

## Suggestions on Intellectual Property (IP) Dialogue with Ukraine

The International Trademark Association (INTA) is a global association of brand owners and professionals dedicated to supporting trademarks and complementary IP to foster consumer trust, economic growth, and innovation, and committed to building a better society through brands. Members include nearly 6,700 organizations, representing more than 37,000 individuals from 185 countries, who benefit from the Association’s global trademark resources, policy development, education and training, and international network. Founded in 1878, INTA is headquartered in New York City, with offices in Beijing, Brussels, Dubai, Santiago, Singapore, the Washington, D.C. Metro Area, and representatives in Nairobi and New Delhi.

In line with our [new Strategic Plan](#) (2026-2029), INTA is pleased to provide the following suggestions to the Directorate-General for Trade of the European Commission, in the hope that issues related to these aspects can be addressed jointly by the European Union and Ukraine.

We wish to acknowledge the exceptionally difficult circumstances under which the Ukrainian National Office for IP and Innovation (UANIPPIO) and the enforcement authorities continue to operate as a result of the ongoing war. Despite severe constraints on resources, staffing, and infrastructure, Ukraine has made remarkable progress in the IP field. Our members recognize that many positive changes and improvements have been introduced and implemented recently, demonstrating a strong commitment to fulfilling Ukraine’s obligations under the Association Agreement and to aligning its IP system with that of the European Union. While some of the issues listed below may reflect the impact of these extraordinary circumstances, we commend the continued efforts of UANIPPIO and the enforcement bodies to ensure the effective functioning of the IP system in such challenging conditions.

#	<i>A factual description of the measure or obstacle</i>	<i>Reference to the relevant domestic measure that allegedly constitutes an obstacle and whether the measure is in force or pending approval</i>	<i>The economic impact on the industry</i>	<i>Any action already undertaken, if applicable, and the current state of play</i>
1	Suspension of IP-related deadlines during martial law created uncertainty for rights holders and applicants. The suspension has now ended, requiring urgent review of portfolios. The measure was consistent with the Association Agreement’s	Law No. 2174-IX (April 1, 2022) suspended deadlines. Law No. 4362-IX (April 16, 2025) repealed the suspension and reinstated deadlines effective May 31, 2025 (currently in force). A	Risk of rights lapsing; financial and administrative pressure on rights holders to regularize registrations within a short timeframe; particular challenges for SMEs.	Suspension repealed; IP Office has advised immediate review and settlement of pending actions; outreach and advisory activities are ongoing.

	exceptional circumstances clause, but legal stability remains essential.	75-day grace period until August 14, 2025.		
2	Amendments to the Customs Code introduced tighter control and liability for false declarations, harmonizing with EU standards and aiming to reduce counterfeiting.	Law No. 3926-IX, amending Customs Code Article 485, effective October 31, 2024 (in force).	Benefits rights holders, reduces counterfeit risks, improves consumer safety, but at the same time increases compliance costs for importers.	Law implemented; enforcement underway; Supreme Court clarified liability applies to intentional acts only; cooperation with rights holders expanded.
3	New law regulates IP rights for works created in connection with military service. Ownership often shifts to the state, raising concerns about commercial use by inventors and businesses cooperating in defense R&D.	Law No. 4585-IX “On Intellectual Property Rights for Objects Created in Connection with Military Service”, adopted August 21, 2025 (in force).	May discourage private sector and foreign partners from engaging in co-development with Ukrainian defense institutions due to risk of state appropriation of resulting IP. Creates legal uncertainty for licensing, joint ventures, and technology transfer projects in the dual-use sector. Could slow commercialization of military-origin innovations in civilian markets (IT, cybersecurity, engineering), thus reducing innovation spillovers and potential investment.	The law was recently adopted and in force. No judicial practice or implementing regulations have yet clarified its scope, leaving stakeholders in a monitoring position. Industry feedback at this stage remains limited and fragmented.
4	In July 2025, Ukraine transferred the music copyrights of a sanctioned singer to the State Property Fund. The IP Office registered the rights on behalf of the state. This measure differs from common international practice, where sanctions typically restrict licensing but not full expropriation.	Published in the official electronic bulletin “Copyright and Related Rights” No. 92, August 29, 2025, and in the Special Information System (SIS) of the IP Office (in force).	If IP rights of sanctioned individuals can be fully nationalized, the rights of companies or individuals with contested status may be vulnerable. May weaken international investors’ confidence in the predictability of Ukraine’s IP protection system. Music and entertainment industry stakeholders may face uncertainty about licensing, collecting royalties, or managing repertoires where ownership can shift to the state.	Measure already implemented with a completed rights transfer to the state. No broader guidance has been issued, but the precedent has been noted in Ukrainian professional media and legal industry commentary as a significant departure in sanctions-related enforcement.
5	Amendments to copyright and trademark legislation introduced new dispute procedures, but enforcement remains inconsistent. Stakeholders report difficulties in obtaining timely judicial remedies, especially for online infringement.	Law of Ukraine “On Copyright and Related Rights” (amended 2025) and amendments to the Commercial Procedural Code (implementation ongoing).	Online infringement and piracy continue to undermine revenues of copyright owners and licensed distributors. Legal uncertainty discourages investment in Ukraine’s creative industries, notably in music, film, and software. Delayed remedies increase business risk for EU companies entering digital licensing or streaming markets.	Practitioners emphasize the ongoing mismatch between legislative reforms and actual enforcement practice. Stakeholders are awaiting implementing regulations and judicial adaptation. Industry associations have started consultations with the Ukrainian IP Office to align

