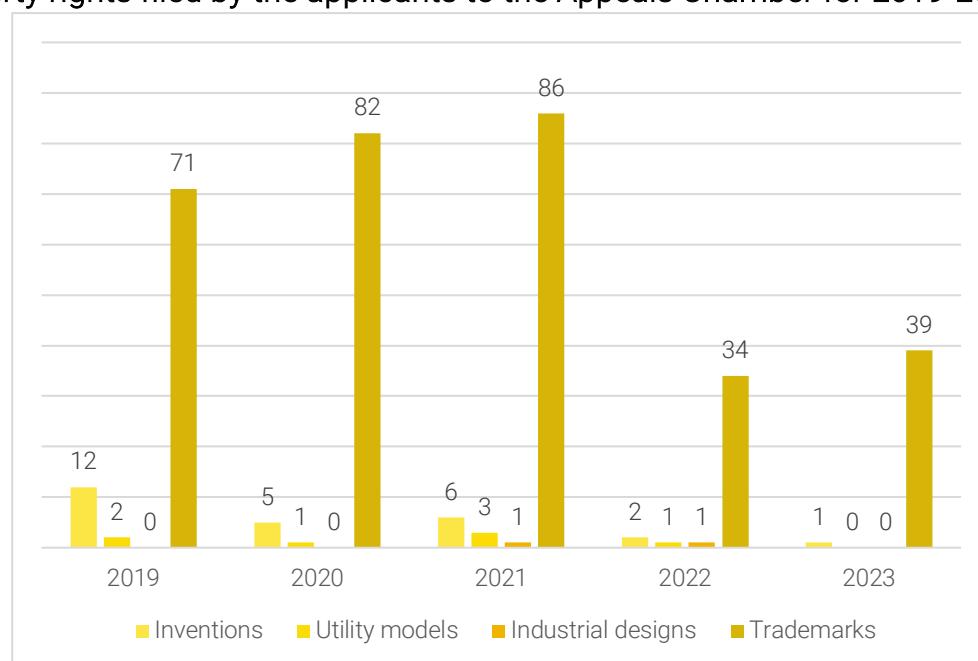
Indicator	2019	2020	2021	2022
Decisions made, including	84	83	83	64
to fully satisfy	38	49	36	27
to partially satisfy	2	1	2	8
satisfaction denied	44	33	45	29

Fig. 35. Dynamics of The Appeals Chamber decisions on oppositions for 2019-2022

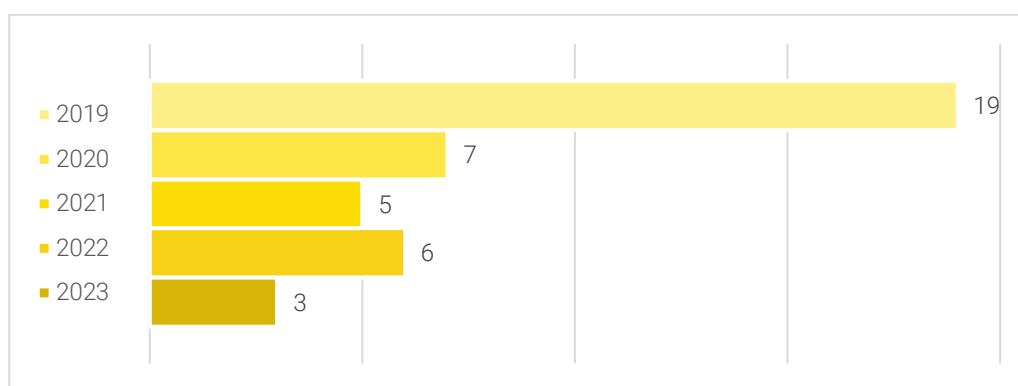


**Table 48. Oppositions against the decisions on applications for industrial property rights filed by the applicants to the Appeals Chamber for 2019-2023**

Industrial property rights	2019	2020	2021	2022	2023
Inventions	12	5	6	2	1
Utility models	2	1	3	1	—
Industrial designs	—	—	1	1	—
Trademarks	71	82	86	34	39
Total	85	88	96	38	40

**Fig. 36. Dynamics of oppositions against the decisions on applications for industrial property rights filed by the applicants to the Appeals Chamber for 2019-2023**

According to the data, the most of the oppositions are related to trademarks, while the scope of oppositions to other industrial property rights is considerably lower.

**Fig. 37. Requests on declaration of trademarks to be well-known in Ukraine for 2019-2023**

Based on the statistics, the largest number of applications for recognition of trademarks as well-known in Ukraine were received in 2019, and the opposite was seen in 2023.

# Antimonopoly Committee of Ukraine

The provisions of Article 4 of the Law of Ukraine “On Protection Against Unfair Competition” provide protection against the unlawful use of designations (in particular, trademarks, etc.) not on the basis of a protective document (for example, a trademark certificate), but taking into account, in particular, the priority of use in business activities of any designation or set of designations that ensure the individualization of the activities of the relevant business entity among others.

