

The 15 -th anniversary
of the state system
of the intellectual
property rights
protection

STATE DEPARTMENT
OF INTELLECTUAL PROPERTY**2006** *Annual Report*

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The year 2006 has come to the end. This year was full of remarkable and interesting events, rich in new directions of activity, achievements, complicated problems not only for Ukraine as a whole, but for the state system of legal protection of intellectual property in particular.

The permanent cooperation with the inventors - personalities, who think and create in non-standard manner, contributes to my firm persuasion that progress of the whole mankind depends on their activity, which, step by step raises the world in its development.

I understand, respect and appreciate such people.

Sometimes the ideas of inventors contradict the classical theories. They often challenge inertia that predominates in scientific world. All their efforts are aimed at changing the world for the better.

The book, you are holding in your arms, is the result of our work over the last year, with which we meet the 15th anniversary of the state system of intellectual property protection of Ukraine. It is not simply the ordinary date for us, but also a perennial experience, accumulated with every passing year.

Today we may claim that the legislation of Ukraine in the sphere of intellectual property complies with basic international standards. Further improvement of these legislative norms implementation remains very important.

The substantial progress of Ukraine in the sphere of intellectual property legal protection resulted in the U.S. Government decision to renew the advantages of Ukraine under the Generalized System of Preferences and change of Ukraine's status under the so-called Special 301 List.

The system of copyright and related rights collective management is being updated in Ukraine. Realizing the importance of this sphere urged us to work out amendments to the corresponding legislative acts.

We have provided correspondence of applications examination procedure in the sphere of industrial property with the European standards, both in terms and quality of processing; we have improved the mechanisms which enable broad access for users to patent information

through Internet; we have prepared to implementation the system of electronic filing of the applications for intellectual property rights. But it is not at all the exhaustive list of our activities.

The experts of the World Intellectual Property Organization verify compliance of the Ukrainian management structure in this sphere with the model introduced in most European countries.

Looking through the pages of the Report, you will make sure that owing such intellectual resources, Ukraine may aim high about its future.

Thus, I invite you to get acquainted with the achievements of Ukraine in the sphere of intellectual property in 2006.

*Chairman of the State Department
of Intellectual Property*

A handwritten signature in black ink, appearing to be 'Mykola Paladiy', written in a cursive style.

Mykola Paladiy

1 Legislative Maintenance of Acquisition, Exercise and Enforcement of Intellectual Property Rights in Ukraine

The procedure of acquisition, exercise and enforcement of intellectual property rights in the results of intellectual creative activity is legally regulated on the basis of legislation of Ukraine. The State Department of Intellectual Property (SDIP) is responsible for its development and implementation.

For the last years the legislation concerning the protection of intellectual property rights has changed substantially, filled with new content, that positively influenced the processes of acquisition, exercise and enforcement of intellectual property rights.

The work on improvement of the legislative basis in the sphere of intellectual property was continued in 2006. This work was conditioned by the Ukraine's endeavour to integrate to the European Union (EU) and access to the World Trade Organization (WTO) and also by the necessity to develop subordinate legislation for the implementation of adopted laws.

The characteristic feature of the most legislative acts drafted during the reporting period is introduction of standards aimed at strengthening of liability for the infringement of intellectual property rights.

As known, the Criminal Code of Ukraine introduces the measures to ensure the observance of the intellectual property rights. The criminal liability for offences in the sphere of intellectual property is provided for in such Articles of the Criminal Code as 176 (Infringement of Copyright and Related Rights), 177 (Infringement of Rights in Inventions, Utility Models, Industrial Designs, Topographies of Integrated Circuits, Plant Varieties, Innovation Proposals), 216 (Illegal Production, Counterfeiting, Use or Sale of Illegally Produced or Counterfeit Excise or Control Stamps), 229 (Illegal Use of a Trademark and Service Mark, Firm Name, Certified Indication of Source), 231 (Illegal Collection with the Purpose of Use or Use of Information Being a Trade or Bank



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

Secret) and 203-1 (Illegal Use of Discs for Laser-Reading Systems, Stampers, Equipment and Materials for Their Production).

The adoption of the Law of Ukraine On Income Tax of Natural Persons in 2003 resulted in such a situation that the rules of criminal legislation did not provide the required level of intellectual property rights enforcement as provided by the requirements of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). It could negatively influence the Ukrainian perspectives for accessing the WTO and integration to the EU.

Such situation resulted from the fact that according to the Articles 203-1, 176, 177 and 229 of the Criminal Code of Ukraine the concept of social benefits was used in the determination of damages instead of tax-free minimum of personal income, and the extent of damage caused by infringement of intellectual property rights exceeded on average 9 times the extent of fine for such offence.



Volodymyr Polokhalo, Chairman of the Subcommittee on Intellectual Property Rights under the Committee of the Verkhovna Rada of Ukraine on Education and Science, addresses to participants of seminar for central authorities

The Criminal Code of Ukraine was amended in 2006 in order to solve this problem. These amendments determined the extent of damage that shall entail a criminal liability. They created the reliable legal instrument of intellectual property rights enforcement that meets the requirements of the TRIPS Agreement according to which WTO member-states should provide in their legislations provisions concerning criminal liability for infringement of intellectual property rights, which would serve as a measure to prevent such violations. The State Department of Intellectual Property took part in drafting these amendments.

Today we have legislation that meets the international norms and standards in the sphere of intellectual property, especially the requirements of the TRIPS Agreement, which is one of the basic WTO agreements. But as a consequence of the multilateral negotiations concerning entering of Ukraine to WTO it was recognized as necessary to develop and approve certain draft laws, in particular to review the legislative control of the matters concerning protection of geographical indications of foreign states, provision of 5-year term of protection of undisclosed information at the registration of pharmaceutical products, to make some amendments to Customs Code of Ukraine with the purpose of bringing it to closer conformity with the requirements of the TRIPS Agreement as regards to the promotion of enforcement of intellectual property rights.

Taking into consideration the obligations undertaken by Ukraine in these issues, SDIP has developed the draft Law of Ukraine On Amendments to the Article 8 of the Law of Ukraine «On

the Protection of Rights in Indications of Source». The amendment concerns the second part of the Article 8 of the mentioned Law and provides for that legal protection shall be granted to the geographical indications of foreign states on condition that they are legally protected in the foreign state they originate from, without obligatory making a bilateral agreement with this state. Such a provision meets the WTO Committee Resolution of March 15, 2005 concerning geographical indications and also the Council Directive/510/2006/EC of March 20, 2006 concerning the protection of the geographical indications and indications of source for agricultural products and foodstuffs. The Law was adopted by the Verkhovna Rada of Ukraine on November 2, 2006.

Moreover, SDIP took part in drafting of two more Laws of Ukraine On Amendment to the Article 9 of the Law of Ukraine On Medical Products aimed at securing the provisions of the Article 39.3 of the TRIPS Agreement in the national legislation and On Amendments to Customs Code of Ukraine (concerning the promotion to the intellectual property rights enforcement at movement of goods across the customs border of Ukraine). Both draft laws were adopted by Verkhovna Rada on November 16, 2006.

According to the Law of Ukraine On Amendments to the Article 9 of the Law of Ukraine On Pharmaceutical Products, the registration information can not be used for filing the application for state registration of another pharmaceutical product during 5 years from the date of registration if the pharmaceutical product was registered in Ukraine, except the cases when the right to use such information was acquired in accordance with established procedure.

The Law of Ukraine On Amendments to Customs Code of Ukraine provide for the amendment of the Section X of the Customs Code of Ukraine «Control over the Transition through the Customs Border of Ukraine of Goods Containing Intellectual Property» and the Article 345 «Transition of Goods through the Customs Border of Ukraine with Violation of the Intellectual Property Rights». The amendments, in particular, concern the following: establishing the responsibility of right holder before the owner of goods, customs registration of which was suspended, but the fact of intellectual property rights violation was not proved (the corresponding norm is provided in the Article 56 of the TRIPS Agreement); giving the right to customs

authorities to suspend the release of goods upon their own initiative, when the application for enforcement of intellectual property rights was not filed but they have acquired prima facie evidence that an intellectual property right is being infringed (Ex Officio Action, provided for the Article 58 of the TRIPS Agreement).

Ukraine has declared the integration to the world community, first of all to EU as the strategic course of foreign-economic policy. Today the main task is the adaptation of Ukrainian legislation to the legislation of the European Union, which is implemented under the corresponding National Program. In 2006 SDIP has done the substantial work aimed at bringing the Ukrainian legislation to compliance with the norms of the legislation of the European Union. There were developed the draft Law of Ukraine On Amendments to Certain Legislative Acts on Copyright and Related Rights Issues and On Amendments to Certain Legislative Acts on Intellectual Property Issues.

The draft law of Ukraine On Amendments to Certain Legislative Acts on Intellectual Property Issues provides for bringing the norms of the Laws of Ukraine On the Protection of Rights in Inventions and Utility Models, On the Protection of Rights in Industrial Designs, On the Protection of Rights in Topographies of Integrated Circuits, On the Protection of Rights in Trademarks and Service Marks, On the Protection of Rights in Indications of Source, and certain norms of the Civil Code of Ukraine into compliance with the requirements of EU legislation. At the same time, the creators of the draft law codified the legislation concerning protection of rights in trademarks, geographical indications and commercial (firm) names. The draft law of Ukraine On the Protection of Rights in Trademarks, Geographical Indications and Commercial Names was included to the document. The necessity of such consolidation was resulted by the common features peculiar to these categories of IP, and by their interdependence during the exploitation. The international experience also proves the expediency of unification of the provisions governing the mentioned IP categories into a single law. Since these categories have certain common features the doubling of norms was excluded and perception of the Law in the process of its administration by the subjects of law and courts was improved in such a way.



From left to right: Dmytro Tabachnyk, Vice Prime Ministry of Ukraine; Stanislav Nikolaienko, Minister of Education and Science of Ukraine; Borys Paton, President of the National Academy of Sciences of Ukraine

The draft law provides for considerably larger openness of the SDIP acts concerning acquisition and enforcement of intellectual property rights, especially publication of the applications for all categories of intellectual property through the Internet and free access of interested persons to these publications.

Under the draft law electronic state registers of inventions will be arranged for the Internet access. The registers will be maintained in the current regime, not once in a month like today. It will enable the efficient state registration of data concerning the civil transactions on rights transfer, licensing etc. Moreover, the mechanism of filing the oppositions to the state registration of rights in all categories of intellectual property is being introduced. Without any doubt this mechanism widens the owners' ability to protect their legal rights and interests.

The procedure of examining applications for trademarks is being simplified because the examination of the relative grounds for refusal is carried out only upon oppositions of the third parties. It will essentially reduce the term of examination of the application and the amount of appeals of the SDIP's decisions.

The relations concerning the protection of biotechnological inventions are regulated according to the European Union law.

The possibility is provided for prolongation of a validity term of the rights in inventions (utility models) concerning processes for manufacturing products, commercial use of which requires the permission of the competent state authorities, in particular for pharmaceutical or agricultural chemical products.

In compliance with the EU law the requirements to the industrial design, which is a subject matter for acquisition of the intellectual property rights, are being strengthened. It has to be not only new, but original.

The draft Law of Ukraine On Amendments to Certain Legislative Acts on Copyright and Rela-



From left to right: Mykola Paladiy, Chairman of the State Department of Intellectual Property; Valentyna Semeniyuk, Chairman of the State Property Fund; Alla Krasovska, Director of the State Enterprise «Ukrainian Industrial Property Institute»

ted Rights Issues concerns the Civil Code of Ukraine, the Code of Ukraine on Administrative Infringements and the Laws of Ukraine On Copyright and Related Rights, On Citizens Unions, On Television and Broadcasting, On the Professional Creative Specialists and Creative Unions, On Distribution of Copies of Audiovisual Works, Phonograms, Videograms, Computer Programs, Databases. It includes the number of new aspects concerning normative regulation of relations in the field of copyright and related rights, such as:

- terminological system of the Law of Ukraine On Copyright and Related Rights was improved;
- provisions concerning the employee's works protection were brought to conformity with the regulations of the Civil Code of Ukraine. Taking into account the provisions of the EU Directives, the particular attention was drawn to creation and use of such employee's works as computer programs, databases;
- the system of the contractual relationship provided by the Civil Code of Ukraine was interpolated to the Law. This system is a prerequisite to establish the contractual relationship practice, especially between the proprietors of copyright and related rights and the persons, who use the copyright works and related rights protected matter, and organizations of collective management;
- the attention was also drawn to such widespread directions of copyrighted works use as the public communication and retransmission of works, «droit de suite» as well as reproduction of works in reprographic manner etc;
- the state registration of collective management organizations was provided and the requ-

irements to establishing and functioning thereof was determined, the state supervision of their activity was regulated, and also provided for the occasions of assignment of the authorized collective management organizations.

– moreover, the obligatory collective management was provided in certain situations of using the copyright works and related rights, namely they are the following: «droit de suite»; cable retransmission; reprographic reproduction of works; lease and loan; use of works, phonograms, videograms for private purpose (virgin media and equipment); commercial use of phonograms, videograms published for the commercial purpose;

– the authorities of the state inspectors on intellectual property issues were extended and specified for control over the observance the legislation in the field of copyright and related rights.

Adoption of the mentioned draft laws will provide bringing the legislation of Ukraine in the field of intellectual property to compliance with the EU requirements and co-ordination of national legislative acts between each other.

The SDIP specialists has developed the draft law of Ukraine On Amendments to Certain Legislative Acts of Ukraine (concerning distribution of copies of audiovisual works, phonograms, videograms, computer programs and databases) in order to improve the legal basis for distribution of copies of audiovisual works, phonograms, videograms, computer programs, databases and to protect the interests of copyright and related rights proprietors. The adoption of this draft law will enable the improvement of the mechanism of issuing and acquisition of the control stamps, provide the openness and transparency of this process, and also strengthening the administrative liability for illegal distribution of copies of audiovisual works, phonograms, videograms, computer programs, databases.

Owing to the legislative amendments, relations in the field of copyright and related rights will reach the qualitatively new stage, where the creators will have reliable protection, which in another turn will influence the further development of economic relations in Ukraine.

In the year under review the work on harmonization of the national legislation with the new international norms was continued.

Ukraine is one of 42 states of the world, which signed the Singapore Treaty in 2006. It will enable to establish uniform instruments for implementation of legislative provisions on trademarks. In comparison with the Trademark Law Treaty, the Singapore Treaty provides for effective and efficient formality procedures of acquisition of rights in trademarks, including communications in electronic form or by electronic means of transmittal, provisions on the recording of trademark licenses were introduced. Nowadays this Agreement is being prepared for ratification.

In 2006 SDIP continued the work in drafting the normative acts aimed at implementation of the norms of legislation in force. In particular such by-laws were developed:

1. The Cabinet of Ministers of Ukraine Decree of May 24, 2006 No. 711 On Amendments to the Regulation on State Inspector on Intellectual Property Issues. The adoption of the Decree enabled the following:

- to bring the wording of the Regulation to conformity with the requirements of the Law of Ukraine of January 17, 2002 No. 2953-III (with the amendments and modifications according to the Law of Ukraine On Peculiarities of the Government Control of Entrepreneurial Activity Related to Manufacture, Export, Import of Discs for Laser-Reading Systems of July 6, 2005 No. 2734-IV);

- to settle the issues on implementation of government control over the observance of the legislation in the field of intellectual property by market participants;

- moreover, it contributed to the abolition of trade sanctions introduced towards Ukraine by the USA government as a result of the insufficient enforcement of intellectual property rights.

2. The Order of the Ministry of Education and Science of Ukraine On Amendments to the Regulations on Drawing and Filing the Application for Industrial Design of January 11, 2006 No. 5, which amends the Regulations on Drawing and Filing the Application for Industrial Design approved by the Order of the Ministry of Education and Science of Ukraine of February 18, 2002 No. 110. The requirements to the set of article reproductions were amended, including their execution and presentation for complete idea about the appearance; the requirements on the presentation of drawings, schemes and maps were improved. The procedure of filing an application for industrial design has also been improved. The application

that does not include the color representation may be addressed by facsimile, provided that the application must be presented on an official form. The possibility of presentation together with the application of the electronic copy on a floppy disk or compact disc CD-ROM is provided. The document on fee payment for filing the application for industrial design on the paper is required only in extraordinary situations etc.

3. The Order of the Ministry of Education and Science of Ukraine On the Attestation of Intellectual Property Representatives (Patent Attorneys) of July 25, 2006 No. 556, registered in the Ministry of Justice of Ukraine on August 30, 2006 No. 1021/12895, aimed at improvement of attestation procedure of intellectual property representatives (patent attorneys). The order establishes the Attestation Procedure of the Intellectual Property Representatives (Patent Attorneys), which determines the following: the attestation stages of intellectual property representatives (patent attorneys); the procedure of admission to qualification examinations; general questions concerning qualification examinations; the staff of the examining board; the authorities of the examining board; interviewing the candidates to the patent attorneys; decision making on attestation or refusal to certification the candidates to the patent attorneys.



Meeting of the Ukrainian-American Intellectual Property Enforcement Cooperation Group. From right to left: Mykola Paladiy, Chairman of the State Department of Intellectual Property; Valentyn Chebotanov, Deputy Chairman of the State Department of Intellectual Property; Tamara Davydenko, Head of Copyright and Related Rights Division of the State Department of Intellectual Property

4. The Order of the Ministry of Education and Science of Ukraine On Amendments to Certain Statutory Acts of the Ministry of Education and Science of Ukraine of August 2, 2006 No. 585. The order was registered in the Ministry of Justice of Ukraine on August 28, 2006 No. 1016/12890, has come in force since September 8, 2006.



Mykola Paladiy, Chairman of the State Department of Intellectual Property, and Kateryna Samoilyk, Chairman of the Committee on Science and Education of the Verkhovna Rada of Ukraine

The amendments to the Regulation on State Registration of Declarative Patents of Ukraine for Utility Models, Regulation on State Register of Patents and Declarative Patents of Ukraine for Inventions, Regulation on State Register of Certificates of Ukraine for Trademarks and Service Marks, Regulation on State Register of Patents of Ukraine for Industrial Designs, Regulation on State Register of Ukraine of Topographies of Integrated Circuits, Regulation on State Register of Ukraine of Indications of Source and Rights for Exploitation of the Registered Certified Indications of Source.

These amendments has improved the procedure and established the terms of consideration of requests on amendments of data entered to the said registers, declarations for full or partial abandonment of titles of protection, requests for furnishing abstracts from registers

etc.; moreover, there has been changed the form of titles of protection for inventions, utility models, industrial designs, trademarks and service marks, topographies of integrated circuits as well as form of certificate on registration of right for exploitation of the certified indication of source.

There was developed the draft of Decree of the Cabinet of Ministries of Ukraine on the amendments to the Decrees of the Cabinet of Ministers of Ukraine of January 18, 2003 No. 71 On Determination of the Remuneration Rate (Royalty) for the Commercial Use of Published Phonograms and Videograms and Procedure of Payment Thereof and No. 72 On Determination of Minimal Rate of Remuneration (Royalty) for Use of the Works of Copyright and Related Rights with the purpose of improvement the mechanism of collection and distribution of remunerations to the proprietors of copyright and/or related rights by persons who use works of the copyright and/or related rights in their economical activity.

The adoption of the proposed Decree draft will enable bringing the mentioned decrees to compliance with the adopted amendments to the Law of Ukraine On Telecommunications and On Television and Broadcasting that will provide the interconsistency of the provisions of the mentioned legislative acts, legal use of copyright and related rights, will create the efficient protection of interests of proprietors of copyright and related rights in case of using their rights while conducting business activity.

2 Registration of Intellectual Property Rights

2.1. Examination and Registration of Industrial Property Rights

In 2006 there was continued growth in total filings and grants for all categories of industrial property rights.

The total number of applications for industrial property rights protection filed with SDIP amounted to over 46 thousand, that is 18% more than in the previous year (table 2.1). A total of over 14 thousand applications for inventions and utility models, over 2.2 thousand applications for industrial designs and nearly 30 thousand applications for trademarks and service marks (including over 20 thousand those under the national procedure) were filed.