				procedures with best practices.
6	During 2024–2025, compulsory licensing and accelerated approval of generics increased under martial law, citing public health and wartime needs. Patent holders argue that safeguards were insufficient.	Amendments to the Law “On Protection of Rights to Inventions and Utility Models” introduced emergency pathways and compulsory licensing powers (in force).	Undermines the attractiveness of Ukraine’s pharmaceutical sector for international R&D companies. Loss of exclusivity may reduce incentives for EU producers to invest in Ukraine or license their products. Could lead to parallel exports of generics with reputational and regulatory consequences in the EU.	Industry players have lodged complaints with EU chambers of commerce. Ukrainian authorities maintain martial law justifications. Discussions on possible alignment with EU standards are ongoing but no rollback has yet been introduced.
7	In 2024, enforcement sometimes involved government agencies blocking websites or goods without full judicial oversight. Stakeholders have raised concerns about procedural safeguards and consistency with the Association Agreement.	Martial law decrees on content blocking and customs measures applied outside standard IP legislation (in force).	Creates unpredictability in IP enforcement, leading to cautious approaches by international companies. E-commerce platforms and logistics providers face compliance burdens and uncertainty about liability. Could deter digital market investment as companies seek more predictable environments.	Business associations have requested clarification from the Ministry of Economy and the IP Office. Limited dialogue has started, but clear implementing guidelines are still missing. Some cases have been challenged before courts, yet outcomes vary.
8	The IP Court has not been launched as of late 2025. This delay can be seen as inconsistent with Ukraine’s obligations under the Association Agreement to strengthen IP enforcement mechanisms and align with EU standards.	The measure originates from the Presidential Decree of September 29, 2017, establishing the IP Court. The decree is in force, but implementation is stalled.	The failure to finalize the establishment of this court creates a situation where the court exists formally but is not functioning in practice. As a result, IP disputes continue to be heard by general courts (commercial, civil, administrative). Given the large number of cases before these courts, IP disputes often face significant delays. The absence of a specialized IP court undermines predictability and consistency in enforcement, creating uncertainty for both domestic and foreign right holders. This in turn increases litigation costs, prolongs proceedings, and reduces investor confidence, particularly in innovation-driven sectors.	Discussions on the structure, financing, and staffing of the IP Court are ongoing, and steps toward judicial selection have been initiated but remain incomplete. No binding timeline for the court’s operational launch has been set.
9	Trademark applications in Ukraine face excessively long examination timelines, with the formal examination stage alone taking up to 12 months. This situation may be inconsistent with Ukraine’s obligations under	The examination process is governed by the Law of Ukraine “On Protection of Rights to Marks for Goods and Services” and corresponding procedures applied by	Extended examination timelines cause unnecessary delays in securing trademark protection, create legal uncertainty, delay market entry strategies, and raise the risk of disputes. For industries highly dependent on brand	Following the restart of the IP Office and ongoing reform efforts, some modernization steps have been introduced. However, the formal examination stage remains