In 2019-2023, the Antimonopoly Committee of Ukraine (hereinafter referred to as the AMCU) adopted 18 decisions related to the unlawful use of designations and packaging designs, including:

- [AMCU Decision No. 527-R dated July 25, 2019](#)  
(LLC Sanofi-Aventis Ukraine v. LLC Sanofi-Pharm regarding violation of legislation on protection against unfair competition in the actions of the defendant in the form of unlawful use of a designation in the commercial (brand) name);
- [AMCU Decision No. 646-R dated September 26, 2019](#)  
(LLC R&A BAILEY & CO v. LLC Kotnar-M for unfair competition in the actions of LLC Kotnar-M during the production and sale of “O'DAILY” liqueurs);
- [AMCU Decision No. 451-R dated July 17, 2020](#)  
(LLC Mareven Food Ukraine v. LLC Kuhovar regarding unfair competition in the actions of LLC Kukhovar during the production and sale of instant noodles under the name “Rootick”);
- [AMCU Decision No. 511-R dated August 20, 2020](#)  
(Agricultural LLC KONTE SPA, represented by LLC Konte Ukraine, v. LLC ANITA KO and LLC Duna-West for violation of legislation on protection against unfair competition in the form of unlawful use of designations and dissemination of misleading information);
- [AMCU Decision No. 582-R dated September 10, 2020](#)  
(Association All-Ukrainian Association of Agricultural Enterprises v. Association All-Ukrainian Association of Agricultural Entrepreneurs regarding the existence of signs of violation of the law on protection against unfair competition, as provided for in Article 4 of the Law of Ukraine “On Protection Against Unfair Competition,” in the form of unlawful use of designations);
- [AMCU Decision No. 720-R dated November 12, 2020](#)  
(LLC PGT-Ukraine v. Industrial - Trading Company Nak Limited regarding the existence of signs of violation of the law on protection against unfair competition, as provided for in Article 4 of the Law of Ukraine “On Protection Against Unfair Competition”, in the form of using a similar designation “HYDRAFLEX”);
- [AMCU Decision No. 723-R dated November 19, 2020](#)  
(LLC STRONGDRINK v. LLC ABK DNIPRO regarding the existence of signs of violation of the law on protection against unfair competition, as provided for in Article 4 of the Law of Ukraine “On Protection Against Unfair Competition,” in the form of unauthorized use of packaging for Petrykivska alcoholic beverages);
- [AMCU Decision No. 793-R dated December 17, 2020](#)  
(PRJSC PHARMACEUTICAL FIRM “DARNYTSIA” v. LLC PHARMACEUTICAL COMPANY “ZDOROVYE” regarding the existence of signs of violation of legislation on protection against unfair competition, as provided for in Article 4 of the Law of Ukraine “On Protection Against Unfair Competition,” in the form of unlawful packaging design);
- [AMCU Decision No. 650-R dated December 2, 2021](#)

(PJSC Kyiv Cardboard and Paper Mill v. LLC Paper-Prod regarding the existence of signs of a violation under Article 4 of the Law of Ukraine “On Protection Against Unfair Competition” in the form of unlawful use of product packaging design during the production and sale of toilet paper products);

- [AMCU Decision No. 716-R dated December 23, 2021](#)

(LLC with foreign investments HENKEL BAUTECHNIK (UKRAINE) v. Private Enterprise DYVOTSIT regarding the existence of signs of a violation under Article 4 of the Law of Ukraine “On Protection from Unfair Competition” in the form of unlawful use of adhesive packaging design);

- [AMCU Decision No. 132-R dated July 7, 2022](#)

(LLC Gas Supply Company Naftogas of Ukraine v. LLC Energogarantiya regarding the existence of signs of a violation under Article 4 of the Law of Ukraine “On Protection Against Unfair Competition” in the form of unauthorized use of the designation “Naftogas” in economic activities);

- [AMCU Decision No. 281-R dated December 1, 2022](#)

(LLC Pilot v. LLC Pilot-Ukraine regarding the existence of signs of a violation under Article 4 of the Law of Ukraine “On Protection Against Unfair Competition” in the form of unauthorized use of a designation in a commercial name);

- [AMCU Decision No. 314-R dated November 21, 2023](#)

(JSC FARMAK v. LLC DKP PHARMACEUTICAL FACTORY regarding the existence of signs of a violation under Article 4 of the Law of Ukraine “On Protection Against Unfair Competition” in the form of unauthorized use of medicine packaging design);

- [AMCU Decision No. 315-R dated November 21, 2023](#)

(LLC Kirovogradpostach v. LLC Khimrezerv-Lviv regarding the existence of signs of a violation under Article 4 of the Law of Ukraine “On Protection Against Unfair Competition” in the form of unlawful use in economic activity of the packaging design for solvent products);

- [AMCU Decision No. 343-R dated December 7, 2023](#)

(LLC Bayer v. LLC Kirovogradpostach regarding the existence of signs of a violation under Article 4 of the Law of Ukraine “On Protection Against Unfair Competition” in the form of unlawful use of a similar design for the packaging of the medicinal product “Panthenol Plus”);