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

Table 2.1. Filing applications for industrial property rights protection

Industrial property categories	Number of applications filed				
	2002	2003	2004	2005	2006
Inventions:					
with 20-year term of validity	3136	3057	5778	5592	5930
with 6-year term of validity	7053	8548	—	—	—
Utility models	622	839	5232	7286	8171
Industrial designs	1806	2310	1862	2010	2236
Trademarks and service marks	16587	20151	20263	24399	29996
<i>under the national procedure</i>	11322	13772	13960	16366	20813
<i>under the Madrid Agreement</i>	5265	6379	6303	8033	9183
Topographies of integrated circuits	1	—	1	—	—

Inventions

In 2006 a total of 5,930 applications for inventions were filed (table 2.2, fig. 2.1). The activity of domestic applicants in the year under review remained at the same level as in the previous year. The activity of foreign applicants continued to grow. The number of applications filed by foreign applicants increased by 19%, at

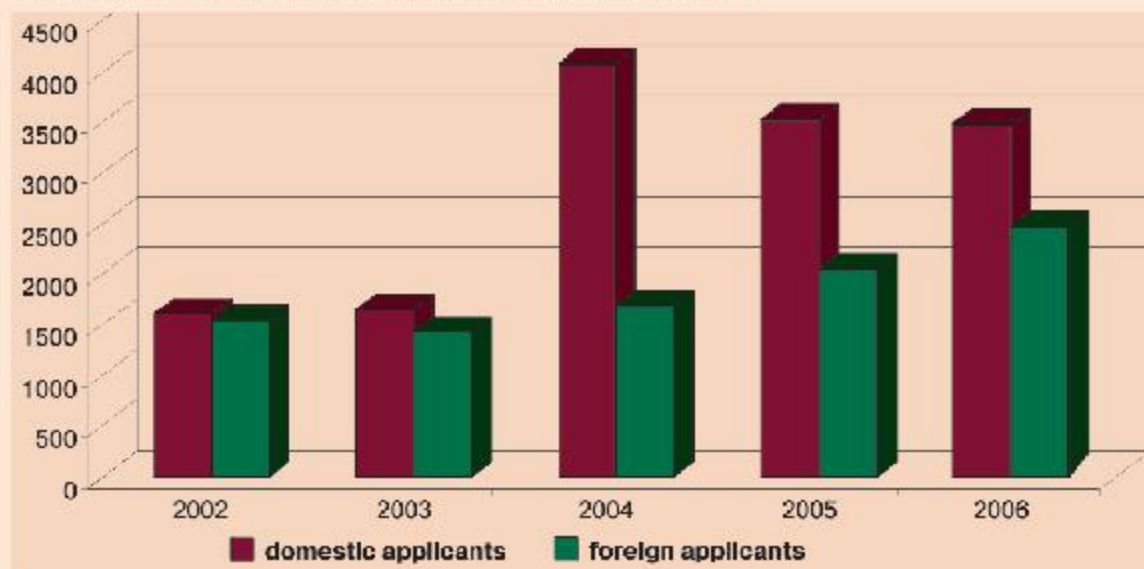
the same time the number of PCT applications increased by 22%. The share of applications filed by foreign applicants in 2006 amounted to 41% of total filings (as against 37% in 2005 and 29% in 2004).

The number of applications filed with SDIP as receiving office by domestic applicants for patenting inventions under the PCT procedure in foreign states amounted to 75 in 2006.

Table 2.2. Applications for inventions

Subject matter	Number of applications filed				
	2002	2003	2004	2005	2006
Applications for inventions	3136	3057	5778	5592	5930
<i>under the national procedure</i>	1753	1774	4356	3842	3788
<i>by domestic applicants</i>	1598	1630	4086	3535	3472
<i>by foreign applicants</i>	154	144	270	307	316
<i>under the PCT procedure</i>	1383	1283	1422	1750	2142
<i>including domestic applicants</i>	7	6	4	3	2
Applications for patents for inventions with 6-year term of validity	7053	9548	—	—	—

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



The largest number of foreign filings in 2006 came from the USA (613 applications), Germany (534), France (166), Switzerland (126), the Russian Federation (92), Belgium (91),

Sweden (88), the Netherlands (83), the United Kingdom (70) and Denmark (68 applications).

The distribution of foreign filings by countries of origin is shown in fig 2.2.

Fig. 2.2. Distribution of applications for inventions by foreign applicants by countries of origin

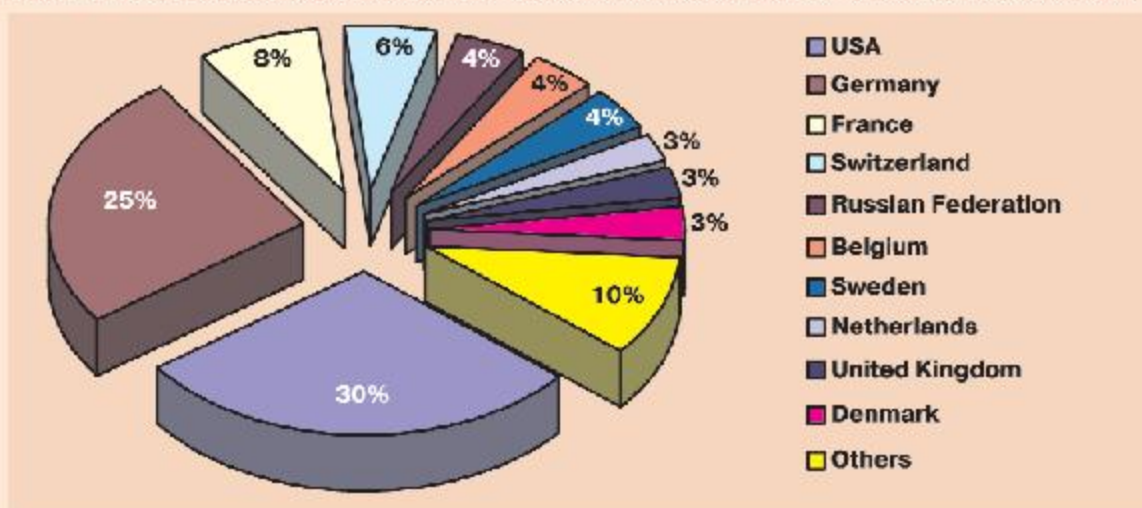


Table 2.3. Priorities of distribution of applications for inventions according to the IPC

IPC class	Class headings	Number of applications	Domestic applicants	Foreign applicants
A61	Medical or veterinary science; hygiene	732 (12,3%)	289 (8,3%)	443 (18,0%)
C07	Organic chemistry	630 (10,6%)	51 (1,5%)	579 (23,6%)
A01	Agriculture; forestry; animal husbandry	371 (6,3%)	205 (5,9%)	166 (6,8%)
G01	Measuring; testing	273 (4,6%)	222 (6,4%)	51 (2,1%)
H04	Electric communication technique	132 (2,2%)	26 (0,7%)	106 (4,3%)
E21	Earth or rock drilling; Mining	123 (2,1%)	99 (2,9%)	24 (1,0%)
A23	Foods or foodstuffs; their treatment...	123 (2,1%)	73 (2,1%)	50 (2,0%)
B01	Physical or chemical processes or apparatus in general	119 (2,0%)	62 (1,8%)	57 (2,3%)
H01	Basic electric elements	119 (2,0%)	102 (2,9%)	17 (0,7%)
C12	Biochemistry; beer; spirits; wine; vinegar; microbiology...	113 (1,9%)	58 (1,7%)	55 (2,2%)
F16	Engineering elements or units ...	105 (1,8%)	81 (2,3%)	24 (1,0%)

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

The total number of decisions taken on applications for inventions in 2006 amounted to 3,872, including 3,815 decisions to grant a patent for inventions and 57 — to refuse to grant a patent.

The total number of disposals in 2006 amounted to 10,611.

In the reporting period 3,698 patents for inventions were granted. Moreover, 7 patents with 6-year term of validity were granted (the applications for these patents were filed before January 1, 2004). Patents granted to foreign applicants amounted to 1,203 (table 2.4, fig. 2.3).

Table 2.4. Patents for inventions granted

Subject matter	2002	2003	2004	2005	2006
Grants of patents for inventions	3038	3113	2838	3433	3698
to domestic applicants	1716	1837	1669	2171	2495
to foreign applicants	1322	1276	1169	1262	1203
patents with 6-year term of validity	6140	7870	7069	286	7

Fig. 2.3. Trends in granting patents for inventions



Table 2.5. Priorities of distribution of patents for inventions according to the IPC

IPC class	Class headings	Number of patents	To domestic applicants	To foreign applicants
A61	Medical or veterinary science; hygiene	604 (16,3%)	283 (11,3%)	321 (26,7%)
G01	Measuring; testing	288 (7,8%)	259 (10,3%)	29 (2,3%)
C07	Organic chemistry	229 (6,2%)	43 (1,7%)	186 (15,5%)
A01	Agriculture; forestry; animal husbandry...	225 (6,1%)	147 (5,9%)	78 (6,5%)
B01	Physical or chemical processes or apparatus in general	125 (3,4%)	78 (3,1%)	47 (3,9%)
C12	Biochemistry; beer; spirits; wine; vinegar; microbiology...	100 (2,7%)	61 (2,4%)	39 (3,2%)

Table 2.6. Number of patents in force

Number of patents in force as of 01.01.2006 <i>including those with 6-year term of validity</i>	37366 21055
Patents granted in 2006	3705
Number of patents expired in 2006	8603
Number of patents in force as of 01.01.2007 <i>including those with 6-year term of validity</i>	32438 14204

The most patents were granted to applicants from the USA — 269 (22.0%), Germany — 254 (21.0%), France — 99 (8.2%), Switzerland — 74 (6.2%), the Russian Federation — 68 (5.7%), the Netherlands — 46 (3.8%) and Sweden — 45 patents (3.7%).

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

As of January 1, 2007, a total of 82,125 patents for inventions has been entered to the State Register, among them 14,204 patents with 6-year of validity and 18,234 patents for inventions being in force (table 2.6).

Utility Models

In 2006 the number of applications for utility models increased by 12%. A total of 8,171 applications, including 8,027 (98%) applications from domestic applicants, were filed (table 2.7, fig. 2.4).

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

applications from the Russian Federation is more than 60%). The distribution of applications for utility models from foreign applicants is shown in the fig. 2.5.

The most applications for utility models were filed in classes: A61 (Medical or veterinary science; hygiene) — 1,579 applications, 461 of which belong to subclass A61K (Preparations for medical, dental or hygienic purposes); G01 (Measuring; testing) — 529 applications, A01 (Agriculture; forestry) — 385, A23 (Foods or foodstuffs, their treatment) — 268, F16 (Engineering elements or units) — 225, E21 (Earth or rock drilling; mining) — 221, B65 (Conveying, packing, storing, handling thin or filamentary material) — 177 applications.

In 2006, 8,735 decisions concerning utility models were taken, including 8,693 those on granting of a patent and 41 — on refusal to grant a patent. In 2006, 8,941 applications for utility models were processed.

In the year under review 8,268 patents for utility models were granted including 8,127 — to

Table 2.7. Applications for utility models filed and patents granted

Subject matter	2002	2003	2004	2005	2006
Applications filed:	622	839	5232	7286	8171
<i>by domestic applicants</i>	564	775	5141	7156	8027
<i>by foreign applicants</i>	38	64	91	130	144
Patents granted	440	672	1858	7467	8268
<i>to domestic applicants</i>	415	610	1811	7341	8127
<i>to foreign applicants</i>	25	62	42	126	141

Fig. 2.4. Trends in filing applications for utility models

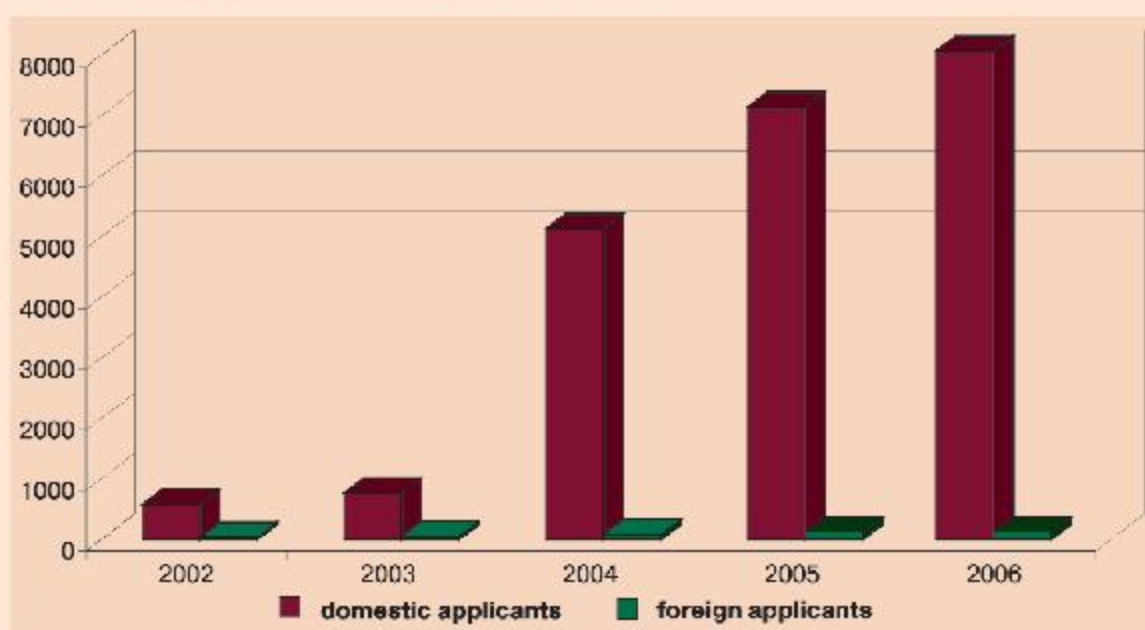


Fig. 2.5. Distribution of applications for utility models by countries of origin

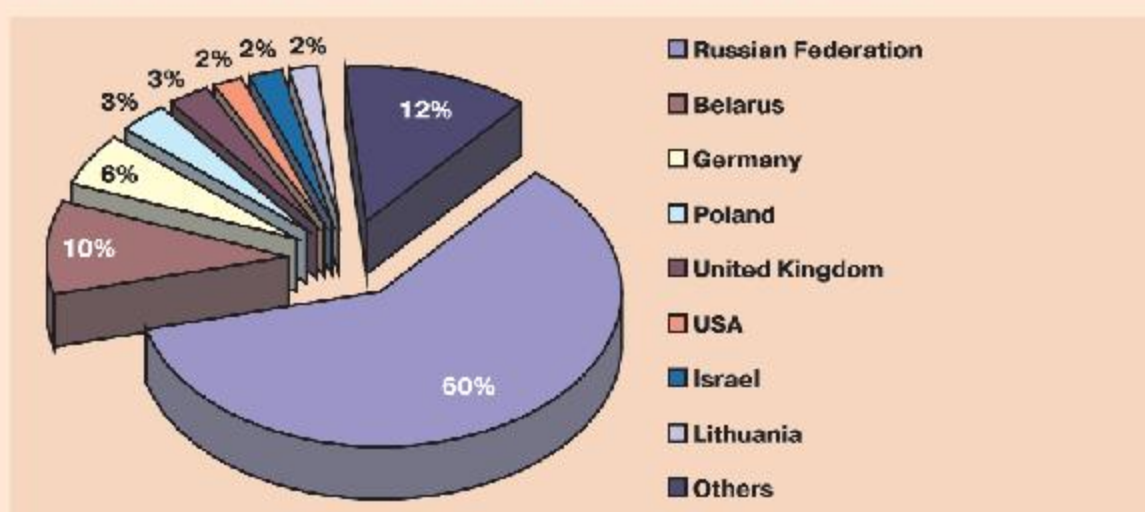
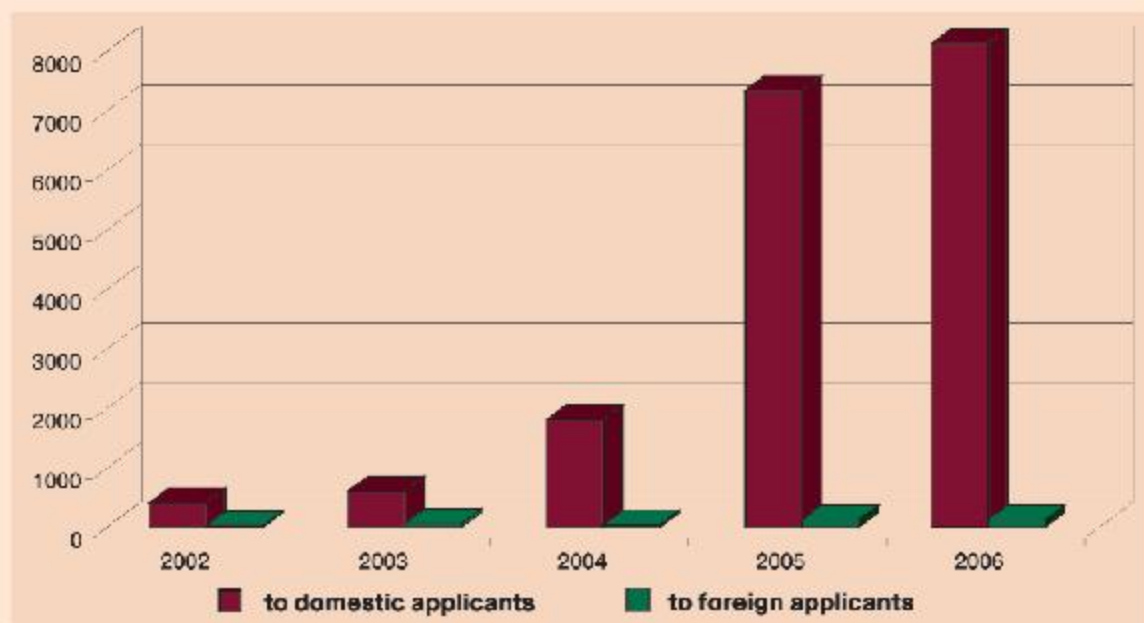


Table 2.8. Number of patents in force

Number of patents in force as of 01.01.2006	10586
Patents for utility models granted in 2006	8268
Number of patents expired in 2006	365
Number of patents in force as of 01.01.2007	18489

Fig. 2.6 Trends in granting patents for utility models



domestic applicants (fig. 2.6). 141 patents were granted to foreign applicants, including 78 grants to applicants from Russia, 25 — from the Republic of Belarus, 6 — Israel, 5 — the Czech Republic, 4 — Germany. The share of patents granted to applicants from those countries is 84%.

As of January 1, 2007, 19,826 patents for utility models have been entered to the State Register, including 18,489 patents being in force (table 2.8).

Industrial designs

In 2006, 2,236 applications for industrial designs were filed, including 1,833 those from

domestic applicants (table 2.9, fig. 2.7). The number of applications from foreign applicants increased by 55% and share of those in the total number of applications increased from 13% in 2005 to 18% in 2006.

In the year under review the most active were applicants from the Russian Federation (118 applications, 29.0%), Poland (57 applications, 14.0%), the USA (27 applications, 6.7%), Turkey (21 applications, 5.0%), Japan (18 applications, 4.5%), Italy (17 applications, 4.2%), Germany (16 applications, 4.0%) and Cyprus (15 applications, 3.7%).