	<p>the Association Agreement to ensure efficient protection of IP rights.</p>	<p>the IP Office. While these provisions are in force, the actual implementation of examination timelines remains significantly delayed due to administrative inefficiencies.</p>	<p>recognition, such as consumer goods, retail, pharmaceuticals, and technology, the delays hinder investment, licensing, and enforcement planning. Foreign investors may view the Ukrainian IP system as unpredictable, further reducing the attractiveness of the market.</p>	<p>particularly slow, and no clear statutory deadlines have been effectively enforced.</p>
10	<p>Ukraine currently lacks an administrative procedure for trademark revocation and cancellation before the IP Office. At present, cancellation of a trademark registration is only possible through court proceedings. This system diverges from the EU Directive (EU) 2015/2436, which requires Member States to establish efficient administrative procedures for revocation and invalidity. The absence of such a mechanism in Ukraine undermines the efficiency of IP protection and is inconsistent with Ukraine's obligations under the Association Agreement.</p>	<p>Trademark revocation and invalidation procedures are governed by the Law of Ukraine "On Protection of Rights to Marks for Goods and Services". This law does not provide for administrative cancellation or revocation before the IP Office. The only available mechanism is judicial cancellation, which remains in force until a new Trademark Law (currently under discussion) is adopted.</p>	<p>The absence of administrative revocation increases the costs and duration of clearing the register of unused or improperly registered trademarks. This creates significant barriers for businesses seeking to protect their brands, launch new products, or resolve conflicts quickly. It discourages investment and makes trademark enforcement in Ukraine less predictable.</p>	<p>A new draft of Trademark Law is under preparation, with the intention of introducing administrative cancellation and revocation procedures in line with EU requirements. However, until it is adopted and enters into force, the court-only system continues to apply, leaving rightsholders without an efficient tool to challenge problematic registrations.</p>
11	<p>Ukraine's current legal framework provides only limited protection against bad-faith trademark filings. In practice, provisions mainly cover cases where an agent/representative of the legitimate trademark owner files an application without authorization (in line with Article 6<i>septies</i> of the Paris Convention). However, broader categories of bad faith conduct, such as opportunistic filings by unrelated third parties, trademark squatting, or applications intended to block market entry, are not clearly addressed. This falls short of international best practices and is inconsistent with the Association Agreement, which anticipates approximation with EU</p>	<p>Article 6<i>septies</i> of the Paris Convention. The current trademark law does not provide a broader scope of protection against bad-faith filings, even though practice has developed to rely on existing provisions concerning misleading marks and marks contrary to public order to address such cases, especially in the opposition matters.</p>	<p>Weak protection against bad-faith filings creates a fertile environment for trademark squatting, brand hijacking, and opportunistic litigation. Legitimate businesses, both domestic and foreign, face uncertainty, higher legal costs, and barriers to market entry. This disproportionately affects foreign rightsholders entering the Ukrainian market, as well as local companies attempting to expand internationally, undermining Ukraine's attractiveness as a secure jurisdiction for IP protection.</p>	<p>Discussions on reforming trademark law include possible expansion of bad-faith provisions to align with EU practice, but no binding legislative changes have yet been adopted. Currently, rightsholders must rely on court actions for invalidation, with no efficient administrative or broad substantive grounds to challenge bad-faith registrations.</p>