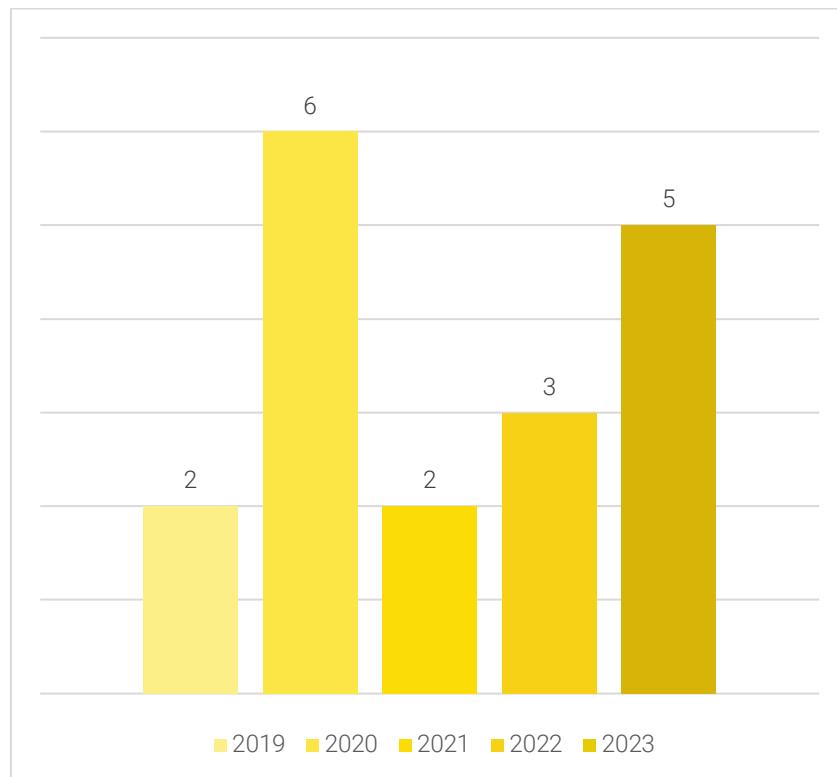
- [AMCU Decision No. 349-R dated December 14, 2023](#)

(LLC KPD v. LLC SANVITA GROUP regarding the existence of signs of violation under Article 4 of the Law of Ukraine “On Protection Against Unfair Competition” in the form of unlawful use of packaging design for wet wipes under the name “Summer fresh”);

- [AMCU Decision No. 403-R dated December 28, 2023](#)

(Participants Consorzio di tutela della Denominazione di Origine Controllata Prosecco TAIRIVO WINERY LLC regarding the existence of signs of violation, provided for in Article 4 of the Law of Ukraine “On Protection from Unfair Competition,” in the form of unlawful use of the PROSECCO designation in economic activity).

Fig. 38. AMCU decisions in the sphere of intellectual property for 2019-2023



As can be seen from the statistics, the largest number of cases considered by the Antimonopoly Committee was in 2020 and 2023. In general, the number of cases per year during 2019-2023 ranges from 2 to 6.

## Conclusions

Statistical data indicate that the activities of state authorities responsible for enforcing intellectual property rights closely reflect events in Ukraine that affected these figures. In 2020, this coincided with the introduction of quarantine measures due to the COVID-19 pandemic, while 2022 marked the beginning of the full-scale invasion of Ukraine by the Russian Federation. As a result, statistical indicators declined significantly during the years that destabilized the country's situation. Although the indicators have not fully returned to pre-2022 levels, 2023 demonstrates a notable recovery.

The judicial system faces the highest workload in the field of intellectual property. Commercial courts play a dominant role in handling cases related to copyright and trademarks. Criminal cases are much less frequent, partly due to the involvement of other bodies, such as the National Police of Ukraine and the Economic Security Bureau of Ukraine, which carry out preliminary criminal investigations concerning intellectual property.

The effectiveness of state authorities depends on the scope of their powers as provided by law, the incorporation of new provisions into existing regulations governing their activities, and the time at which the relevant authority was established or became operational. In particular, the broader an authority's powers, the more cases it is empowered to handle. This is reflected in the increase in cases handled by bodies with wider powers, highlighting the importance of an adequate legislative framework and sufficient resources for their effective functioning. A positive example of this trend can be seen in the activities of the State Customs Service of Ukraine, through the introduction of new provisions into existing legislation and the maintenance of a customs register.

Statistics indicate the need to enhance existing instruments, improve the regulatory framework, and broaden the mandate of selected government bodies. It is also necessary to introduce additional protection mechanisms to alleviate the workload of public authorities, especially within the judicial system.

## References

- [Judicial statistics](#)
- [Statistics on registered criminal offences and the results of their pre-trial investigation](#)
- [Statistics and reports of the State Customs Service of Ukraine](#)
- [Decisions of the Appeals Chamber of the NIPA](#)
- [Decisions and recommendations of the Antimonopoly Committee of Ukraine](#)