In 2006, 2,162 decisions on granting the pa-

Table 2.9. Applications for industrial designs filed and patents granted

Subject matter	2002	2003	2004	2005	2006
Applications filed:	1806	2310	1862	2010	2236
by domestic applicants	1743	2156	1673	1750	1833
by foreign applicants	63	154	189	260	403
Patents granted:	1267	1474	1436	1569	2061
to domestic applicants	1200	1408	1348	1423	1803
to foreign applicants	67	66	88	146	258
Patents in force at the end of the year	5081	5722	6456	7312	8234

Fig. 2.7. Trends in filing applications for industrial designs

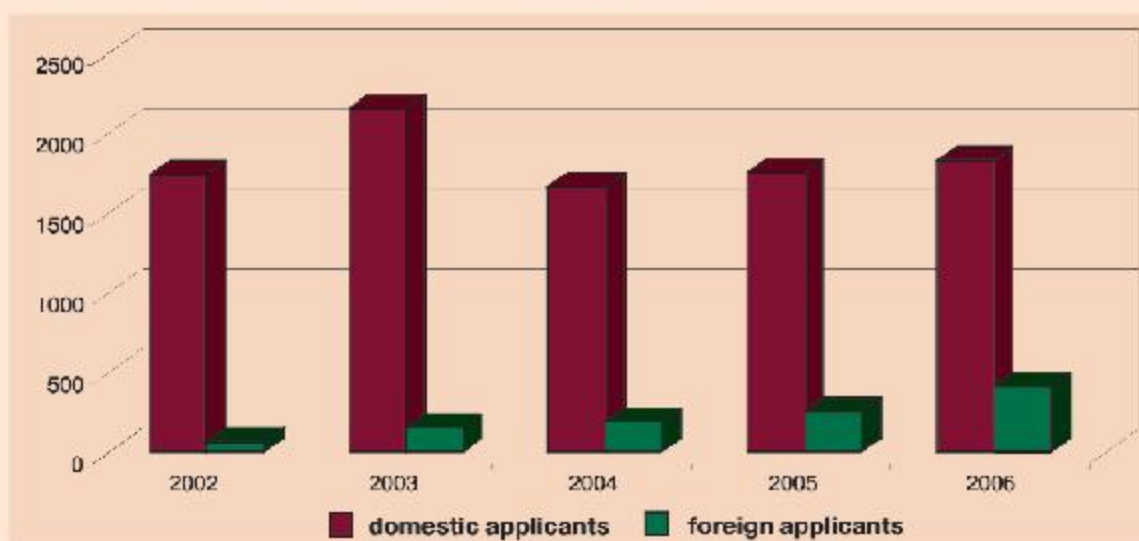
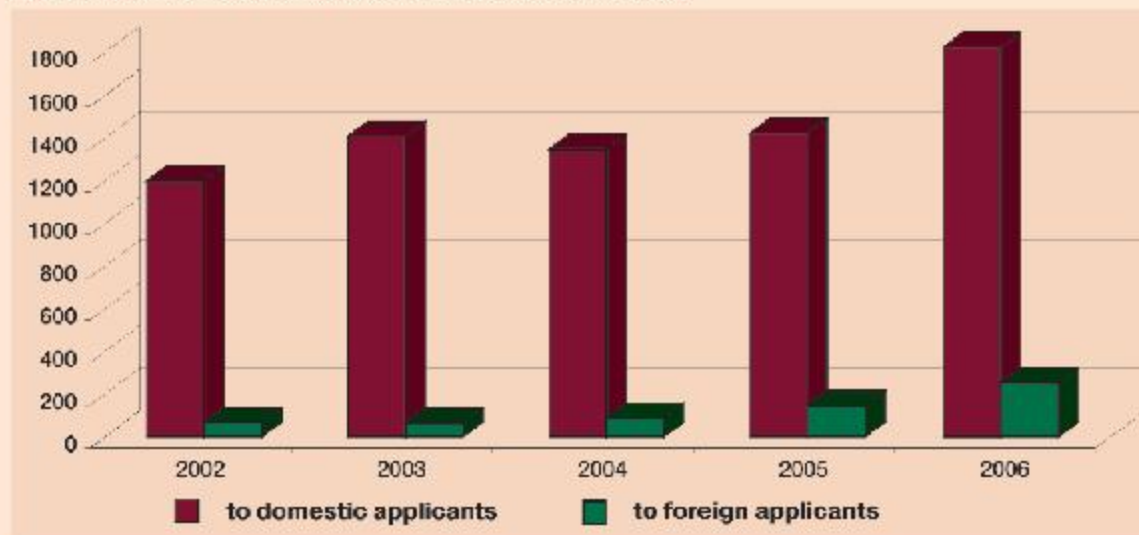


Fig. 2.8 Trends in granting patents for industrial designs



tent were taken, 229 applications were refused and 120 were withdrawn. A total of 2,061 patents for industrial designs were granted, including 1,803 — to domestic applicants (table 2.9, fig. 2.8).

58 patents (22.5%) were granted to the applicants from the Russian Federation, 46 patents (17.8%) — Poland, 23 patents (8.9%) — the USA, 22 patents (8.5%) — the Republic of Korea, 15 patents (5.8%) — Turkey, 11 patents (4.3%) — Japan, 10 patents (3.9%) — France.

The largest number of patents was granted in classes: 19 (Stationery and office equipment, artist's and teaching materials) — 516

(25.0%), 9 (Packages and containers for the transport or handling of goods) — 306 (14.8%), 11 (Articles of adornment) — 224 (10.9%), 25 (Building units and construction elements) — 169 (8.2%), 6 (Furnishing) — 115 (5.6%), 12 (Means of transport or hoisting) — 113 patents (5.5%).

As of January 1, 2007, 13,380 patents for industrial designs have been entered to the State Register, including 8,234 patents being in force.

In 2006, the effect of 541 international registrations under the Hague Agreement Concerning the International Registration of Industrial Designs was extended to the territory of Ukraine (fig. 2.9).

Fig 2.9. Distribution of registrations under the Hague Agreement by countries of origin

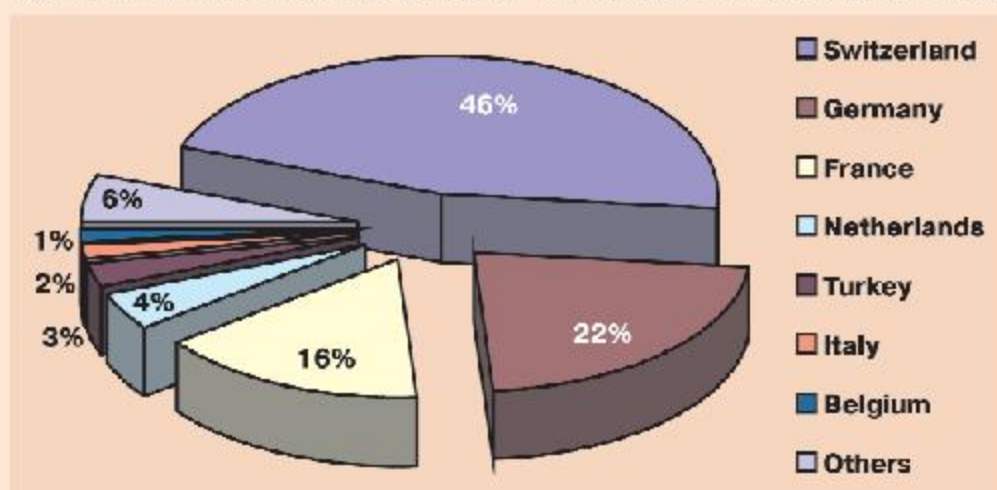
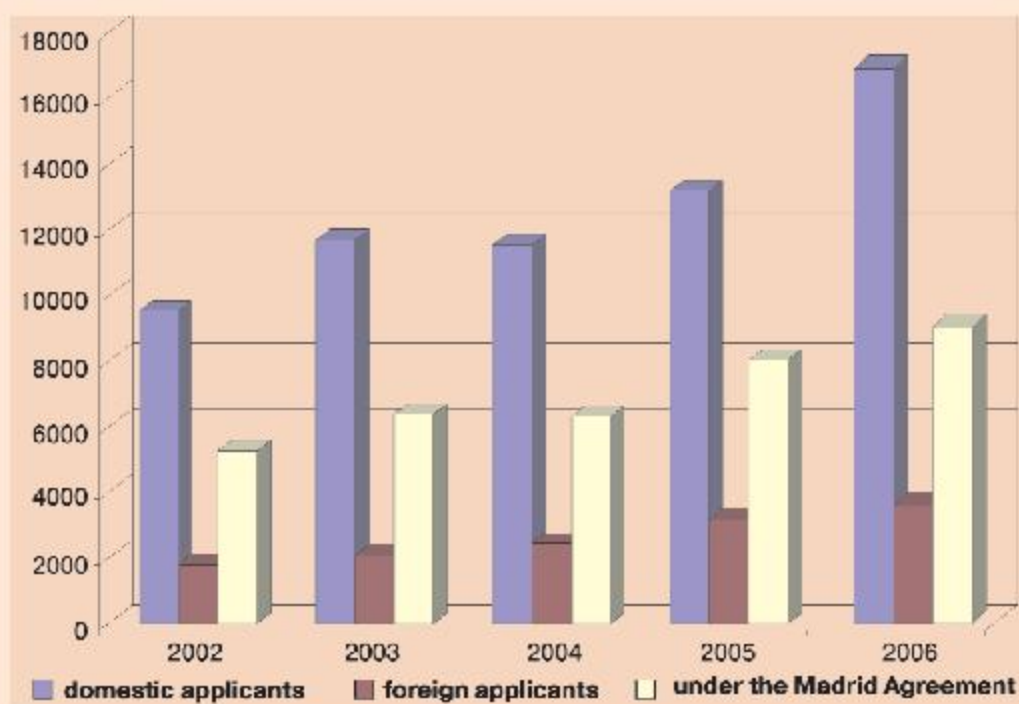


Table 2.10. Applications for trademarks and service marks filed

Subject matter	2002	2003	2004	2005	2006
Applications filed:	16587	20151	20263	24399	29996
<i>under the national procedure</i>	11322	13772	13960	16366	20813
<i>by domestic applicants</i>	9514	11684	11527	13184	17170
<i>by foreign applicants</i>	1808	2088	2433	3182	3643
<i>under the Madrid Agreement</i>	5265	6379	6303	8033	9183

Fig. 2.10. Trends in filing applications for trademarks and service marks



Trademarks and service marks

National procedure

In 2006 a total of 20,813 applications for trademarks and service marks were filed. The activity of domestic applicants increased by 30%

as compared with the previous year (table 2.10, fig. 2.10).

The activity of foreign applicants increased by 14%. A total of 3,643 applications were filed by foreign applicants which amounted to 17%

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

Class of the Nice Classification	Class headings	Number of marks	Domestic applicants	Foreign applicants
35	Advertising; business management; business administration; office functions...	8307 (15,9%)	7603 (17,4%)	704 (8,2%)
41	Education; providing of training; entertainment; sporting and cultural activities...	3134 (6,0%)	2825 (6,4%)	309 (3,6%)
16	Paper, cardboard and goods made from these materials...	2921 (5,6%)	2545 (5,8%)	376 (4,4%)
05	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes...	2630 (5,0%)	1542 (3,5%)	1088 (12,7%)
30	Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour...	2534 (4,8%)	2028 (4,6%)	506 (5,9%)
33	Alcoholic beverages (except beers)	2278 (4,4%)	2061 (4,7%)	217 (2,5%)
42	Scientific and technological services...	2223 (4,2%)	2009 (4,6%)	214 (2,5%)
09	Scientific, nautical, surveying, photographic, optical, weighing, measuring...	1952 (3,7%)	1524 (3,5%)	426 (5,0%)
29	Meat, fish, poultry and game; meal extracts; preserved, dried and cooked fruits ...	1946 (3,7%)	1537 (3,5%)	409 (4,8%)
03	Bleaching preparations and other substances for laundry use; cleaning; polishing ...	1323 (2,5%)	809 (1,9%)	514 (6,0%)

Table 2.12. Trademarks and service marks registered

Subject matter	2002	2003	2004	2005	2006
Marks registered:	12374	12809	15236	18544	22530
<i>under the national procedure</i>	6642	7706	9383	11645	13134
<i>to domestic applicants</i>	4157	5636	7680	9418	10327
<i>to foreign applicants</i>	2485	2070	1703	2227	2807
<i>under the Madrid Agreement</i>	5732	5103	5853	6899	9396
Registrations in force at the end of the year*	28022	34459	42327	52823	64974

* without international registrations

Fig. 2.11. Trends in registration of trademarks and service marks

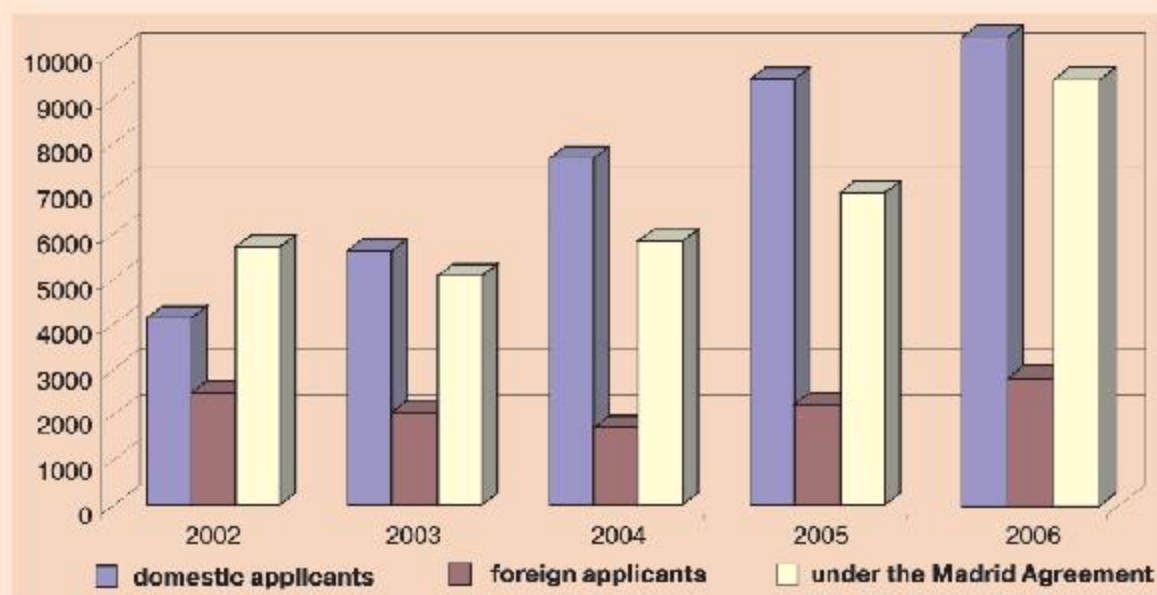


Table 2.13. Priorities of distribution of trademark registrations according to the classes of the Nice Classification

Class of the Nice Classification	Class headings	Number of marks	Domestic applicants	Foreign applicants
35	Advertising; business management; business administration; office functions...	6457 (16,5%)	5737 (17,7%)	720 (10,9%)
05	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes...	2145 (5,5%)	1154 (3,5%)	991 (15,0%)
16	Paper, cardboard and goods made from these materials...	2100 (5,3%)	1790 (5,5%)	310 (4,6%)
30	Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour...	1954 (5,0%)	1617 (5,0%)	337 (5,1%)
41	Education; providing of training; entertainment; sporting and cultural activities...	1917 (4,9%)	1698 (5,2%)	219 (3,3%)
33	Alcoholic beverages (except beers)	1619 (4,1%)	1462 (4,5%)	157 (2,3%)
42	Scientific and technological services...	1691 (4,3%)	1510 (4,7%)	181 (2,7%)
29	Meat, fish, poultry and game; meat extracts; preserved, dried and cooked...	1653 (4,2%)	1360 (4,2%)	293 (4,4%)
43	Services for providing food and drink; temporary accommodation	1590 (4,1%)	1496 (4,6%)	94 (1,4%)
03	Bleaching preparations and other substances for laundry use; cleaning...	1096 (2,8%)	578 (1,8%)	509 (7,7%)

of the total number of applications filed under the national procedure.

The most active were applicants from the USA — 831 applications (22.8%), the Russian Federation — 588 (16.0%), the United Kingdom — 198 (5.4%), Switzerland — 188 applications (5.2%), India — 140 (3.8%), Germany — 132 (3.6%), and Poland — 125 applications (3.4%).

In 2006 most of the marks filed under the national procedure were classified in classes 35, 41, 16, 5, 30 and 42 of the Nice Classification. The priorities of distribution of domestic and foreign filings according to the classes of the Nice Classification are shown in table 2.11. The domestic applicants preferred classes 35, 41, 16, 33, 30 and 42, and foreign applicants — 5, 35, 3, 30, 9, 29 and 16.

There were taken 15,050 decisions on granting the certificates for trademarks and service marks, 800 decisions on refusal to grant the certificates, 3,387 applications were withdrawn in 2006.

In the year under review 13,134 certificates for trademarks and service marks were registered, that is 13 % more than in 2005. Of the total amount of registered certificates 21% are the registrations to foreign applicants (table 2.12, fig. 2.11). 691 (24.6%) certificates were registered to the applicants from the Russian Federation, 521 (18.6%) — to applicants from the USA, 225 (8.0%) — from Germany, 150 (5.3%) — from the United Kingdom, 134 (4.8%) — from Switzerland, 98 (3.5%) — from

Poland, 97 (3.5%) certificates — to applicants from India.

In 2006 the most of marks was registered in classes 35, 5, 16, 30, 41, 42, 29 and 33 of the Nice Classification (table 2.13). The domestic applicants were most active in registering marks in classes 35, 16, 41, 30, 42, 43, 33, and foreign applicants — in classes 5, 35, 3, 30 and 16.

As of January 1, 2007, 70,845 certificates for trademarks and service marks have been registered, 64,974 certificates have been in force.

International procedure

The foreign applicants are very active in filing applications for marks under the international procedure (fig. 2.10). In 2006, 9,183 international applications were received from the WIPO International Bureau, including 7,430 (80.0%) applications under the Madrid Agreement and 1,753 — under the Madrid Protocol.

As in the previous years the applicants from Germany (1,984 applications), France (818 applications), Italy (795 applications), Switzerland (650 applications), the Russian Federation (472 applications) and China (379 applications) was in the lead (fig. 2.12). The share of applications from these countries amounted to 55.5% of the total filings under the international procedure in 2006.

In 2006 the most active among the member states of the Protocol to the Madrid Agreement in filing applications with the extension to the territory of Ukraine were Turkey — 424 applications, the USA — 403, the United Kingdom — 267, Ja-

Fig. 2.12. Distribution of international applications filed under the Madrid Agreement by countries of origin

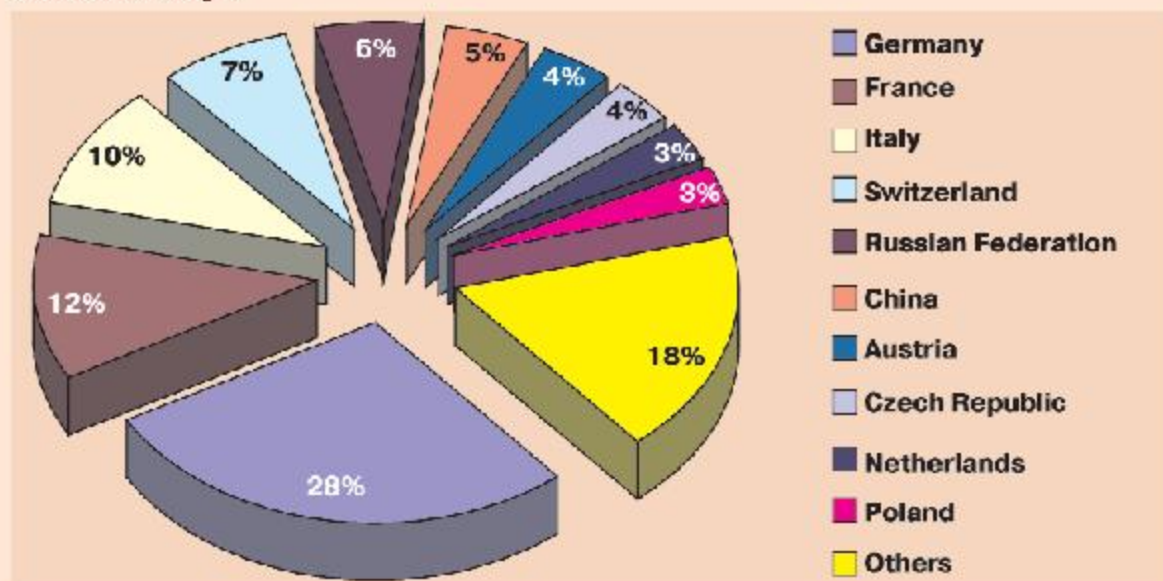
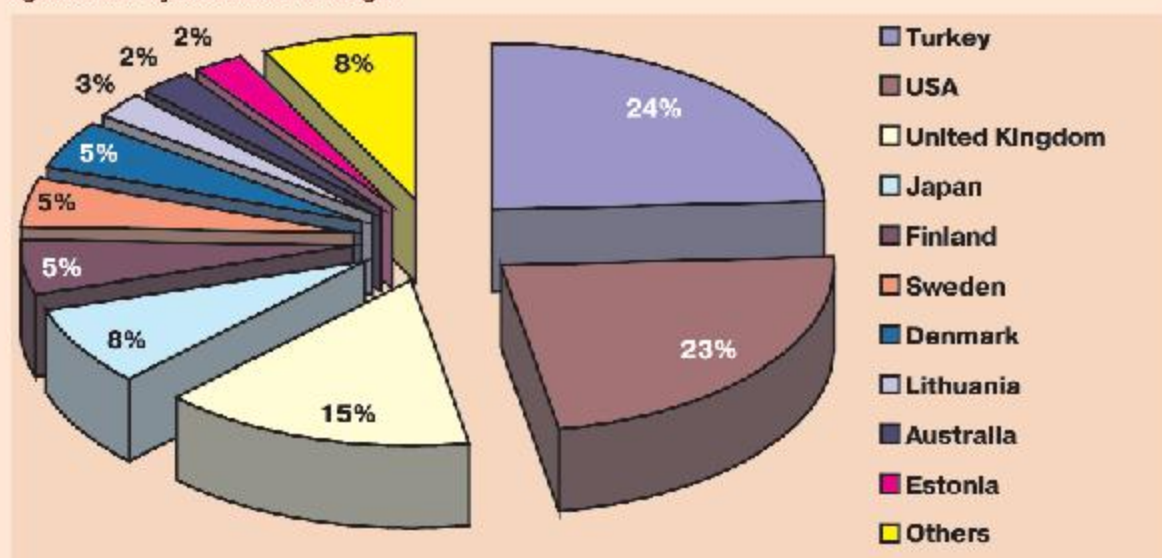


Fig. 2.13. Distribution of international applications filed under the Protocol to the Madrid Agreement by countries of origin



pan — 137, Finland — 92, Sweden — 86, Denmark — 80, Lithuania — 47, Australia — 43 applications and Estonia — 41 applications (fig. 2.13).

In 2006, the legal protection was granted to 9,396 international marks (table 2.12, fig. 2.11).