	standards that recognize bad faith more broadly.			
12	Ukraine continues to face challenges in ensuring effective customs enforcement of IP rights, particularly given its role as a transit country for counterfeit goods entering the EU market. While there have been developments further measures are needed to enhance effective detection and prevention capacities.	The framework for customs enforcement of IP rights is set out in the Customs Code of Ukraine and implementing regulations. These provisions are in force and provide a basic structure for rights protection at the border.	Weaknesses in customs enforcement contribute to the persistence of counterfeit goods in Ukrainian and EU markets. This undermines brand value, reduces legitimate sales, and poses risks to consumer safety. At the same time, it burdens rightsholders with additional monitoring and enforcement costs. More efficient border protection would strengthen Ukraine's attractiveness to investors and trading partners by reducing IP infringement risks.	Ukraine has undertaken steps to improve customs IP enforcement, including closer cooperation with rights holders and initial modernization efforts. Nevertheless, further progress is required in three main areas: (1) Implementing IT tools to detect counterfeits and automating interactions among IP owners, customs officers, and declarants during seizures; (2) Expanding professional development for customs officers to improve their ability to distinguish original goods from counterfeits; (3) Refining customs legislation and bylaws to strengthen procedures and provide a more robust framework for preventive measures.
13	In Ukraine, the calculation of damages in trademark and other IP infringement cases lacks clear legal guidelines. Courts have no transparent methodology to follow, leading to disputes over calculation methods and judicial reluctance to award significant damages. This appears inconsistent with the Association Agreement, which requires adequate and effective level of enforcement of IP rights.	The issue stems from gaps in the Civil Code of Ukraine and the Law "On Protection of Rights to Marks for Goods and Services." While these laws allow claims for damages, they provide no clear methodology for calculation.	This causes the situation where the parties might endlessly argue whether a particular calculation mechanism was correct for the case, and the courts, in the absence of clear legislation, are quite reluctant to award big sums of damages. As a result, rights holders are discouraged from pursuing compensation, deterrence is weakened, and confidence in judicial IP enforcement is undermined.	No legislative reform has yet addressed this gap. Courts decide on a case-by-case basis, producing inconsistent outcomes. Stakeholders have raised the issue, but there are no clear government initiatives to introduce transparent calculation rules.
14	The recognition of trademarks as well-known in Ukraine is inconsistent. Previously, courts routinely recognized marks as well-known, and the IP Office recorded this information in its database. However, the Grand Chamber of the	The Grand Chamber of the Supreme Court decision in <i>Darnytsia v. UANIPIO &amp; Lubnypharm</i> ("CITRAMON / CITRAMON U"), April 17, 2024, case No. № 910/13988/20. The case	The uncertainty causes parties to endlessly argue whether a recognition of well-known status is valid outside the specific case. Courts, guided by the Supreme Court's position, are reluctant to treat such recognition as having general effect. This reduces	No legislative or judicial resolution of the inconsistency has yet been adopted. Recognition via the Chamber of Appeal remains available, with entries published in the public list. Judicial

	<p>Supreme Court (April 17, 2024) held that recognition of a trademark as well-known is not an independent remedy, but a condition for protection (e.g., invalidation of a later registration); court recognition has inter partes effect; and, absent bad faith, cancellation must be brought within a general statute of limitations, but no later than five years from the date of registration. While substantively aligned with EU principles, this doctrine creates tension with Article 25 of the Law of Ukraine "On Protection of Rights to Marks for Goods and Services," which explicitly allows recognition trademark as well-known by either the Chamber of Appeal or a court, followed by inclusion in the public list. These judicial limitations may undermine the effectiveness and predictability of well-known mark protection, in contrast with the objective of Article 194 of the Association Agreement, which commits the Parties to effective protection of well-known marks.</p>	<p>has been remanded for reconsideration by lower courts.</p> <p>Article 25 of the Law of Ukraine "On Protection of Rights to Marks for Goods and Services"; procedural rules governing recognition of the trademarks as well-known by the Chamber of Appeal.</p>	<p>predictability for brand owners, weakens protection for famous marks, and may discourage foreign and domestic investment in branding in the Ukrainian market.</p>	<p>practice evolving: the case has been sent back to a lower court for further consideration on the merits. Discussions by legal community are ongoing.</p>
15	<p>Criminal cases concerning IP rights violations in Ukraine face major delays. Proceedings take an excessively long time due to difficulties in initiating cases, as well as frequent postponements and procedural delays in investigations and court hearings. This undermines the effectiveness of enforcement of IP rights and is inconsistent with the Association Agreement.</p>	<p>The obstacle arises from the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine, which regulate criminal liability and proceedings in IP matters. While in force, these frameworks are marked by procedural inefficiencies and a lack of effective mechanisms for timely resolution.</p>	<p>Lengthy investigations and trials cause uncertainty for rights holders and reduce confidence in criminal enforcement. This situation allows infringers to continue their activities during prolonged proceedings, undermines deterrence, and weakens overall IP protection in Ukraine.</p>	<p>There is no evidence of comprehensive reforms aimed at addressing these procedural delays in IP-related criminal cases. Stakeholders report continuing difficulties, with cases often lasting for years without reaching effective resolution.</p>