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

In 2006 the total number of registrations of the contracts on disposition of economic industrial property rights amounted to 1,356, that

is 38.2% more than in the previous year (fig. 2.14), among them 1,009 registrations concerning transfer of exclusive economic industrial property rights (74.5%); 271 registrations concerning issuance of licenses on exploitation of the industrial property rights (19.9%); 76 licenses of right to use inventions, utility models and industrial designs (5.6%).

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

Fig 2.14. Trends in registration of contracts on disposition of economic industrial property rights in 1995–2006

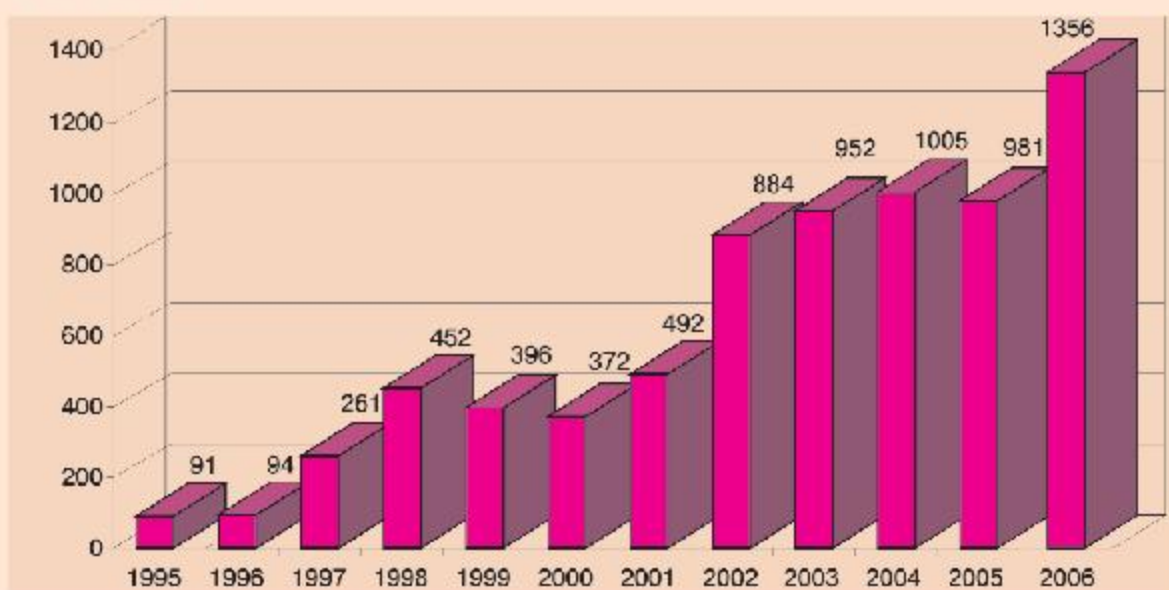


Fig 2.15. Trends in registration of license contracts on exploitation of the industrial property rights

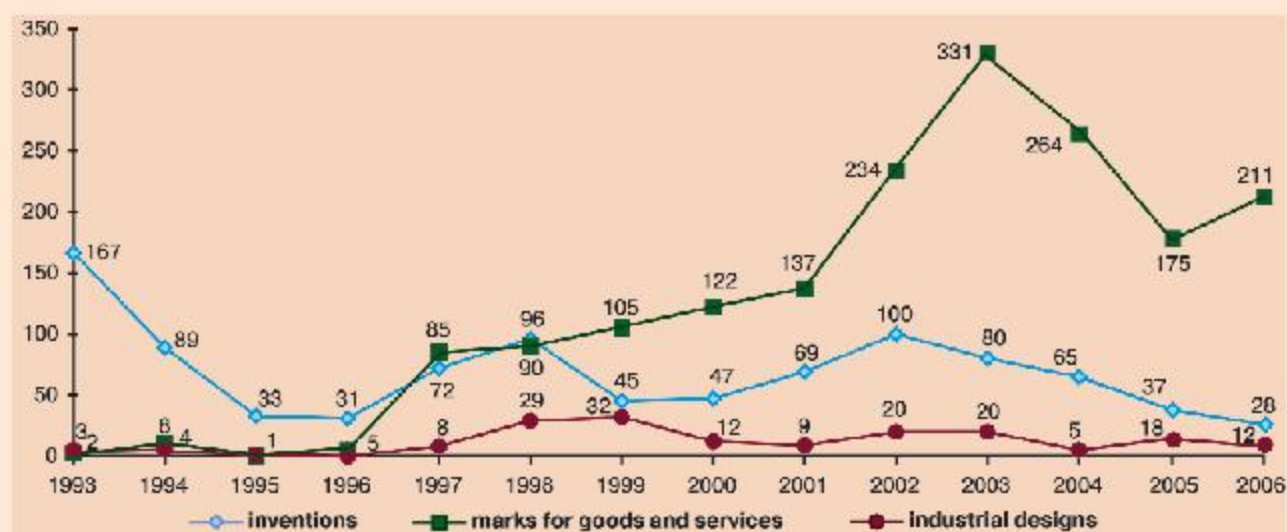


Table 2.14. Distribution of registered contracts on disposition of economic intellectual property rights by the categories

Kind of contract	Number of registrations												Total			
	Inventions				Industrial designs				Trademarks and service marks							
	2003	2004	2005	2006	2003	2004	2005	2006	2003	2004	2005	2006	2003	2004	2005	2006
Non-exclusive licenses	55	45	23	19	11	5	11	8	270	227	150	160	336 +2*	277 +3*	184 +4*	187 +12*
Exclusive licenses	25	20	13	7	9	—	7	4	61	37	25	50	95 +2*	57 +3*	45 +6*	61 +7*
Sole licenses	—	—	1	2	—	—	—	—	—	—	—	1	—	—	1	3 +1*
Assignment of right	128	122	100	85	15	27	46	64	331	467	524	826	474 +9*	616 +7*	670 +27*	975 +34*
Licenses of right	29	39	20	49	—	1	7	10	—	—	—	—	29 +5*	40 +2*	27 +17*	59 +17*
Total	237	226	157	162	35	33	71	86	662	731	699	1037	934 +18*	990 +15*	927 +54*	1285 +71*

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

The trends in registration of the license contracts are shown in the fig. 2.15.

As of January 1, 2007, data concerning 7,703 contracts on disposition of economic industrial property rights have been entered to the state registers, including 2,256 contracts concerning inventions, 195 — utility models, 4,795 — trademarks and service marks, 457 — industrial designs.

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

The data presented in the table 2.14 shows that in 2006 the number of entries on granting licenses on exploitation of inventions and industrial designs, as well as number of entries on assignment of exclusive economic rights in inventions to the state registers has decreased as compared with the previous year. The number of registered license contracts on exploitation of trademarks and service marks increased by 20.6%.

The number of registrations concerning the assignment of exclusive economic rights in trademarks and service marks, industrial designs and utility models increased by 57.6%, 39% and 25.9%, accordingly, as compared with 2005.

The number of publications concerning licenses of right for inventions increased by 2.5 times.

In 2006 the share of contracts on the assignment of exclusive economic rights in trademarks and service marks where foreign companies were parties has decreased slightly in comparison with 2005, and the share of license contracts with their participation has increased to 7.1%. The most active were companies-owners of trademarks from Russia, the United Kingdom, Germany.

In the year under review, there was a tendency of the highest activity in assignment of the exclusive economic rights in trademarks and service marks by Ukrainian natural and legal persons. The share of such contracts has increased to 68.9%. The number of license contracts between Ukrainian natural and legal persons has decreased as compared with the previous year (table 2.15).

In 2006 the total number of industrial property rights in respect of which data on assignment of exclusive economic rights and granting licenses were entered in respective state registers amounted to 2,866 including 225 inventions, 94 utility models, 238 industrial designs and 2,309 trademarks and service marks.

Data shown in table 2.16 testify that the average number of trademarks and service marks the rights in which are transferred in one contract for Ukrainian owners was 1.6 and for foreigners 4.3 marks in one contract.

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

Contract parties	Contracts on assignment of exclusive economic rights				License contracts			
	2005		2006		2005		2006	
	number	%	number	%	number	%	number	%
Contract parties Ukrainian natural and/or legal persons	324	61,8	569	68,9	136	77,7	160	75,8
Contract parties foreign persons	149	28,4	185	22,4	11	6,3	15	7,1
Owner (licensor) Ukrainian natural and/or legal person, successor (licensee) foreign person	44	8,4	63	7,6	—	—	—	—
Licensor foreign person, licensee Ukrainian natural and/or legal person	7	1,4	9	1,1	28	16,0	36	17,1
Total	524	100,0	826	100,0	175	100,0	211	100,0

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

Kind of contract2006	2005	
	Number of contracts	Number of trademarks and service marks
Contracts on assignment of exclusive economic rights in trademarks and service marks:	826	1636
<i>by Ukrainian owners</i>	633	1030
<i>by foreign owners</i>	193	606
License contracts on exploitation of marks for goods and services:	211	673
<i>by Ukrainian right holders</i>	160	238
<i>by foreign right holders</i>	51	435

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

In 2006 a total of 3,977 applications for registration of author's right in a work were filed. The SDIP took 3,937 decisions on registration of author's right in a work and 3 decisions to refuse. The total number of registrations of the author's right in a work in the year under review amounted to 3,839 including 642 registrations of author's economic right in employee's works.

The total number of registrations in 2006 increased by 16% as compared to the previous year (3,839 as against 3,305 in 2005) (fig.2.16).

From among 642 registrations of author's economic right in employee's works in 614 registrations the rights belong to employer. Only in 28 registrations of rights in employee's works the economic rights to a work jointly belong to employee who created that work and his employer.

Fig. 2.16. Trends in the state registration of author's right in 1995—2006



As in the previous years in 2006 the author's rights mostly were registered for literary written works of different nature: scientific, scientific-and-practical, scientific-and-technical, technical, practical, educational, fiction, popular scientific, educational, informational; works for radio, television, cinema; works concerning arts etc (48.5%), composite works (21.0%) and musical compositions (17.9%), computer

programs (16.5%), works of fine art (12.4%) and illustrations (11%) (table 2.17).

In 2006 a total of 186 applications for registration of contracts on author's right in a work were filed with SDIP. 188 contracts were registered, and 12 decisions to refuse in registration were taken.

The majority of the registered contracts concern the assignment (alienation) of economic rights in a work (149), including 146 contracts

Table 2.17. Distribution of state registrations by categories of copyrighted works in 2006

Categories of copyrighted works	Number of registrations
Literary written works	1862
Composite works	811
Musical compositions with or without words	685
Computer programs	631
Works of fine art	476
Illustrations	426
Audiovisual works	70
Derivative works	55
Drawings	54
Photographic works	50
Oral works	40
Data bases	33
Works of architecture, town-planning, landscape architecture	30
Works created for scenic show	18
Works of applied art	15
Sketches	12
Production of works created for scenic show	6
Dramatic works	5
Architectural drawings	5
Dramatico-musical works	4
Cartographic works	4
Choreographic works	3
Collections of normal data	1

on the complete transfer of rights in a work and 3 contracts on partial assignment. 27 contracts on assignment of exclusive right to use a work and 12 contracts on assignment of non-exclusive right were registered.

Most interested in entering records on registration of contracts to the State Register were subjects of contracts one party of which is authors of works: there were registered 126 contracts on transfer of rights from authors of works to legal persons, 28 contracts on rights

transfer to natural persons and 2 contracts on rights transfer to legal and natural persons jointly. 32 contracts on transfer of rights in works from persons who are not the authors thereof were registered.

The information on registrations made in 2006 was published in the Official Bulletin of the State Department of Intellectual Property «Copyright and Related Rights» (issue No. 9—11, 2006) and in 10th edition of the Catalogue of the State Registration in 2006.

3 Intellectual Property Rights Enforcement

3.1. Enforcement of Industrial Property Rights in the Appeals Chamber

In 2006 the Appeals Chamber has considered a total of 100 oppositions, including 79 oppositions lodged in 2006 and 21 those entertained in 2005.

Oppositions lodged broke up by the industrial property categories as follows: inventions — 28, utility models — 4, trademarks and service marks — 68.

82 sittings of the boards of the Appeals Chamber were held, where 27 oppositions to the SDIP decisions on applications for inventions, 2 oppositions on applications for utility models, 53 oppositions on applications for trademarks and service marks were considered.

In 2006, a total of 51 decisions of the Appeals Chamber were sent to appellants, including 9 decisions on complete satisfaction of an opposition, 4 on partial satisfaction of an opposition and 38 decisions on dismissal of an opposition. 6 oppositions were not entertained. The appellants withdrew 2 oppositions.

In 2006, a total of 9 claims for recognition of trademarks to be well-known in Ukraine were received by the Appeals Chamber. 10 sittings of boards of the Appeals were held.

Three decisions of the Appeals Chamber were sent to applicants, 2 of which were on the recognition of trademarks to be well-known on the territory of Ukraine. 4 claims on the recognition of trademarks to be well-known in Ukraine were withdrawn by applicants.

3.2. Enforcement of Industrial Property Rights in a Judicial Procedure

In 2006 in legal proceedings before the courts of primary jurisdiction, courts of appeals and courts of review were 162 cases related to the enforcement of industrial property rights.



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

The Ministry of Education and Science of Ukraine and/or the State Department of Intellectual Property were the litigants in those cases. 848 sittings of the court were held on those cases.

All cases are distributed by the subject matters as follows:

- invalidation of
 - decisions of the Appeals Chamber — 14;
 - certificates for trademarks and service marks — 96;
 - patents for industrial designs — 9;
 - patents for inventions and of patents for utility models — 9;
 - contracts on assignment of rights in trademarks and service marks — 4.
- premature termination of
 - international registration of mark in Ukraine — 4;
 - certificates for marks — 6;
- infringement of rights of rights owner — 13;

The analysis of the court cases shows that most of them concern such category of intellectual property as trademarks and service marks. Invalidation of the certificates for trade-

marks and service marks and international registration of mark as well as premature termination of trademark and service mark certificate and of international registration of mark are the matter in such disputes.

3.3. Enforcement of Copyright and Related Rights

During 2006 the legal division of the Ukrainian Agency of Copyright and Related Rights (UACRR) in a pre-arbitration and court procedure considered 76 cases to television and radio companies, cable television operators, concert organizers, importers of equipment and virgin mediums, public catering establishments, publishing houses, theatres, philharmonics, circuses, and other users of copyright concerning non-payment of the remunerations for public performance, public communication, importation, reproduction and replication of author's works and their unlicensed use. The decisions on satisfaction of the declarations of UACRR were taken on 13 of these cases, on 10 cases amicable agreements were concluded, which are been under execution proceeding. There are been 14 cases under proceeding in the courts, on 32 cases the claims were asserted, on the other cases the remuneration been is transferred gradually. 7 cases are been under consideration before economic and district courts of Ukraine, in those cases UACRR acts as the third party without separate claims.



Serhii Bondarenko, Director of the State Enterprise «Ukrainian Agency of Copyright and Related Rights»

For unlicensed use of author's works, non-payment of remuneration (compensation) the actions and claims to the amount of 1, 590, 877 hryvnas were brought against users.

Cases proceeded before the legal division of UACRR mostly were settled in a pre-court procedure by acknowledging the claims by users

and transfer of remuneration to the account of UACRR. The rest of users pay the rates of remuneration under the court decisions. Actually 377,493 hryvnas on such cases have been transferred to the account of UACRR.

In 2006 the claims of the legal division of UACRR against the cable television operators who retranslated author's works without payment of remuneration were considered in economic courts. Till now disposition of the case at the suit of the legal division of UACRR against the television and broadcasting company «Baklavia» was not made by the Economic Court of Sevastopol as well as of case at the suit against the television and broadcasting company «Rikona» by the Supreme Court of Ukraine, those cases have been under consideration of courts of all instances since 2003. The court practice in these cases shows the complex approach of courts of different instances, including the Supreme Economic Court of Ukraine, to the conditions of administration of the national and international rules of substantive law. None of such cases was considered in cassation procedure before the Supreme Court of Ukraine, and there was not given the legal treatment of court decisions. There is no consolidated court practice in copyright cases that would be confirmed by a resolution of the Plenum of the Supreme Court of Ukraine.

At the same time, the obligation to pay the author's remuneration by the cable television operators follows from the provisions of the Volume IV of the Civil Code of Ukraine, the Article 11-bis of the Berne Convention on the Protection of the Literary and Artistic Works and the Article 15 of the Law of Ukraine On Copyright and Related Rights.

The courts examined 6 claims of the legal division of UACRR brought against the National Television Company, «Television and Radio Broadcasting Company «Studia 1+1» Ltd., «Novyi Kanal» Close Corporation, «Inter» etc.

The court decisions on use of copyright works also show the different approaches of courts to the obligations concerning the payment of author's remuneration and the obligation of users to obtain a license. The practice shows that the majority of courts satisfy the claims of the legal division of UACRR.

UACRR has developed the methodology of collecting evidences of illegal (unlicensed) use of author's works in the course of preparation for the court proceedings.

One of the primary tasks for the 2007 is to raise a question before the Supreme Court of Uk-



Meeting of the Coordinating Council on the suppression of the infringements in the sphere of intellectual property. From left to right: Oleh Humeniuk, Deputy Head of Copyright and Related Rights Division of the State Department of Intellectual Property; Valentyn Chebotariov, Deputy Chairman of the State Department of Intellectual Property; Valentyna Trotska, Chief Specialist of Copyright and Related Rights Division of the State Department of Intellectual Property

rairie on consolidation of the court practice on the copyright disputes and approval thereof by a resolution of the Plenum of the Supreme Court of Ukraine.

3.4. Activities of Organizations of Collective Management

The improvement of the system for protection of rights and interests of authors, performers and other creators through the system of collective management was determined as one of the priorities in order to create in Ukraine the European system of collective management of economic rights of copyright and related rights proprietors.

11 organizations of collective management function today in Ukraine, in particular: All-Ukrainian Association of Copyright and related rights Proprietors «Oberih»; the Public Organization Association of Right Holders in the Field of Fine Arts and Architectural Activity «Status»; the State Enterprise «Ukrainian Agency of Copyright and Related Rights»; the Association of Enterprises «Ukrainian Music Alliance»; the Association of Enterprises «Ukrainian Music Rights League»; the Public Organization «Agency of the Protection of Performers' Rights»; All-Ukrainian Public Organization Film Directors' Guild «24/1»; Association «House of Music Authors in Ukraine»; All-Ukrainian Public Organization «Author»; Association «Guild of Videogram and Phonogram Producers»; All-Ukrainian Public Organization «Ukrainian Authors' Union».

One of the main functions of such organizations is collection and distribution of remuneration to the proprietors of copyright and(or) re-

lated rights, which are realized within the framework of the institution of authorized organizations of collective management. These organizations collect and distribute remuneration for use of phonograms (videograms) and their copies published with the commercial purpose and also for reproduction of works and performances fixed in phonograms, videograms and their copies for private use.

Due to joint activity of the organizations of collective management in Ukraine the users may act legally and the authors, performers, phonogram and videogram producers can receive proper remuneration.

Since the development of the system of collective management is a complicated direction of activity, the State Department of Intellectual Property will continue to take measures for creating the efficient mechanism of collective management organizations activity.

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

In 2006 a number of the actions aimed at coordination of efforts of law-enforcement and supervising executive bodies were carried out in order to provide the control over the observance of provisions of the legislation in the field of intellectual property.

The Coordinating Council on the suppression of the infringements of intellectual property



Viktor Moskalenko, Deputy Chairman of the Supreme Economic Court at the time of address the X International Scientific and Practical Conference «Actual Problems of Intellectual Property» (Aloushta)



Meeting of the Public Board of the State Department of Intellectual Property. From left to right: Olena Levicheva, Head of Ukrpatent Division of Rights in Designations; Anatolii Hornisevych, Deputy Director of Ukrpatent; Oleksandr Doroshenko Deputy Director of the Research Institute of Intellectual Property

rights has been successfully acting the third year, it was created for the observance over the implementation of the Program of Coordinated Actions of Law-enforcement and Supervising Bodies against the illegal production, distribution and sale of audio and video products, discs and other subject matters of intellectual property.

During 2006, the Coordination Council jointly with working groups in the regions with the participation of the state intellectual property inspectors performed planned and unplanned (rapid) inspections of trade centres, pavilions, specialized shops, enterprises engaged in disc production and markets in order to reveal the infringements made by economic entities. The work on the creation of new consultative centres and the improvement of acting centres, specialized databases of economic entities in the sphere of intellectual property was continued in the regions.

In 2006 the state intellectual property inspectors conducted 875 inspections of economic entities. On results of the inspections 384 reports on administrative offences were drawn up. The counterfeit products to the amount of more than 7.6 millions of hryvnas were expropriated.

A total of 143 criminal cases were initiated on the materials of the joint revisions with the participation of the Ministry of Interior Affairs, the Security Service of Ukraine and the State Tax Administration.

The explanatory and educational work aimed at the prevention of infringements in the sphere

of intellectual property was one of the priority vectors of activity in the regions of Ukraine during the year. 283 seminars and discussions were held and about 89 publications in press and presentations by the radio and television were made.

The materials were promulgated in mass media. They were aimed at formation of public opinion concerning the necessity of carrying out the economic activity in conformity

with the legislation in force and negative attitude to the producers and distributors of the counterfeit products.

SDIP permanently controls the observance of legislation in the sphere of production, exportation, importation of discs for laser-reading systems.

According to the Law of Ukraine On the Peculiarities of the Government Control of the Activity of Economic Entities Related to the Production, Exportation, Importation of Discs for Laser-Reading Systems the State Department of Intellectual Property as licensing body has issued licenses for economic activity on production of discs for laser-reading systems and stampers to two manufacturing plants and assigned the relevant special identification codes (CID-codes). 8 manufacturing plants function in Ukraine today.

In order to meet the requirements of legislation the State Department of Intellectual Property issues extracts from the register of the CID-codes to economic entities, which act in the sphere of exportation of discs for laser-reading systems and exportation/importation of stampers. SDIP also consults concerning the necessity of licensing of exportation, importation of equipment and materials used for production of discs for laser-reading systems.

On the instructions of the State Department of Intellectual Property the State Enterprise «Intelzakhyst» provided an issue of control stamps to importers, exporters and reproducers of copies of audiovisual works, phonograms, videograms, computer programs, data-

bases in 2006. It also provided the maintenance of Uniform Register of Recipients of Control Stamps. During the year a total of 45,091,039 control stamps were issued. The further increase of the number of documents filed by entrepreneurs for receiving the control stamps was observed. In the reported year, the number of applications received and examined was 25% more in comparison with 2005. Such positive trend testifies for steady increase of the share of licensed audio and video products, as well as computer programs

and databases at the Ukrainian market. All the above is a result of close cooperation of the enterprise with the state intellectual property inspectors, with enforcement and supervisory bodies aimed at combating «piracy» products at the market and liquidation of the reasons that cause «piracy».

Another important direction of the activity in the year under review was the maintenance of the Register of Software Producers and Distributors. In 2006 a total of 221 applications from



Seminar of state inspectors. From right to left: Serhii Nikulesko, Head of Division for Control of Use of Intellectual Property Rights of SDIP; Viktor Kliuk, Head of the Third Regional Branch of State Inspectors; Tetiana Petrova, Chief Specialist of Division of Judicial Remedy Organization; Viacheslav Bulienko, Head of the First Regional Branch of State Inspectors

145 economic entities were filed. As the result of their examination, the State Department of Intellectual Property made 177 decisions on entry in the Register. As of the end of 2006, the information databases of the Register contained 690 records.

Such government control stimulates more and more economic entities to civilized activity on the market of distribution of copies of audiovisual works, phonograms, videograms, computer programs and databases.

4 Information Support of the Intellectual Property Activities



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

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

The information support of the functioning of the State intellectual property rights legal protection system is carried on in accordance with two basic directions: the information support of examination of the applications for industrial property rights and satisfaction of the public information needs concerning the industrial property objects in Ukraine. In view of these directions, the Patent Information Base (PIB) for the purposes of the substantive examination and the Public Patent Documentation Collection (PPDC) are regularly updated with the national and foreign patent documentation. Besides, the State Department delivers free of charge the national patent documentation for updating the patent collections of the scientific and technical information institutions of Ukraine. In particular, in 2006 the official bulletin «Promyslova Vlasnist» and the Ukrainian patent speci-

fications were delivered on paper and optical carrier to twenty scientific and technical information (STI) institutions (the State Scientific and Technical Library, the Scientific, Technical and Economic Information Centres).

The formation policy of the PIB has been based on the principles of making its composition as close as possible to the list of the PCT Minimum documentation and giving preference to the publications on optical carriers beginning from its creation (1997) and to this day (Table 4.1).

In order to facilitate search in the collection of Russian patent documents a reference and search tool on DVD (1994-2005) was purchased.

The PIB's total collection has increased by 443 disks and as of the end of the year under review amounted to 11,400 disks.

Besides, the examiners widely use the free-of-charge databases posted on the corresponding web-sites of WIPO, the EPO, industrial property offices of Germany, the USA and Japan, as well as the Eurasian patent information system (EAPATIS). To provide access of the examiners to non-patent literature, the agreements on the usage via Internet of the VINITI databank and the Internet service «All the Encyclopaedias of the Rubricon» were reconcluded with their commercial providers for three years running already.

The Agreement relating to granting of the test access to the EPOQUE Net service of the EPO to the State Enterprise «Ukrainian Industrial Property Institute» was prepared for signing in cooperation with the EPO to provide access of Ukrpatent examiners to the EPO EPOQUE database.

During 2006 the updating of the Reference and Information Collection (RIC), which is a part of the PIB, was in progress and as of January 1, 2007 amounted to 194,824 copies of Ukrainian inventions and utility models specifications and about 17,000 copies of scientific and technical literature and periodicals. In the year under re-

Table 4.1 List of foreign patent information products on CD-ROM (DVD) that are included in the PIB collection

Publication Office (ST.3 Code)	Product Name	Complete specifications		Abstracts
		patents	applications	
EP	ESPACE-EPA	—	1978—2004	—
	ESPACE-EPB	1980—2004	—	—
	ESPACE-EP	2005—	2005—	—
	ESPACE-ACCESS	—	—	1978—
	ACCESS-B	—	—	1980—
	ESPACE-BULLETIN	—	—	1978—
WO	ESPACE—WORLD	—	1978—	1978—
CH, DE, EP, FR, GB, US, WO	GLOBALPAT	—	—	1971 —2003
AM, BY, EA, GE, MD, RU, TJ, UA, UZ	CISPATENT	2002—	—	2002—
SU	Patents of Russia	1924—	—	—
RU	Patents of Russia	1993—	—	1994—
US	USAPAT,	1975—	—	—
	USApp	—	2001—	—
	US Patent Search	—	—	1975—2001
JP	PAJ	—	—	1976—

view, the collection was updated and increased by 24,000 and 2,000 items, correspondingly.

Integration of the traditional forms of work with the services based on the modern information technologies gave an opportunity to provide specialists with maximum operative scientific information. The number of the remote information resources involved in providing services to the examiners was increased. In addition to electronic databases of the worldwide known Springer publishing house and Hannover Technical Library (within the framework of INTAS project «Access to Electronic Journals for Scientists of the New Independent States»), the electronic resources of the world's greatest publishing houses Elsevier and EBSCO Publishing (the Netherlands) have been used.

The work on the forming of the Ukrpatent knowledge base which contains scanned source materials in electronic form, particularly periodicals provided by the leading Kyiv libraries and other information organizations was started. The base is formed according to the requests of the examiners and enables a considerable increase in the efficiency of use of the information and carrying out of quick searches on various criteria.

The Public Patent Documentation Collection (PPDC) contains patent documentation of 65 countries (incl. 49 countries participating in the international scientific and technical as well as military and technical cooperation with Ukraine) and 4 international and regional organizations (WIPO, the EPO, the EAPO and the OAPI): official bulletins on paper and electronic carrier and abstracts as well as patent specifications are represented predominantly on CD-ROM & DVD. At the end of 2006 the PPDC contained more than 18,200 copies of the official bulletins and 227,700 specifications of inventions on paper carrier, and its collection of patent documentation on optical disks exceeded 11,500 items. The composition of the PPDC and its updates are published quarterly in the «Information Resources» Section on the web-site of the State Department (<http://www.sdip.gov.ua>), Ukrpatent (<http://www.ukrpatent.org>) and of the UkrCIPIS (<http://www.ip-centr.kiev.ua>). Besides, the updated Lists of Free Patent and Scientific and Technical Databases are posted on the web-sites of the State Department and Ukrpatent.

During 2006 Ukraine received patent documentation from 45 countries and 3 international



Scientific and practical conference — presentation «Implementation of IPC-8 in Ukraine». From left to right: Mikhail Makarov, Acting Director of the Patent Information, Classification and IP Standards Division, the World Intellectual Property Organization; Lev Glukhivskiy, First Deputy Director of Ukrpatent, Examination Affairs; Volodymyr Dmytryshyn, Deputy Chairman of the State Department of Intellectual Property; Petro Ivanenko, First Deputy Director of Ukrpatent, Scientific Affairs

and regional organizations of intellectual property. Ukrpatent, in its turn, as the center of international exchange, in 2006 delivered the official bulletin «Promyslova Vlasnist» on CD-ROM to 45, and the national CD-ROM «Vynakhody v Ukraini» («Inventions in Ukraine») to 20 intellectual property offices all over the world. Since this year, the PPDC began to receive the official bulletin of the Indian Industrial Property Office on CD-ROM in exchange of the national CD-ROM «Vynakhody v Ukraini» («Inventions in Ukraine») which contains abstracts in English. The supply of the official bulletins from Serbia, Turkey, Tajikistan, Macedonia, Mongolia, the official bulletin of industrial designs of Russia was started on CD-ROM instead of paper. The supply to the PPDC of patent bulletins from Great Britain, Hungary, the trademarks and industrial designs bulletins of Austria was discontinued because now they are posted only on the web-sites of these Offices. The Swedish Patent Office declined to receive the official bulletin «Promyslova Vlasnist» any longer as it started to use only Internet-resources. In the year under review the activity on providing the EPO with the data relating to the Ukrainian patent documents was continued, that provides a reliable basis for a successful bilateral cooperation with this leading Office, in particular, it is one of the conditions of granting access to the EPO database EPOQUE.

4.2. International Classifications

The year 2006 was the year of the implementation of the new, 8th edition of the International Patent Classification (IPC) which entered into force on January 1, 2006.

Ukraine, for the first time since the establishment of the state intellectual property legal protection system, carried out a translation of the International Patent Classification (8th edition, core level) from English into Ukrainian and published it on paper, prepared its publication on CD-ROM and posted it in the Internet. A printed edition of the IPC-8 core level has been provided free of charge to 20 organizations of the national STI system.

In accordance with the orders of SDIP the classifying of the national applications during the examination of applications for inventions and utility models is carried out according to the core level of IPC-8, however in certain technical areas where the quantity of the national patent documents exceeds 50 it is carried out according to the advanced level. In October 2005, SDIP approved «The List of the Technology Fields in which the classifying of patent documents shall be carried out according to the advanced level of IPC-8».

In this connection the texts of 10,372 advanced level classification titles of IPC (2006.01) including 729 indexing codes, and already a certain number of the advanced level titles of the new version of IPC (2007.01) were additionally translated from English into Ukrainian.

Integration of the translated group titles of the IPC-8 core level with the translated group titles of the advanced level formed the Ukrainian version of the IPC (2007.01) for classifying the national patent documents.

The Ukrainian version of the IPC (2007.01) will be published as an information and reference system on the web-sites of SDIP (<http://www.sdip.gov.ua>) and of Ukrpatent (<http://www.ukrpatent.gov.ua>)

www.ukrpatent.org) and will not be printed whereas the advanced level will change frequently and these changes should find a prompt representation in the Ukrainian version of the IPC, that can be secured only in the electronic publication.

In order to provide users of the Ukrainian patent documentation with means for the identification of the advanced level symbols used in the national patent documentation «Concordance list between the advanced level symbols of IPC-8, which are applied for classifying of the national patent documents as approved by SDIP, and its core level symbols» was produced. The Concordance list was published both on paper and on CD ROM «Vynakhody v Ukraini» («Inventions in Ukraine») and «Official bulletin «Promyslova Vlasnist» and also was posted on the web-sites of SDIP and Ukrpatent.

In 2006, within the framework of the measures on the updating of the Ukrainian-language industrial property objects international classifications, a translation from English into Ukrainian of changes and additions to the 8th edition of the International Classification of Goods and Services for the Purposes of the Registration of Marks (the Nice Classification) was also performed in connection with the entry into force on January 1, 2007 of the 9th edition of the Nice Classification.

The activities on the creation of the Industrial Property Objects International Classifications Information and Reference Systems (IRS) in Ukrainian were completed in the year under review with free-of-charge access to them via the web-sites of SDIP and Ukrpatent. In 2006 in the section «Databases» the following IRS' of the current editions of the International Classifications were placed:

- «International Classification of Goods and Services for the Purposes of the Registration of Marks (the Nice Classification)»;
- «International Patent Classification. Eighth Edition (2006). Core Level»;
- «International Classification of the Figurative Elements of Marks (the Vienna Classification)».

The IRS «International Classification for Industrial Designs (the Locarno Classification)» was also in operation.

4.3. Official and Informative Publications

In the year under review the amount of information published in the Official Bulletin «Promyslova Vlasnist» considerably increased. Thus, 12 issues of the Official Bulletin «Promyslova Vlasnist» with the total amount of 946,0

publisher's signatures and circulation of 150 copies and the 2005 Annual Index to the bulletins in 2 volumes with the total amount of 101,9 publisher's signatures and circulation of 130 copies were published in 2006.

Besides, the following patent information products were regularly issued every month (12 disks per year) on optical data carriers:

— the Official Bulletin «Promyslova Vlasnist» on CD-ROM which includes the same information as the edition on paper;

— the CD-ROM «Vynakhody v Ukraini» (Inventions in Ukraine) which includes structured information about the registered patents (including declaration patents) for inventions (utility models) in Ukraine;

— the CD-ROM «Trademarks and Service Marks Registered in Ukraine» which includes information about the registration of trademarks and service marks in the current month: bibliographic data, images of marks and the list of goods and services grouped by classes according to the International Classification of Goods and Services for the Purposes of the Registration of Marks;

— the DVD «Trademarks and Service Marks Registered in Ukraine» which includes information about all the registration of trademarks and service marks in Ukraine for the period from January, 1993 and to the date of the current registration. The DVD includes a powerful search system which enables the user to carry out such kinds of search: subject (thematic) search, name search, number search, classification search according to the classes of the Nice Classification and according to the categories of figurative elements of marks (the Vienna Classification) by 26 criteria.

The release of the cumulative optical disk DVD «Industrial Designs Registered in Ukraine» which includes information on all industrial designs registered in Ukraine for the period from January, 1993 and to the date of the current registration has started from June, 2006. The DVD includes a powerful search system which enables the user to carry out a highly effective search by 35 criteria, including: subject (thematic) search, title search, number search, classification search according to the classes of the International Classification for Industrial Designs (the Locarno Classification).

The activities towards the improvement of the national patent documentation were continued in the year under review. Changes made to the form and content of the data presentation published in the Official Bulletin «Promyslo-

va Vlasnist» and its Annual Index were caused by the corresponding changes in the regulatory background of intellectual property in Ukraine. The new (by structure, form and design) documents of the titles of protection for industrial property rights of Ukraine were introduced the announcements on which were published in the Official Bulletin starting with the ninth issue thereof.

To provide a wide range of patent information users with the data concerning the national patent documentation, the basic provisions of the regulatory background which influence directly the creation, improvement and unification of patent documentation, and also the kinds of protection documents of Ukraine which certify the granting of the titles of protection for industrial property objects, in 2006, for the first time in Ukraine, the methodical manual «Patent documentation of Ukraine» was prepared and issued on paper.

Besides, in order to provide a wide range of specialists with practical recommendations concerning the drafting and filing of an application for industrial property rights, the following methodical recommendations and practical manuals were prepared and issued in the year under review:

- «Drafting and filing of an application for granting a patent of Ukraine for industrial design»;
- «Drafting and filing of an application for granting a certificate of Ukraine for a trademark and service mark»;
- «Peculiarities of filing of an international application»;
- «Methodical recommendations concerning the drafting and filing of an opposition with the Board of Appeals of the State Department of Intellectual Property».

The Ukrainian patent documentation and standardization specialists participated actively in the work of the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT) dealing with the elaboration and revision of the WPO Standards and amendments and supplements to these standards.

To provide the State intellectual property rights protection system with the terminological and linguistic support SDIP completed in 2006 a series of publications of inofficial Ukrainian translations of the WPO Standards that were started in 2005. Particularly, in the year under review the following WPO Standards were published in the official sources of SDIP and in mass media: ST.9, ST.14, ST.17, ST.60, ST.80.

4.4. Implementation of the new information technologies in the information and technological processes of examination of industrial property rights applications

One of the priority directions of Ukrpatent as the examination body is the implementation of all-round automation of the technological processes of industrial property rights applications examination that envisages the development and implementation of the corresponding highly effective computer systems and applications.

Ukrpatent, due to the implementation of the measures stipulated by the program of automation and by the conception of computer information environment development, is characterized by a high level of automation of the technological processes. The automated systems for processing of applications for inventions and utility models, trademarks and service marks and industrial designs are implemented in Ukrpatent. The automation is also implemented in the accounting, planning and economic, publishing and administrative activity of Ukrpatent.

The workstations of examiners and specialists are equipped with technical and program complexes on the basis of up-to-date computers connected to the local network which unites over 600 workstations.

The purpose of further works on automation is to provide timely and high-quality processing of the industrial property rights applications materials at all stages of processing with the use of up-to-date information technologies.

The main task of the implementation of the new information technologies is the gradual planned transition from the paper to electronic (paperless) technologies of processing and examination of the application documents, reducing the amount of manual works, the gradual rising of the functional capacity of Ukrpatent as the examination body and the center of patent information resources.

The performance of these tasks is carried out with the consideration of:

- the annual increase of the incoming flow of industrial property rights applications;
- the intensive development of the technical and program tools;
- the corresponding standards and recommendations;
- the necessity to ensure safety of the confidential information concerning the industrial property rights objects.

When analyzing the experience of the implementation and practical application of information technologies in the World Intellectual Property Organization and in the patent offices of the leading countries, and also taking into account the world tendency of intensive development of the processes of transition to paperless (electronic) technology of transferring and processing of various documents, it was determined, that the present-day priorities involved in the implementation of the new information technologies in Ukraine are as follows:

- the creation of the electronic technological and general document circulation system providing for the use of electronic documents;

- the creation and updating of a centralized electronic archive of documents (CEAD);

- the development and stage-by-stage implementation of an electronic filing system for industrial property rights with the application of an electronic digital signature;

- the creation of a single centralized electronic register of incoming documents (initial and secondary application materials);

- the creation of a series of registration and reference information systems for the needs of the examination and for maintaining the State Registers of protection documents for industrial property rights and also for patent information support of the applicants, patent attorneys and other concerned users.

While choosing the conceptual variant of the creation of the electronic document circulation system, the efforts were concentrated on the definition of the ways, algorithms and means for the creation of the unique integrated system which will integrate all document flows at a single point of registration and provide for inputting, storage, identification, access to each document, their functional routing and control of performance, the unification of means for arranging the forming of the register and dispatch of the output documents.

The achievement of this purpose implied the carrying out of the following series of tasks:

- 1) the creation of the centralized electronic archive of documents;

- 2) the provision of an ability to carry out search of any document by many criteria;

- 3) the provision of the automation of a majority of the standard operations concerning the



Seminar «The Status and Prospects of the Implementation of the System of Electronic Filing of Applications for Industrial Property Rights in Ukraine». From right to left: Volodymyr Dmytryshyn, Deputy Chairman of the State Department of Intellectual Property; Petro Ivanenko, First Deputy Director of Ukrpatent, Scientific Affairs, and Alla Kochetkova, Head of the Patent Information Support Department of Ukrpatent

registration, the preparation of documents, the sending of correspondence;

- 4) the provision of the operative automated distribution of documents between the subdivisions and the specialists;

- 5) the provision of the automated control of documents performance;

- 6) the provision of monitoring of the specialists' work load in the structural subdivisions and of a redistribution of the amounts of work among them;

- 7) the integration of separate program developments by the criteria of a functional uniformity.

Almost all planned developments have been completed by the end of 2006. The implementation and complex testing of the electronic document circulation system will start in January 2007.

The centralized electronic archive (CEAD) is the basic structural unit of the electronic document circulation system. It is intended for storage, generation, processing, searching of electronic documents concerning industrial property rights. Initial and secondary applications materials (documents) are accumulated in the centralized electronic archive. The formats of documents presentation allow to carry out their search by key words, numbers and dates. The documents in the centralized electronic archive are grouped according to the numbers of applications. Thus, the task of the arranging of the electronic file (dossier) for industrial property rights applications is solved. Documents are kept both in digitized and in image format that enables producing a copy of the original document.



Petro Ivanenko, First Deputy Director of Ukrpatent, Scientific Affairs (Right) and Denys Sheverun, Head of Sector of Ukrpatent near the display stand of the exhibition «Inventions and Innovations-2006»

All necessary developments were carried out during 2006, and in the second half-year the centralized electronic archive was put into test operation.

The technology of current scanning of the incoming documents, their recognition, digitizing and transformation of formats was implemented for the updating of the centralized electronic archive.