16	<p>There is significant uncertainty regarding the regime of exhaustion of trademark rights in Ukraine. Legislation does not clearly define whether national or international exhaustion applies. While the Association Agreement provides that parties are free to establish their own exhaustion regime, the lack of clarity in Ukraine generates confusion and unpredictability.</p>	<p>The issue arises from ambiguous provisions of the Law of Ukraine “On Protection of Rights to Marks for Goods and Services” and the Civil Code of Ukraine. Both laws are in force but do not specify the applicable exhaustion regime, leaving interpretation to judicial practice.</p>	<p>This causes the situation where parties might endlessly argue whether the national or international exhaustion regime applies. As a result, parallel importers and rights holders face legal uncertainty, enforcement outcomes are unpredictable, and business planning and investment decisions are negatively affected.</p>	<p>No legislative amendments have been introduced to clarify the regime of exhaustion. Courts continue to issue divergent rulings, leaving the matter unsettled. Although stakeholders raise the issue, there is no sign of imminent government action to harmonize the approach.</p>
17	<p>There are serious difficulties in resolving domain name disputes in Ukraine. When registrant information is hidden, it is almost impossible for rights holders to enforce their IP rights. Registrars frequently refuse to disclose contact details, citing confidentiality, and decline to block infringing domains without a court order, even in cases of blatant violations. This creates barriers to effective and timely enforcement.</p>	<p>The obstacle stems from the absence of clear legislation in Ukraine regulating disclosure obligations and registrar responsibilities in domain name disputes. Registrars rely on confidentiality clauses and require a court order before taking any action.</p>	<p>This causes the situation where rights holders must initiate lengthy and costly court proceedings to identify or stop infringers, even in obvious cases. As a result, infringing domains remain active for long periods, damaging brand owners and undermining confidence in online IP protection.</p>	<p>No specialized legislative or regulatory framework has been adopted to address this issue. Courts remain the only avenue for enforcement, which is slow and inconsistent. Stakeholders have raised the concern, but there are no visible steps toward reform.</p>
18	<p>Expanded personal-data fields in trademark applications (for individuals): The new application form for trademark registration requests the following additional information to be provided by the applicant: date of birth; ID document details; taxpayer number; and the Unique Number in the Unified State Demographic Register. This goes beyond typical EUIPO practice and may raise data-minimisation /privacy concerns (GDPR principle) and create friction for foreign natural-person applicants. While not per se inconsistent with the Association Agreement, the proportionality of data collection could be questioned against its objectives of effective and</p>	<p>Domestic measure in force: IP Office’s form “Application for state registration of a trademark” (updated in October 2024) with detailed Section 3.1 (natural person) fields; Rules adopted by Order No. 19889 (August 6, 2024) provide the trademark application forms.</p>	<p>Compliance and privacy burden (collecting and safeguarding sensitive identifiers); deterrent for individual entrepreneurs/ creators (including foreigners) who may be reluctant or unable to supply such identifiers; potential data-protection risk perception for international right holders.</p>	<p>Current practice: Forms are in use. Suggested actions: engage with IP Office to limit mandatory fields to those strictly necessary, clarify treatment of foreign IDs.</p>

	user-friendly IP administration.			
19	<p>Power of Attorney (PoA) formalities: There is an administrative practice requiring notarised PoA and/or notarised proof of signatory authorisation if the PoA is not signed by a senior corporate officer of the trademark applicant/owner, for both trademark filing and renewal. This appears stricter than the default rule (no notarisation generally required) and stricter than EU practice (EUIPO normally does not require a PoA from professional representatives). This added formality may run counter to the objective of effective, transparent and not unduly burdensome administration of IP procedures.</p>	<p>Ministry of Economy Order No. 19889 (August 6, 2024) introducing new Trademark Registration Rules. This requirement is not provided in the Trademark Rules directly; it reflects the Office's administrative practice.</p>	<p>Higher transaction costs and delays (notarial fees, apostille/legalisation logistics); barrier for foreign applicants; risk of missed deadlines if originals/notarised proofs are requested late in the process; divergence from EUIPO practice increases advisory overhead and reduces predictability.</p>	<p>Attempts were made to engage in dialogue with the IP Office. An Informational Notice (revised 3 December 2024) on the execution of powers of attorney was issued by the IP Office. According to the Notice, a power of attorney issued on behalf of a legal entity must be signed by the head (director) or another person authorized by law or the entity's constituent documents and, where available, certified with the entity's seal.</p>

INTA thanks the European Commission for its consideration of this submission and remains available to discuss these recommendations in further detail. INTA also looks forward to supporting the European Commission and the Directorate-General for Trade in this process.

We welcome the opportunity to provide further comments to support this important topic as it develops. Please contact the following: *Tat-Tienne Louembe*, Chief Representative Officer for Europe and Intergovernmental Organizations at [tlouembe@inta.org](mailto:tlouembe@inta.org).