Simultaneously with the establishment of the centralized electronic archive which is a system that consists of program modules, databases and a series of server procedures and functions, a technology was developed for the creation and loading to the electronic archive and to the technological database of the automated system «Vynakhody» («Inventions») of the following back files of patent documents: full descriptions to patents for inventions in the image format, claims, abstracts.

Thus, over 11,000 claims of inventions from the applications filed within the period since 1993 to 2002 were loaded to this system in the second half of 2006. Besides, 6,000 abstracts were also prepared and loaded into this system.

The activities related to the introduction of an electronic filing system for industrial property rights applications were in process in 2006. The main purpose of the implementation of this system is to provide applicants and their authorized representatives (patent attorneys) with modern, high-speed, effective, reliable and high-quality software and technological means which will allow carrying out of the automated procedures of preparation, drafting, control and transfer of industrial property rights applications materials

and the procedure of electronic information exchange with the examination body.

By the end of 2006 the modules of the online electronic filing system for industrial property rights applications with the application of an electronic digital signature were completed. As a result, the applicants will obtain an opportunity to use efficiently the system for filing initial and secondary materials of all industrial property rights applications.

The putting of the said system into operation will be carried out in the first quarter of 2007 after inclusion of the program modules into its structure that will allow assigning of the electronic digital signature to the corresponding documents concerning industrial property rights applications. The electronic filing of the industrial property rights applications in Ukraine, like the systems functioning in the industrially developed countries, will be used together with the traditional filing of applications on paper and will be a subsystem of the overall electronic document circulation. Therefore, simultaneously with the development of the program modules of electronic filing of the industrial property rights applications materials, the algorithms of integration of all flows of applications documents in the unified system of electronic registration of documents (E-register) and the technological document circulation were worked through in 2006.

In order to create favorable conditions for an increase in efficiency and quality of patent search works when carrying out the information searches on the applications for inventions, a search portal integrated with the system of support of decision-making and the dynamic base of knowledge was created in Ukrpatent in 2006. The integrated search portal provides complex patent information servicing of the examiners' requests concerning the search of patent documentation on the basis of the use of a unified user interface for access to various sources (local and remote) of patent and non-patent documentation and to the patent information systems via the Internet (esp@cenet, USPTO, JAPIO and others). The system of support of decision-making gives an opportunity to automate the search report drafting process.

In accordance with the plan of measures for an effective use by the national and foreign users of the national patent documentation classified according to the Ukrainian version of IPC-8, the automated system «Management of the Ukrainian Version of the IPC» was developed and implemented in 2006. The implemen-

tation of this system provides Ukrpatent with the following means for maintenance of the Ukrainian version of the IPC:

- the loading of the IPC symbols into a database;

- the forming of files for translation of the IPC titles from English into Ukrainian;

- the generation of an XML-file of the Ukrainian version of the IPC;

- the forming of a dummy layout for printing on a paper carrier;

- the creation of a Ukrainian HTML-version of the IPC for placing it on the web-site of Ukrpatent.

The activities related to the improvement of the existing databases and the creation of the new reference information systems with local access and via the Internet were also carried out in 2006. Thus, the local reference information system, which provides references and answers to numerous typical queries, was created for the needs of applicants. The system is an information kiosk placed in the foyer of Ukrpatent. Applicants may independently look through typical questions and receive answers to them. It is also possible to enter new questions into the system and the answers to them will be prepared and posted in the system.

In order to work with the interactive databases implemented for access via the Internet in the previous years, new interfaces with expanded functionalities of search systems were developed in 2006.

4.5. Development of the Web-Sites of SDIP and Ukrpatent

The system of intellectual property protection is presented in the Internet on the web-sites www.sdip.gov.ua, www.ukrpatent.org, www.ip-centr.kiev.ua, www.uacrr.kiev.ua, www.iipl.ukrpatent.org, www.intelvias.com.ua, www.fabrikaidei.kiev.ua.

In 2006 more than 560 information materials were placed on the web-site of SDIP (www.sdip.gov.ua), the required changes were introduced, certain additions were made. A news line is updated every day. Three language versions of the web-site (Ukrainian, Russian and English) are in operation. The number of visitors of the web-site increased every month as shown in Table 4.2. The web-site permanently occupies the leading positions in the rating www.topping.com.ua among 120 sites of the State administration bodies.

In the year under review a series of measures was introduced to increase the informative va-

Table 4.2 Statistical data about the functioning of the web-site of SDIP according to the data of Webalizer Version 2.01 (from January 1 to December 31, 2006)

Month	Average number per day		Total number per month		
	pages	visits	Kbytes	visits	pages
December	10,108	2,000	14,174,086	62,008	313,349
November	9,379	1,644	13,260,880	49,324	281,373
October	13,557	1,485	15,926,056	46,042	420,268
September	29,623	1,456	29,061,508	43,680	888,693
August	24,427	1,310	24,210,515	40,636	757,253
July	14,134	1,611	15,092,569	49,941	438,182
June	8,892	1,771	10,419,967	53,158	266,768
May	9,328	1,744	12,222,373	54,089	289,170
April	9,050	1,696	10,068,138	50,891	271,501
March	12,338	1,903	14,466,474	59,017	382,503
February	17,713	1,560	17,608,842	43,687	495,975
January	13,269	987	12,338,748	62,008	256,844
Total	171,818	19,167	188,850,156	614,481	5,061,879

Table 4.3 Statistical data about the functioning of the web-site of Ukrpatent according to the data of Webalizer Version 2.01 (from January1 to December 31, 2006)

Month	Average number per day		Total number per month		
	pages	visits	Kbytes	visits	pages
December	11,463	968	11,335,155	30,026	355,357
November	17,735	723	16,044,147	21,709	532,069
October	11,958	634	10,344,402	19,656	370,726
September	8,575	514	7,556,245	15,434	257,267
August	6,988	482	6,545,221	14,954	216,639
July	11,008	516	6,614,600	10,848	231,178
June	10,639	590	8,293,795	17,716	319,182
May	9,248	575	8,085,101	17,841	286,717
April	9,680	588	8,437,073	16,491	271,055
March	11,391	695	11,312,489	21,575	353,142
February	8,699	516	8,564,219	14,471	243,574
January	5,684	361	5,698,788	11,421	168,545
Total	123,068	7,162	108,831,235	212,142	3,605,451

lue of the web-site. Permanently are in operation the information section «Actualities», the column «Catalogue of Services» is supplemented with new materials, in particular official forms; an updated Register of patent attorneys with expanded ability of search and submission of information was posted; the column «Questions to the Chairman of the State Department of Intellectual Property» (on-line operated) has been reorganized into «Electronic Waiting Rooms of the Management of SDIP». 80 answers to typical questions of web-site visitors related to the intellectual property rights protection were published during 2006.

The web-sites visitors are users from the fol-

lowing countries: the USA, Russia, Belarus, Germany, Poland, Moldova, the Czech Republic, the Netherlands, France, Canada, Italy, Austria, etc.

Information on filing of applications for industrial property rights, the databases and the RICs, as well as the legislative acts are of primary interest for the web-site www.ukrpatent.org visitors.

The web-site of Ukrpatent permanently takes a leading stand among 70 participants in the section «Examination» of the general rating of web-sites www.topping.com.ua. The web-site is permanently updated by current information.

5 International Cooperation in the Sphere of Intellectual Property



The third meeting of the Ukrainian-American Intellectual Property Enforcement Cooperation Group. In the front row from left to right: Valentyn Chebotariov, Deputy Chairman of the State Department of Intellectual Property; Mykola Paladiy, Chairman of the State Department of Intellectual Property; Olena Shcherbakova, Head of the Division of the European Integration and International Cooperation

5.1. Accession of Ukraine to WTO and Integration into EU

An accession of Ukraine to WTO is determined as one of the priority directions of its external economic policy and is considered as a system factor of the national economic development.

During 2006, the representatives of SDIP participated actively in the important events related to the accession of Ukraine to WTO, in particular:

- in March in Geneva, Switzerland, the informal meeting of the Working Group on Ukraine's accession to WTO was held, and in order to complete the accession of Ukraine to WTO a round of bilateral negotiations with the delegations of Australia, EU, Panama, Taiwan, Kyrgyzstan and Armenia on the access to markets of goods and services was carried out within the framework of this meeting;

- in February–March, the next round of bilateral negotiations and consultations with the USA and Canada was held within the frame-

work of the accession of Ukraine to WTO. SDIP within the scope of its competence assisted the coordination of the negotiating process issues with the USA, in particular, during the year provided the USA with the information concerning intellectual property rights protection in Ukraine. In March, 2006 the bilateral negotiations with the USA came to the end by signing the bilateral Protocol on the access to markets of goods and services;

- in June in Geneva (Switzerland), the 16th official meeting of the Working Group on the accession of Ukraine to WTO was held within which the updated Draft Report of the Working Group

together with the explanatory materials presented by Ukraine and the status of bilateral negotiations on the access to markets of goods and services as well as changes in the national legislation and further steps of Working Group activity were discussed. Subsequent to the results of the meeting, the list of provisions of the Working Group Draft Report that required legislative approval by Ukraine was clearly defined;

- in September, bilateral consultations with the representatives of the European Commission on the accession of Ukraine to WTO were held and some items of the Draft Report of the Working Group on the accession of Ukraine to WTO were approved in the course of these consultations;

- in October, the informal meetings of the Working Group on Ukraine's accession to WTO and bilateral consultations with the European Commission, Taiwan and Kyrgyzstan were held. The key issue of the Working group meeting was the legislative support of the accessi-



Mykola Paladiy, Chairman of the State Department of Intellectual Property, and Olena Shcherbakova, Head of the Division of the European Integration and International Cooperation (Left) during the meeting with Ms. Nina Formby, Project Leader for CIS and Mongolia, the European Patent Office (Right)

on of Ukraine to WTO and forming of the final edition of the Draft Report. Today, Ukraine has completed bilateral negotiations with all members-states of the Working Group, except Kyrgyzstan.

In the framework of the implementation of measures directed at the appropriate fulfilment of the Agreement on Partnership and Cooperation between Ukraine and the European Communities and their members-states and of the Plan of Action «Ukraine — EC», the Ukrainian and European parties started in 2006 a Dialogue between the European Commission and Ukraine on intellectual property rights enforcement with the purpose to solve issues in the sphere of intellectual property which are of mutual interest of the parties.

Two sessions of the Working Group on the improvement of intellectual property rights enforcement in Ukraine were held within the framework of the Dialogue and issues concerning the development of the legislation in the sphere of intellectual property in Ukraine, geographical indications, collective management in the sphere of copyright and related rights, enforcement of intellectual property rights and suppression of the infringements in this sphere were considered during these sessions. The European party has recognized the progress of Ukraine in bringing the national legislation in compliance with the TRIPS Agreement and fulfilment of the obligations within the framework of the Agreement on Partnership and Cooperation between Ukraine and EU.

Moreover, a number of meetings of Subcommittees under the Committee on Cooperation between Ukraine and EU were held during 2006. In particular, in June, in Brussels, the

eight joint session of the Subcommittee No. 1 «Trade and Investments» and the second joint session of the Subcommittee No. 3 «Policy in the Sphere of Enterprises, the Competition, Cooperation in the Regulatory Sphere» under the Committee on Cooperation between Ukraine and EU and consultations on the creation of a zone of free trade between Ukraine and EU were held whereat issues pertaining the enforcement of intellectual property rights and further bilateral cooperation were considered with the European party.

SDIP within the scope of its competence also participated in the elaboration of the Draft Agreement on the creation of a zone of free trade between Ukraine and the European Union.

5.2. Cooperation with the World Intellectual Property Organization

The year under review was very efficient in the sphere of intensification of the cooperation between Ukraine and the World Intellectual Property Organization.

In the framework of the implementation of the Agreement on Cooperation between the Cabinet of Ministers of Ukraine and WIPO as well as the Framework Agreement on Cooperation between the Ministry of Education and Science of Ukraine, an important measures directed at the coordination of the activity of the Government with the purpose to improve the intellectual property system in Ukraine, were carried out in cooperation with WIPO.

In 2006, the Ukrainian specialists participated actively in the sessions of the Working Groups and WIPO Standing Committees on Program and Budget; on Copyright and Related Rights; on Trademark Law, Industrial De-

signs and Geographical Indications; on Patent Law etc.

In the year under review a wide reorganization of the WIPO program and budgetary activity system was performed with an accent on the further involvement of the member-states in the determination of priorities of the program and budget, its forming and fulfillment. Ukraine as a member of the Regional group of the countries of Caucasus Region, Central Asia and Eastern Europe has initiated a number of propositions concerning the improvement of allotment of budgetary funds within the regional groups and has emphasized on observance of a principle of equality of the member-states representation in WIPO staff according to geographical criteria. The specified propositions were supported by many WIPO member-states and their implementations will provide more effective fulfillment of the basic development programs and WIPO higher administrative flexibility.

In September 2006, the Ukrainian delegation headed by Mr. Mykola Paladiy, Chairman of the State Department of Intellectual Property took part in the 42-th Series of Meetings of Assemblies of WIPO Member-States whereat the basic priority trends of WIPO activity directed at strengthening and multilateral improvement of the global intellectual property legal protection system were determined. The participation of the Ukrainian delegation was very important for revealing of essential problems in the sphere of intellectual property and solving issues of further cooperation between Ukraine, WIPO and other international and regional organizations.

A series of meetings of the Ukrainian delegation headed by Mr. V. Polohalo, Chairman of the Subcommittee on Intellectual Property Rights under the Committee of the Verkhovna Rada of Ukraine on Education and Science with WIPO governing body which took place from December 11 to December 13, 2006 in the framework of the informal session of the WIPO Program and Budget Committee became extremely efficient for the determination of future cooperation priorities between Ukraine and WIPO. An important decisions concerning the implementation in Ukraine of the project «Study of the Contribution of Copyright Rights Industries to the National Economy», the WIPO ex-

perts complex appraisal of the legislation of Ukraine in the sphere of IP and involvement of WIPO management into discussion of vital issues on IP rights enforcement within the framework of the parliamentary hearings which will take place in March, 2007, were adopted in the process of negotiations.

Mutual desire and readiness for further effective cooperation between Ukraine and WIPO on the realization of joint projects directed at the improvement of the intellectual property rights protection system, both in national and in global scales were expressed during a series of meetings of the Ukrainian representatives with the WIPO principal officers.

In 2006, within the framework of the realization of the programs directed at the increasing



International seminar on the appeal procedures in the sphere of intellectual property protection. Mykola Paladiy, Chairman of the State Department of Intellectual Property, and Haldi Johnson (Left) and Nnamdi Ezera, the representatives of the USA Trade Department

of the professional level of SDIP' experts, the Ukrainian representatives visited Sweden, United Kingdom and Switzerland. During these visits the Ukrainian experts participated in specialized training programs and seminars organized by WIPO and national patent offices, in particular on issues concerning management and administration in the intellectual property rights protection system. A number of working meetings of SDIP specialists with the representatives of the State institutions and leading organizations of the hosted countries in the sphere of the protection and realization of intellectual property rights were held.

The issues concerning development and strengthening of the cooperation between corresponding institutions, enterprises and organizations for further development of similar international initiatives, encouragement of mutu-

al visits of scientists, experts and other corresponding personnel for the realization of projects in the sphere of copyright and related rights, exchange of information and publications which are of mutual interest and arrangement of the scientific seminars, conferences, symposiums and informational and educational courses within mutual interests etc., were discussed in the process of realization of the specified programs.

5.3. Cooperation with the European Patent Office

A number of important events took place in 2006 in the framework of the traditional cooperation between SDIP and EPO.

In particular, under the assistance of EPO, the Ukrainian delegation visited the Center of Effective Disputes Resolution (CEDR), which is located in London, the United Kingdom and Northern Ireland. The Ukrainian delegation headed by Mr. Mykola Paladiy, Chairman of SDIP, was represented by the members of the SDIP Appeals Chamber and by Mr. V. Moskalenko, Deputy Chairman of the Supreme Economic Court of Ukraine, Chairman of the Judicial Division on the disputes resolution concerning intellectual property rights enforcement. The purpose of the Ukrainian experts' visit was the participation in the curriculum on out-of-court disputes resolution (mediation) with the assistance of an intermediary (mediator).

In the framework of the curriculum on alternative disputes resolution, the participants familiarized themselves with the history of mediation development in the United Kingdom, received general information on mediation and other kinds of alternative disputes resolution and familiarized themselves with the advantages and shortcomings of mediation. The program also included the acquaintance with the peculiarities of carrying out the mediation in disputes between parties that represent different cultures and nations. The great attention was also paid to psychological aspects of carrying out the mediation.

Arrangement of the seminar on mediation in cooperation with the experts of the Center of Effective Disputes Resolution, who has already given their preliminary consent, is now in process. This will assist in raising the skill level of the professionals in the field of intellectual property as well as experts, lawyers, judges, businessmen and other persons interested in the problem of alternative methods of disputes resolution. Arrangement of the Ukrainian profes-

sional mediators training is also actual problem. This should be the first step in the Mediation Center creation where intellectual property disputes will be considered with the assistance of mediators which will help to decrease a number of appeals to the Ukrainian courts and allow the parties to save significantly their own financial resources and time.

In 2006, SDIP in cooperation with the European Patent Office organized in Kiev the training course for the experts of the State Enterprise «Ukrainian Industrial Property Institute» and invited the experts from the Federal Institute of the Industrial Property of Russia Federation to take part in it. The training was carried out under the direction of the EPO skilled experts and had the form of four seminars, either of which was devoted to different technical fields — inorganic and general chemistry, organic chemistry and pharmaceuticals, computer software, methods of running business and biotechnologies. The most active participants of the seminars were chosen to participate in an educational training in the EPO headquarters in Munich (Germany). For a month the Ukrainian experts were given workplaces in different EPO subdivisions and had an opportunity to acquaint themselves with the procedure of the examination and granting of the European patents and considered practical branch issues with the EPO experts.

During the year, the Ukrainian experts traditionally participated in the EPO educational seminars and programs. Due to this, the representatives of the state intellectual property system of Ukraine had an opportunity to acquaint themselves with the last European tendencies in the sphere of intellectual property protection, to increase their professional level and to gain an experience of the main patent Office of the European Union.

5.4. Bilateral Cooperation

The effective realization of bilateral cooperation of Ukraine with foreign countries in the sphere of intellectual property rights protection became an important part of SDIP activity in 2006. The contractual backgrounds of such cooperation are the international bilateral and multilateral agreements made between Ukraine and foreign states at interstate, intergovernmental and interdepartmental levels.

In order to extend the contractual base of bilateral cooperation in the sphere of intellectual property rights legal protection, SDIP continued to coordinate with all interested state bodies



Press-conference «Ukraine is not Finland. But can become such». From right to left: Mykola Paladiy, Chairman of the State Department of Intellectual Property; Nadia Drohan, Press secretary of the State Department of Intellectual Property; Rita Larya, Coordinator on International and Legal Matters of the National Council on Patents and Registrations; Imeli Makki, representative of the International Technical Policy Division of the Technology Department under the Ministry of Trade and Industry; Karri Komulainen, Director of TEKES Company

the Draft Decree of the Cabinet of Ministers of Ukraine «On Ratification of the Agreement between the Cabinet of Ministers of Ukraine and Government of Belarus on Mutual Protection of Rights in Intellectual Activity Results Used and Obtained within Bilateral Military and Technical Cooperation» which after completion of corresponding procedure will be submitted to the Cabinet of Ministers of Ukraine for approval. In the same context SDIP worked out and prepared for signing the Draft Agreement between the Cabinet of Ministers of Ukraine and Government of Russian Federation on mutual protection of rights in intellectual activity results used and obtained within bilateral military and technical cooperation. This Agreement was signed on December 22, 2006 in the framework of Mr. V. Putin, the President of the Russian Federation, visit to Ukraine.

In 2006, the activity on coordination with the Georgian party and conducting the interstate procedure of coordination of the Draft Agreement between Ukraine and Georgia on mutual legal protection of geographical indications for vines, alcoholic beverages and mineral waters and coordination of the corresponding order of the President of Ukraine was continued. The signing of the Agreement is planned for 2007.

SDIP pays significant attention to the establishment of close partners relations with foreign patent offices. In particular, in the year 2006 SDIP continued the activity on coordination of the Draft Agreement between the Ministry of Education and Science of Ukraine and Ministry of Economy and Transport of Hungary on cooperation in the sphere of intellectual property.

Moreover, in the year under review SDIP participated in the elaboration and coordination of the Draft Agreements between the Cabinet of Ministers of Ukraine and Government of India on cooperation in the sphere of science and technology, between the Cabinet of Ministers of Ukraine and Government of Peru on mutual recognition and protection of appellations of origin that contain provisions on legal protection of intellectual property rights; Framework Agreement between the Cabinet of Ministers of Ukraine and Government of Algeria on cooperation in the sphere of research and use of space in peaceful purposes; Agreement between the Cabinet of Ministers of Ukraine and Government of Algeria on military and technical cooperation; Memorandum of Understanding between the Cabinet of Ministers of Ukraine and Government of Pakistan on cooperation in military and defense areas.

The representatives of the state intellectual property legal protection system participated in a number of measures directed at strengthening of bilateral relations, upgrading of the Ukrainian experts' qualification by exchange of experience on different issues.

In order to acquaint with the advanced European experience in innovation sphere, in particular with the functioning of technoparks, business incubators, enterprises and higher educational institutions that use in their activity an innovative principals, the actions in the framework of «round table» were carried out in Kyiv from June, 13 to June 15, 2006 on the initiative and direct coordination of SDIP and with the participation of the representatives of Ministry

of Trade and Industry of Finland, National Council on Patents and Registration of Finland and Finland company «TEKES». Issues that are important for the organization of further practical actions directed at the improvement of mechanisms of the realization of the existing legislation of Ukraine in the sphere of intellectual property were discussed during these meetings.

The active cooperation of the State Department of Intellectual Property with the United States of America was in process in the year under review. Three meetings of the Ukrainian-American Intellectual Property Enforcement Cooperation Group were carried out in 2006. The representatives of all state bodies of Ukraine involved in the sphere of the protection and enforcement of intellectual property rights as well as the representatives of public organizations and the USA Embassy took part in these meetings. The cooperation group is an effective means for the achievement of actual purposes and solving problems that arise before right owners and state bodies involved in the sphere of intellectual property legal protection.

Moreover, the Ukrainian experts participated in the educational programs of the Worldwide Academy of Intellectual Property under the US Patent Office that were devoted to patents, trademarks, copyright and related rights issues.

In September 2006, the «round table» on the improvement of the Ukraine legislation on intellectual property legal protection was carried out under the assistance of the Program of Commercial Right Development at the USA Ministry of Trade within which the Ukrainian experts together with the skilled foreign experts worked over the draft laws of Ukraine in the sphere of intellectual property in order to put them in compliance with the international standards.

5.5. Cooperation with the CIS Countries

Within the framework of the realization of multilateral cooperation in the sphere of intellectual property rights enforcement, Mr. V. Chebotariov, Plenipotentiary of the Government of Ukraine in the Commission, Deputy Chairman of SDIP took part in the work of the 12-th (March 1—2, 2006, Minsk, Belarus) and the 13-th (October 25—26, 2006, Moscow, the Russian Federation) meetings of the Joint Working Commission of the member-states of the Agreement on Cooperation on Suppression of Infringements in the Sphere of Intellectual Property. During the 13-th meeting of the Commis-

sion, the parties agreed to arrange the 14-th meeting in Kyiv (Ukraine) in May, 2007.

The representatives of the state intellectual property legal protection system of Ukraine took part in the 15-th regular meeting of the Interstate Council on Protection of Industrial Property of CIS Countries and in the International seminar on actual issues concerning intellectual property rights protection and problems pertaining to the participation in WTO which was held on June 11—15, 2006 in Cholpon-Ata, Kyrgyzstan. The seminar was arranged by the State Agency of Science and Intellectual Property under the Government of the Kyrgyzstan (Kyrgyzpatent) in cooperation with the World Intellectual Property Organization and the Eurasian Patent Office.

5.6 Cooperation between the collective management societies

In March 2006, Mr. Ronald Muj, General Secretary of the International Bureau of Mechanical Rights Societies (BIEM) and Mr. Mitko Chatalbashev, Director of the European Committee of the International Confederation of Societies of Authors and Composers (CISAC) on European Affairs visited the Ukrainian Agency of Copyright and Related Rights (UACRR). The issues on the development of collective management in Ukraine, particularly in the field of mechanical rights were discussed during the visit. R. Muj and M. Chatalbashev also acquainted with the results of the activity of UACRR for the last some years.

On April 26—27, 2006 in Bucharest (Romania) the meeting of the European Committee of CISAC was held whereat Mr. Bondarenko, UACRR Director made a report on copyright in Ukraine. As a result of this report, the resolution «Situation in the Sphere of Copyright in Ukraine» was adopted in order to express the necessity of fulfillment of the existing legislation of Ukraine concerning the author's remuneration to the broadcasting companies, operators of a cable television and other users. The European Committee of CISAC has supported UACRR efforts to use all legal means to provide the Ukrainian and foreign author's rights protection.

On June 1—2, 2006 in Paris (France) the meeting of General Assembly of CISAC was held. The amendments and modifications to the statute of CISAC were adopted, the financial issues and the annual report of the CISAC activity were considered and the new members were affiliated at this meeting. A number of me-

etings of the representatives of UACRR with the representatives of authors-legal societies – the partners of UACRR were held within which issues concerning the future cooperation were discussed.

On October 10—11, 2006 Mr. David Safir, Vice-President of the American Society of Composers, Authors, and Publishers (ASCAP) visited UACRR with a working visit. The ASCAP Society represents the interests of more than 250, 000 American authors and provides collecting in the USA over 50% of the author's remuneration for public performance of works. Mr. David Safir met with the Heads of the UACRR structural divisions. Issues concerning fees and distribution of the author's remuneration as well as the judicial practice of the Agency were discussed during this meeting. The foreign guest shared his experience in the sphere of public performance of works in the USA. Mr. David Safir's visit promoted to mutual beneficial relations between UACRR and ASCAP.

On October 23—24, 2006 Mr. Helmut Kozhuzhek, Director on Judicial and Commercial Issues of AGICOA — Association of the International Collective Management of Audiovisual Works (Switzerland) which protects rights of the manufactures of audio-video works in the sphere of a cable relay of TV programs all over the world, visited UACRR.

On November 15—17, 2006 the group of specialists visited with a working visit the collective management organisation — Agency of Lithuanian Copyright Protection (LATGA-A). The aim of the visit was to organise cooperation with the Lithuanian colleagues and to exchange experience with various categories of right owners and users of author's rights. The heads of the LATGA-A structural bodies gave the Ukrainian guests detailed information on the gained experience in the creation of the collective management system in Lithuania as well as on forms and methods of work with copyright users, particularly broadcasting organizations.

On November 16—17, 2006 in Budapest the seminar on mechanical rights, organised by



Mitko Chatalbashev, Director of European Affairs, the International Confederation of Societies of Authors and Composers (CISAC/BIEM); Semii Kurianov, Head of the Legal Department of UACRR; Anatol Kiryak, President of the Moldavian Authors' Society ASDAC; Serhii Bondarenko, Director of the UACRR (from left to right) during the meeting of the CISAC European Committee in Bucharest (Romania)

the International Bureau of Mechanical Rights Societies, took place. The representatives from more than 30 Communities of Eastern and Western Europe were the participants of the seminar. Highly qualified experts outlined the issue of licensing of-line use, including the new formats (DVD, DualDisc, Bundles&CD-Extra), central license agreements, licensing of certain on-line use, accountancy and distribution of fees for mechanical rights, audit and antipiracy.

On December 13—14, 2006 the group of UACRR specialists visited with a working visit the Polish Copyright Protection Organization (ZAIKS) with which UACRR made agreements on mutual representation of interests. The Ukrainian delegation was acquainted with the ZAIKS activity in the sphere of collection and distribution of remuneration as well as with the system of creation and functioning of the regional representative offices. The Polish colleagues told the Ukrainian guests about the work with the copyright users, particularly with the cable TV operators, shared their experience in case prosecution. Friendly relations between UACRR and ZAIKS were strengthened and the plans on further cooperation were agreed during this visit.

6 Professional Training and Upgrading Qualification in the Sphere of Intellectual Property. Promotion of Creative Activity

6.1. Training and Upgrading Qualification of Experts

In 2006 in the framework of the educational-scientific-production complex Academy of Intellectual Property, which includes the State Department of Intellectual Property, Institute of Intellectual Property and Law (IIPL), the State Enterprise «Ukrainian Industrial Property Institute» and the State Enterprise «Ukrainian Agency of Copyright and Related Rights» the Branch Standard of Higher Education «Training of Experts on the Specialty of Specific Categories 7.000002 «Intellectual Property» was developed and it was essentially improved the Branch Standard of Higher Education «Masters Training on the Specialty 8.000002 «Intellectual Property». These standards were approved by the Ministry of Education and Science of Ukraine (MES) and are compulsory for all the institutions of higher education in Ukraine. The new version of Branch Standard of Higher Education «Masters Training on the Specialty 8.000002 «Intellectual Property» provides for the training of innovational managers, who are deficient in Ukraine.

In 2006, a total of 16 institutions of higher education of Ukraine continued the training, re-training and upgrading of qualification of experts in the sphere of intellectual property. In particular IIPL, the leading higher school in this branch, which confirmed the accreditation for the training of experts on the specialty 7(8).000002 «Intellectual Property» has trained 73 experts and 38 masters on the specialty «Intellectual Property». There were government employees, judges and experts of judicial authorities, experts of the state system of intellectual property rights protection, personal of the Ministry of Internal Affairs, of patent legal companies, of research institutes, of higher education institutions, of business structures among them.



Pavlo Tsybuliov, Acting Rector of Institute of Intellectual Property and Law

The state-guaranteed order for training of experts on the specialty 7(8).000002 «Intellectual Property» of the specialist's and master degree was 55 specialists and 56 masters in 2006.

In order to improve the quality of training of experts in the sphere of intellectual property and to promote the staffing of higher schools with the lecturers who teach the subject of intellectual property, SDIP together with IIPL provided the postgraduate courses in the sphere of intellectual property for 40 scientific pedagogical professionals of higher education institutions in 2006.

There was successfully developed the distant form of education in the sphere of intellectual property. In 2006, 14 persons from Dnipropetrovsk, Donetsk, Zakarpatian, Kiev, Rivne, Kharkiv and Khmelnytsk region successfully graduated the course of Ukraine language module of distant education «Basics of the Intellectual Property» of the WIPO Worldwide Academy.

In 2006, IIPL together with Association of Business Development have published the audio-visual training aid on CD-ROM «Commerciali-

zation of Your Intellectual Property: Detection of Commercially Significant Subjects, Evaluation Thereof and Effective Marketing». To support the training on the specialty «Intellectual Property» in 2006 IIPL has published 4,960 copies of the training aids of 17 names.

In 2006 a total of 46 students of higher educational institutes of III-IV accreditation levels passed the probation in the specialties «Intellectual Property» and «Jurisprudence» in SDIP and subordinate institutions.

It was provided the Course for appraisers of intellectual property rights. 6 persons have got the certificates of appraisers of intellectual property rights.

SDIP provided the training and attestation of the intellectual property representatives (patent attorneys), considered appeals of the candidates to the patent attorneys against decisions of the Examination Board of SDIP on refusal of admission to qualification examinations and of attestation; it considered the complaints from the actions of patent attorneys, whose activities didn't meet the proper professional ethics and duties, controlled the observance of the requirements of the current legislation by patent attorneys and maintained the State Register of the patent attorneys.

To improve the procedure of attestation of patent attorneys it was issued the Order of MES of 25.07.2006 No. 556 «On the Attestation of Intellectual Property Representatives (Patent Attorneys)», which approved the Attestation Procedure of Intellectual Property Representatives (Patent Attorneys).

According to the Order of SDIP of 08.09.2006 No. 10 it was approved the Regulation on the Examination Board of the State Department of Intellectual Property and according to the decision of the SDIP Examination Board (protocol of 08.09.2006 No. 1) — the Procedure



The number of certified specialists in the field of intellectual property grows every year



Volodymyr Zharov, First Deputy Chairman of the State Department of Intellectual Property, presents the diploma to Mykhailo Soloschuk, Head of Chair of Informatics and Intellectual Property of Scientific and Technical University «Kharkiv Polytechnical Institute»

re of Passing the Qualification Exam of Candidates for Intellectual Property Representatives (Patent Attorneys). In 2006 the SDIP Examination Board has attested 10 persons. As of January 1, 2007 there were 307 patent attorneys in Ukraine who render services in the sphere of intellectual property protection in 19 regions of Ukraine and in the Autonomous Republic of Crimea.

6.2. Scientific and Practical Conferences and Seminars

In 2006, SDIP has organized and carried out more than 20 conferences and seminars on the most relevant problems concerning the protection of intellectual property rights, specifically:

- educational and practical seminar «Management of Intellectual Property at Enterprises» on January 19;
- scientific and practical seminar «Protection and Use of the Intellectual Property Rights» held together with IIPL on January 24;
- the scientific and practical seminar «Novations in 2006 Concerning Legal Regulation of Acquisition of Rights in Trademarks and Industrial Designs in Ukraine and Abroad» on February 23, where the experts of intellectual property subdivisions of enterprises, representatives of higher education institutions and of the trading companies took part in.

On March 16—17, SDIP took part in the First All-Ukrainian scientific and practical conference «The Problems of Intellectual Property in the Context of the Scientific-Pedagogical Acti-

vity» which was held in the Grygory Skovoroda State Pereyaslav-Khmelnytsky Pedagogical University.

On April 10—13, in the framework of the Week of the Industrial Technologies which took place in «Kyiv-ExpoPlaza» (Kyiv) it was celebration of the World Day of Intellectual Property. On the 10th of April the Second National Exhibition «Inventions and Innovations» organized by SDIP and «Euroindex» company, with partnership of Ukrainian Centre of Innovations and Patent Information Services was opened. During the exhibition SDIP has summed up the results of competitions and carried out the solemn ceremony of award the winners. On the 11th of April it was the scientific and practical conference «The Lawful Use and Enforcement of Intellectual Property Rights are the Guarantee of Successful Development of Enterprise». The exhibition was attended by the representatives of the government authorities, organizations and enterprises, scientific and technical community of Ukraine.

On the 12th of April, the scientific and practical conference «The Status and Course of Adaptation of Intellectual Property Legislation of Ukraine to the Legislation of EU» was held in cooperation with British Council in Ukraine and the National Academy of Sciences of Ukraine.

On the April 20—21, on the base of the Grygoriev Institute of Medical Radiology of the

Academy of Medical Sciences (Kharkiv) the scientific and practical conference «Intellectual Property in Medicine and Biology: the Current Status and the Ways of Development» was held.

On May 16—17, SDIP together with WIPO and the International Federation of Reproduction Rights Organizations (IFRRO) held the Regional seminar regarding reprographic rights and collective management cyberspace.

The conference «Problems of Training of Experts in the Sphere of Intellectual Property» was organized on May 22—26 together with IIPL. 86 persons, who represented 44 higher education institutions and 4 branch academies of sciences from 16 regions of Ukraine, as well as representatives of the government authorities, MES, British Council in Ukraine etc. took part in this conference. Within the framework of this conference SDIP took part in the opening of new educational centre «Institute of Modern Technologies and Innovations» on the basis of Sevastopol National University.

On June 13, during the press conference «Ukraine is not Finland, but can become such a country» «the round table» «The Intellectual Resource of Nation is the Basis of the Strategic Development of Ukraine» was held. Representatives of Finland (Ministry of Trade and Industry, National Council on Patent and Registration, the Director of «Tekes» Company) as well as employees of ministries, departments,



The participants of the X Anniversary International Scientific and Practical Conference «Actual Problems of Intellectual Property» (Aloushta)

enterprises and organizations of Ukraine took an active part in this «round table».

On September 11—15 in Aloushta, SDIP together with WIPO and the Council of Ministers of the Autonomous Republic of Crimea held the X anniversary international scientific-practical conference «Actual Problems of Intellectual Property». The guests of the conference were the representatives of Russia, Bulgaria, Belarus, Latvia and Lithuania, Kyrgyzstan, Georgia, Romania, Moldova, the Czech Republic, Kazakhstan, France, the USA, representatives of international organizations — WIPO, EPO, OHIM and of the European Commission in Ukraine, experts of intellectual property, patent attorneys, officials of the Cabinet of Ministers of Ukraine and other public and judicial authorities, representatives of the regional centers of scientific and technical information, of academic and branch research institutions, scientists, teachers of high schools, jurists, managers of enterprises, etc.

Scientific and practical conference «Problems of Development of Inventive and Innovative Activity in Ukraine» devoted to the Day of Inventor and Innovator was organized on September 22. There was held the exhibition presentation of the achievements of Ukrainian inventors «The Inventions in Ukraine» and children's creative activity.

On September 18—21, international seminar on the problems of appeal procedures in the sphere of intellectual property protection was held. The representatives of the US Trade Chamber and the Commercial Law Development Program in cooperation with US Patent and Trademark Office (USPTO), the State Department of the USA and the US Agency of International Development took part in this seminar.

On November 1—3, SDIP held the scientific and practical seminar «Intellectual Property in Economic Activity of Enterprises, Institutions and Organizations» for the specialists of the Council of the National Security and Defense, of Ministries and other authorities. There were considered some important questions, such as: the state system of legal protection of intellectual property, conditions and the perspectives of its development; economic rights in the results of intellectual activities; intellectual property rights as an intellectual capital; introducing of the intellectual property in civil circulation; inventory taking, accounting and taxation of the intellectual property rights; assessed value of economic intellectual property rights; pro-



Andrii Hurzhii, First Deputy Minister of Education and Science of Ukraine; Borys Paton, President of the National Academy of Sciences of Ukraine and Volodymyr Zharov, First Deputy Chairman of the State Department of Intellectual Property, at the opening of II National Exhibition «Inventions and Innovations-2006»

tection of rights of intellectual property against unfair competition.

On December 21, within the framework of seminar concerning the development of science in high schools a session of IV section «Intellectual Property as an Accelerator of Integration of Education, Science and Business» was held. The representatives of the institutions of higher education, of the centers of scientific, technical and economical information and of academic science, of the Verkhovna Rada, of the Secretariat of the Cabinet of Ministers of Ukraine, the Council of National Security and Defense, Ministry of Industrial Policy of Ukraine, Ministry of Defense, other public authorities and the experts of the state system of intellectual property rights protection participated in this seminar. They discussed such problems as exploitation and protection of copyright works in higher education institutions; effectiveness of activity of subdivisions of intellectual property in high school; absence of the mechanisms of manufacturing application of intellectual property; patenting of the student's scientific developments which could be considered as intellectual property; management of intellectual property etc.

On December it was organized the seminar «The Status and the Perspectives of the Implementation of the System of Electronic Filing for Industry Property Rights Applications»; training seminar «Infringement of Rights in Trademarks and Industrial Designs»; scientific presentation «Implementation of IPC-8 in Ukraine».

During 2006 there were held such «round tables»: «Problems in the Sphere of Produc-

tion, Exportation, Importation of Discs, Stamps for Laser-Reading Systems and the Ways to Solve Thereof»; «Problems of Examination of Applications for Industrial Property Rights»; on problems of payment of the state duty for granting titles of protection and payment fees for activities related to the intellectual property rights protection; on improvement of Ukrainian legislation in the field of intellectual property rights protection with the participation of the representatives of the Commercial Law Development Program (CLDP); «The Revision of the Maintenance Procedure of the State Registers and the Peculiarities of Introducing of Titles of Protection of the New Form»; «Improvement of Ways and Methods of Suppression of Infringements of Intellectual Property Rights»; on the problems of use copyrighted works and related rights and payment of remuneration by cable television operators etc.

6.3. Promotion of the Creative Activity

In order to support talented youth, to promote their creative and scientific activity and to promote the information about intellectual property on March 1—3 the All-Ukrainian competition of young innovators and inventors «Nature-Man-Production-Ecology» was held with the participation of SDIP as well as 5-th All-Ukrainian competition on software technologies «Ecosoft 2006» which was organized by MES, the National Academy of Sciences of Ukraine to-

gether with the National Ecological and Naturalistic Centre for Youth in Kyiv. Within the framework of these events the National Ecological and Naturalistic Centre for Youth has got charity support of books and special literature about intellectual property.

Furthermore, 28 students of 8—11 forms, students of technical schools and universities from the 12 regions of Ukraine were awarded with SDIP Diplomas and 13 students were awarded with the honorary breastplates «Creator» for the achievements in biology, medicine, ecology, chemistry and agricultural research. SDIP also gave valuable presents to the winners of the All-Ukrainian competition on software technologies «Ecosoft 2006». The All-Ukrainian competition on software technologies won the second place in the rating of popularity among the mass events for youth held by MES.

On April 26—29, on the basis of Kyiv Palace of Youth SDIP together with Central Administrative Board of Education and Science of Kyiv Municipal Administration and the Kyiv Coordinative Centre of Scientific and Technical Creativity of Youth took place in organization and holding of the 14-th city exhibition—contest of scientific and technical creativity of youth. The winners of this contest — the city centers of scientific and technical creativity of youth were awarded with valuable presents. All the participants of this exhibition received the informational materials and literature on matters of intel-



Stanislav Nikolaienko, Minister of Education and Science of Ukraine, address to the best inventors during the celebration of the Day of Inventors and Innovators

lectual property rights protection in Ukraine.

In 2006, it was summed up the results of the All-Ukrainian competition «Invention-2005» and competition for obtaining WIPO awards for enterprises with innovation activity. 358 works from all regions of Ukraine were represented at the Contest «Invention-2005». According to the re-



At meeting of VI section of the session «Intellectual Property as an Accelerator of Integration of Education, Science and Business»

sults of the competitions the winners were identified in the nominations «The best invention of 2005», «The best invention of the region», «The best invention of the youth» as well as in branch nominations (total 11), and in the nominations for the WIPO awards «Young inventor» and «Women inventors». On April 10, 2006 within the framework of the events devoted to the World Intellectual Property Day it was announced the results of competitions held by SDIP, and was the solemn ceremony of awarding of the winners and the best specialists of the state system of legal protection of intellectual property, of the authors and inventors. The winners were awarded with diplomas of SDIP, valuable presents and certificates of users of Internet-stock of industrial property, and 5 special awards were presented for the works with unique content.

The Gold Medals of the World Intellectual Property Organization were awarded:

in the nomination «Young inventor»

— to the authors of invention «Method of Regulation of Volume Supply of Gear Hydraulic Machines» (patent No. 63343 A) Matvienko Oleksandr Oleksandrovych (27 years), Beviz Oleg Viktorovych (28 years), Moskalenko Hennadii Viktorovych (28 years), Rudenko Tymofii Viktorovych (26 years);

— to the author of invention «Method of Operation of Electronic Informational System for Making of Contracts» (patent No. 7704 U) Slobodianuk Maksym Eduardovych (18 years).

in the nomination «Women inventors»

— to the authors of invention «Thermoplastic Forming Composition to Produce Ultra Thin Synthetic Fibers» (patent No. 69476) Tsebrenko Maria Vasylyivna, Rezanova Viktoria Heorhiivna, Tsebrenko Iryna Oleksandrivna.

All Ukrainian Competition for the WIPO award for the enterprises with innovation activity was held second time. The Institute of Health-Improving Technologies «New in Medicine», Sci-

entific Production Enterprise «BilotserkivMAZ» and Scientific Production Enterprise «Index» became the winners in 2005 and were awarded with the honorary insignia of WIPO.

In 2006 the Gold Medal of WIPO in the category «Eminent Inventor» was presented to Boiko Volodymyr Semenovych, the Honorary metallurgist of Ukraine, the Deputy of the Verkhovna Rada of Ukraine, the Ukrainian State Prize winner in the field of science and engineering, the President of the Public Corporation «Mariupol Metallurgical Integrated Works», author of 100 inventions and 227 innovations.

All winners got their awards on September 22, on the Day of Inventor and Innovator.

On August, it was announced the regular competitions the «Invention of year — 2006» and competition for the WIPO award for enterprises with innovation activity.

From the 1st of September and till the 20th of November SDIP took part in the competition of innovators and inventors «PHILIPS: Simply and Perfect», which was organized by Philips company in order to support the Ukrainian innovators and inventors, to promote development of science, engineering and innovational technologies and to improve the investment climate of the country. The main criterion for the inventions and innovations were simplicity and perfection. The winners and the finalists of this competition were awarded with SDIP Diplomas.

During the year under review, in pursuance of the order of the Ministry of Education and Science of Ukraine No. 631 dated November 1, 2005, and in order to provide effective use of scientific potential, up-to-date methods of management in the sphere of intellectual property and to promote the development of the civilized system of realization of intellectual property rights divisions, sections, groups, etc. on intellectual property matters have been created in

the structure of higher education institutions of III—IV accreditation levels subordinate to MES. A total of 66 subdivisions on intellectual property matters function in the structure of higher education institutions.

On December 21, the meeting of the SDIP Chairman and the representative of the Verkhovna Rada of Ukraine with the winners of annual competition «The Invention of the Year», finalists and winners of other competitions of inventions and innovations took place in the Sta-

te Department of Intellectual Property. The Ukrainian inventors have discussed the problems, which on their belief require the urgent solving, and also have stated the proposals concerning mechanisms and ways of their solving.

In 2006, SDIP granted 5 scholarships to students of higher education institutions who are studied on the specialty 7(8) .000002 «Intellectual property», according to the Regulation on the Scholarship of the State Department of Intellectual Property.

Annexes

Statistics

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

Code	Country	National procedure					International applications				
		2002	2003	2004	2005	2006	2002	2003	2004	2005	2006
	Total:	1753	1774	4356	3842	3788	1383	1283	1422	1750	2142
UA	Ukraine	1599	1630	4086	3535	3472	7	6	4	3	2
AT	Austria	5	8	5	4	5	17	13	12	26	30
AU	Australia	—	—	1	—	—	18	9	11	14	19
BE	Belgium	—	—	2	7	7	23	17	32	47	84
BG	Bulgaria	—	1	—	—	4	—	—	2	4	—
BY	Belarus	7	10	14	22	21	—	1	1	4	1
CA	Canada	—	1	1	—	3	13	12	24	19	23
CH	Switzerland	1	6	6	16	8	93	85	88	100	118
CN	China	1	—	—	3	—	2	4	4	7	14
CZ	Czech Republic	—	5	2	—	2	6	5	7	10	17
DE	Germany	40	20	33	52	67	308	328	290	338	467
DK	Denmark	1	1	3	2	4	42	30	38	37	64
ES	Spain	—	1	—	1	1	12	17	14	14	33
FI	Finland	—	2	—	—	2	16	16	16	35	21
FR	France	20	31	82	75	47	106	112	110	118	119
GB	United Kingdom	1	4	1	—	5	49	50	48	48	65
HU	Hungary	—	—	—	—	—	21	4	19	12	30
IE	Ireland	—	—	—	—	—	3	3	5	11	16
IL	Israel	—	1	4	5	4	9	6	11	17	12
IN	India	—	1	—	—	1	10	19	14	8	18
IT	Italy	1	4	—	5	3	27	22	37	53	42
JP	Japan	2	—	2	1	6	20	28	28	53	51
KR	Republic of Korea	—	—	—	—	3	6	2	15	16	23
LU	Luxemburg	—	—	—	—	1	6	6	10	10	14
NL	Netherlands	2	1	3	2	1	48	35	59	66	82
NO	Norway	—	—	—	—	1	7	9	4	4	12
PL	Poland	—	—	4	2	—	2	6	9	9	9
RU	Russian Federation	45	22	56	66	44	33	26	39	23	48
SE	Sweden	2	1	1	3	6	66	54	78	67	82
SK	Slovakia	—	—	1	1	—	6	2	1	1	3
US	USA	19	24	36	34	54	373	317	345	520	559
	Others	7	—	13	6	16	34	39	47	56	64

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

N	Technical Unit	IPC classes	National procedure					PCT procedure				
			2002	2003	2004	2005	2006	2002	2003	2004	2005	2006
	Total		1753	1774	4356	3842	3788	1383	1283	1422	1750	2142
1	Agriculture	A 01, except A 01N	82	79	255	235	194	30	24	19	24	25
2	Food stuffs; Tobacco	A 21 - A 24	63	49	142	111	112	33	50	39	42	55
3	Personal or domestic articles	A 41 - A 47	14	24	26	35	26	21	12	5	19	37
4	Health; Amusement	A 61 - A 63, except A 61K	125	117	405	290	226	62	50	67	227	71
5	Preparations for medical, dental or toilet purposes	A 61K	71	45	199	127	121	392	372	443	351	357
6	Separating; Mixing	B 01 - B 09	71	58	186	147	145	44	53	40	75	62
7	Shaping (Metal)	B 21 - B 23	85	66	202	142	146	25	35	49	52	66
8	Shaping (Material Processing)	B 24 - B 30, B 32	44	46	67	62	36	17	16	28	41	38
9	Printing	B 41 - B 44	6	13	17	10	10	12	1	21	16	15
10	Transporting	B 60 - B 66	136	127	277	197	191	47	49	57	82	85
11	Micro-structural technology; Nano-technology	B 81 - B 82	-	-	-	-	1	-	-	-	-	-
12	Chemistry (Inorganic)	C 01 - C 05	81	72	199	158	177	44	33	37	45	74
13	Chemistry (Organic)	C 07, A 01N	25	20	74	75	98	259	200	241	278	584
14	Chemistry (Macromolecular compounds)	C 08	6	14	36	49	42	12	24	12	22	35
15	Chemistry (Dyes, Animal and Vegetable Oils)	C 09 - C 11	31	35	80	81	64	14	12	26	34	68
16	Chemistry (Biochemistry, Sugar industry, Leather)	C 12 - C 14	23	26	89	69	68	44	45	40	20	51
17	Metallurgy	C 21 - C 23, C 25, C 30	67	47	207	172	146	28	22	44	64	46
18	Textiles; Flexible Materials	D 01 - D 07	10	9	24	27	14	12	10	5	10	7
19	Paper (including class B 31)	D 21, B 31	7	4	13	3	3	2	4	11	1	5
20	Building	E 01 - E 06	58	71	111	136	94	35	38	27	49	52
21	Earth drilling; Mining	E 21	76	43	115	113	116	9	4	8	10	7
22	Engines or Pumps	F 01 - F 04, F 15	113	205	258	309	212	10	21	30	21	26
23	Engineering in general	F 16 - F 17	65	49	116	125	98	9	16	12	18	13
24	Lighting; Heating	F 21 - F 26	63	78	120	122	134	9	17	13	23	32
25	Weapons; Blasting	F 41, F 42, C 06	24	43	42	57	42	13	5	4	7	12
26	Instruments (Measuring, Optics, Photography)	G 01 - G 03	122	182	335	348	259	40	28	31	18	47
27	Instruments (Horology, Regulating, Computing)	G 04 - G 08	40	36	123	89	89	21	24	18	18	16
28	Instruments (Musical instruments, Information Storage)	G 09 - G 12	14	17	44	41	42	11	8	9	9	17
29	Nucleonics	G 21	13	15	21	16	11	8	5	4	6	4
30	Electricity (Electric Techniques)	H 01, H 02, H 05	75	78	241	175	189	21	31	14	19	24
31	Electricity (Electronic Circuitry, Communication Techniques)	H 03, H 04	22	30	71	28	53	66	53	60	144	105
32	Others (unclassified)		121	96	261	293	629	33	21	8	5	6

3. Patents for inventions (breakdown by countries)

Code	Country	2002	2003	2004	2005	2006
	Total:	3038	3113	2838	3433	3698
UA	Ukraine	1716	1837	1669	2171	2495
AT	Austria	24	14	9	25	15
AU	Australia	7	2	5	8	9
BE	Belgium	24	22	30	20	32
BG	Bulgaria	2	—	—	1	1
BY	Belarus	8	5	4	5	19
CA	Canada	14	10	8	10	15
CH	Switzerland	59	41	64	86	74
CN	China	3	—	2	2	5
CZ	Czech Republic	1	5	7	9	6
DE	Germany	306	332	223	274	254
DK	Denmark	25	40	46	28	20
ES	Spain	2	11	8	9	15
FI	Finland	6	9	24	13	15
FR	France	125	139	111	131	99
GB	United Kingdom	84	60	70	36	38
HR	Croatia	3	4	6	4	3
HU	Hungary	9	13	15	16	13
IE	Ireland	2	1	3	3	3
IL	Israel	8	11	13	9	16
IT	Italy	30	31	24	21	23
JP	Japan	24	22	14	24	30
KR	Republic of Korea	2	4	5	4	15
LI	Liechtenstein	4	8	3	2	1
LU	Luxemburg	6	10	3	7	4
NL	Netherlands	34	41	41	49	46
NO	Norway	8	9	8	10	2
PL	Poland	9	4	2	3	6
RU	Russian Federation	57	51	56	66	68
SE	Sweden	43	36	37	39	45
SK	Slovakia	2	6	1	1	3
US	USA	373	310	299	305	269
	Others	18	25	28	42	37

4. Patents for inventions (breakdown by PCT)

N	Technical Unit	IPC classes	National procedure					PCT procedure				
			2002	2003	2004	2005	2006	2002	2003	2004	2005	2006
	Total:		2039	2052	1860	2321	2645	999	1061	978	1112	1053
1	Agriculture	A 01, except A 01N	97	85	79	110	150	13	16	7	14	21
2	Foodstuffs; Tobacco	A 21 - A 24	44	37	56	40	50	17	11	17	27	25
3	Personal or domestic articles	A 41 - A 47	14	9	11	12	12	12	14	10	16	7
4	Health; Amusement	A 61 - A 63, except A 61K	107	135	141	171	197	39	39	29	34	38
5	Preparations for medical, dental or toilet purposes	A 61K	141	137	76	127	128	189	273	183	153	273
6	Separating; Mixing	B 01 - B 09	101	118	105	138	145	65	64	28	30	44
7	Shaping (Metal)	B 21 - B 23	106	78	100	113	141	29	24	19	24	33
8	Shaping (Material Processing)	B 24 - B 30, B 32	31	24	46	40	51	23	21	15	13	16
9	Printing	B 41 - B 44	3	6	11	6	3	9	13	10	7	6
10	Transporting	B 60 - B 68	167	127	113	149	160	40	38	27	44	42
11	Micro-structural technology; Nano-technology	B 81 - B 82	-	-	-	-	-	-	1	-	-	-
12	Chemistry (Inorganic)	C 01 - C 05	120	115	96	130	144	23	25	31	35	25
13	Chemistry (Organic)	C 07, A 01N	158	103	72	57	60	166	227	363	399	223
14	Chemistry (Macromolecular compounds)	C 08	15	31	25	31	49	10	13	18	17	19
15	Chemistry (Dyes, Animal and Vegetable Oils)	C 09 - C 11	55	57	53	82	95	28	18	11	15	18
16	Chemistry (Biochemistry, Sugar industry, Leather)	C 12 - C 14	71	100	82	79	68	30	9	21	43	36
17	Metallurgy	C 21 - C 23, C 25, C 30	84	97	102	107	187	42	35	17	37	35
18	Textiles; Flexible Materials	D 01 - D 07	18	17	13	12	16	8	13	3	10	8
19	Paper (including class B 31)	D 21, B 31	6	8	7	10	14	6	1	2	1	8
20	Building	E 01 - E 06	47	43	40	81	60	22	19	22	31	29
21	Earth drilling; Mining	E 21	87	90	72	62	58	6	5	7	8	8
22	Engines or Pumps	F 01 - F 04, F 15	99	101	96	130	132	24	9	6	22	15
23	Engineering in general	F 16 - F 17	60	63	66	74	74	20	12	10	10	7
24	Lighting; Heating	F 21 - F 28	63	68	48	99	69	20	17	9	11	10
25	Weapons; Blasting	F 41, F 42, C 06	35	43	17	37	48	7	5	3	3	2
26	Instruments (Measuring, Optics, Photography)	G 01 - G 03	141	178	142	182	263	35	19	20	14	27
27	Instruments (Horology, Regulating, Computing)	G 04 - G 08	33	37	44	57	45	23	35	18	18	10
28	Instruments (Musical instruments, Information Storage)	G 09 - G 12	15	22	32	23	24	6	7	11	10	8
29	Nucleonics	G 21	3	11	6	8	10	14	9	2	5	3
30	Electricity (Electric Techniques)	H 01, H 02, H 05	88	91	92	114	143	33	36	10	22	20
31	Electricity (Electronic Circuitry, Communication Techniques)	H 03, H 04	29	21	16	29	29	40	34	49	39	37
32	Others (unclassified)		1	-	1	3	-	-	1	-	-	-

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

N	Technical Unit	IPC classes	Applications					Patents				
			2002	2003	2004	2005	2006	2002	2003	2004	2005	2006
	Total:		622	839	5232	7286	8171	440	672	1853	7467	8268
1	Agriculture	A 01, except A 01N	19	10	261	314	345	20	21	68	377	414
2	Foodstuffs; Tobacco	A 21 - A 24	7	23	195	274	315	2	21	73	292	356
3	Personal or domestic articles	A 41 - A 47	27	30	62	97	97	10	33	36	110	92
4	Health; Amusement	A 61 - A 63, except A 61K	43	53	931	1187	1187	37	42	272	1362	1437
5	Preparations for medical, dental or toilet purposes	A 61K	1	3	330	417	461	-	-	81	512	529
6	Separating; Mixing	B 01 - B 09	43	50	193	288	263	38	47	89	289	308
7	Shaping (Metal)	B 21 - B 23	10	38	193	311	264	17	12	62	320	308
8	Shaping (Material Processing)	B 24 - B 30, B 32	17	11	91	149	119	12	19	44	144	140
9	Printing	B 41 - B 44	4	8	14	32	35	3	4	9	29	47
10	Transporting	B 60 - B 66	82	161	354	436	427	67	111	183	522	527
11	Micro-structural technology; Nano-technology	B 81 - B 82	-	-	-	-	1	-	-	-	-	1
12	Chemistry (Inorganic)	C 01 - C 05	10	10	140	178	206	6	10	42	202	227
13	Chemistry (Organic)	C 07, A 01N	2	3	63	61	96	-	4	11	79	94
14	Chemistry (Macromolecular compounds)	C 08	-	-	24	47	40	-	-	7	31	65
15	Chemistry (Dyes, Animal and Vegetable Oils)	C 09 - C 11	2	8	76	104	123	8	2	28	94	127
16	Chemistry (Biochemistry, Sugar Industry, Leather)	C 12 - C 14	2	3	95	155	186	1	2	23	172	188
17	Metallurgy	C 21 - C 23, C 25, C 30	6	18	160	231	187	9	8	58	262	233
18	Textiles; Flexible Materials	D 01 - D 07	3	7	20	42	48	3	7	10	35	78
19	Paper (including class B 31)	D 21, B 31	1	7	15	4	7	-	4	5	17	3
20	Building	E 01 - E 06	42	54	157	316	277	27	50	74	290	327
21	Earth drilling; Mining	E 21	19	82	169	284	221	22	27	60	257	254
22	Engines or Pumps	F 01 - F 04, F 15	29	31	148	188	193	39	30	70	201	228
23	Engineering in general	F 16 - F 17	45	36	137	200	233	17	46	55	209	276
24	Lighting; Heating	F 21 - F 28	48	56	162	207	238	48	45	82	226	268
25	Weapons; Blasting	F 41, F 42, C 06	11	16	74	84	96	3	13	31	91	104
26	Instruments (Measuring, Optics, Photography)	G 01 - G 03	31	37	406	595	554	21	30	126	596	638
27	Instruments (Horology, Regulating, Computing)	G 04 - G 08	19	18	134	177	183	8	25	51	179	217
28	Instruments (Musical Instruments, Information Storage)	G 09 - G 12	13	19	67	102	142	8	18	44	121	135
29	Nucleonics	G 21	6	1	26	17	17	5	2	9	30	17
30	Electricity (Electric Techniques)	H 01, H 02, H 05	29	39	241	257	257	13	36	92	326	294
31	Electricity (Electronic Circuitry, Communication Techniques)	H 03, H 04	3	4	47	112	118	2	3	17	92	137
32	Others (unclassified)		48	47	235	364	1235	-	-	-	-	2

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

Code	Country	Applications					Patents				
		2002	2003	2004	2005	2006	2002	2003	2004	2005	2006
	Total:	1806	2310	1862	2010	2236	1267	1474	1435	1569	2061
UA	Ukraine	1743	2156	1673	1750	1833	1200	1408	1348	1423	1803
AT	Austria	—	—	—	—	11	—	—	—	—	—
AU	Australia	—	1	—	2	—	—	—	—	—	1
BG	Bulgaria	—	14	2	—	7	—	—	1	4	—
BY	Belarus	—	4	33	10	8	2	—	2	24	5
CH	Switzerland	2	1	1	2	9	2	2	—	2	6
CY	Cyprus	—	1	13	13	15	—	1	—	19	0
DE	Germany	11	10	4	7	16	4	10	4	8	7
FI	Finland	1	3	—	—	1	—	2	1	1	—
FR	France	2	3	13	3	8	1	2	3	10	10
GB	United Kingdom	—	16	2	2	7	4	10	8	1	3
IN	India	—	3	3	12	4	1	—	3	—	—
IT	Italy	3	1	3	8	17	1	3	3	3	7
JP	Japan	—	6	3	3	18	1	2	2	6	11
KR	Republic of Korea	—	—	3	18	8	—	—	—	4	22
MD	Republic of Moldova	—	2	—	1	4	1	—	2	—	1
NL	Netherlands	3	12	12	10	8	5	1	10	8	9
PL	Poland	8	4	3	26	57	6	3	3	3	46
RU	Russian Federation	11	41	36	56	113	15	13	34	21	59
TR	Turkey	—	1	17	45	21	1	—	1	6	15
US	USA	3	16	16	12	27	3	6	1	19	23
	Others	19	15	15	20	39	20	11	10	7	26

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

Code	Country	Applications					Registrations				
		2002	2003	2004	2005	2006	2002	2003	2004	2005	2006
	Total:	11322	13772	13960	16366	20813	6842	7706	9383	11646	13134
UA	Ukraine	9514	11684	11527	13184	17170	4157	5638	7680	9418	10327
AE	United Arab Emirates	3	5	6	13	22	12	1	3	5	3
AR	Argentina	13	6	1	7	2	6	11	15	3	5
AT	Austria	4	4	9	5	30	5	30	6	8	9
AU	Australia	5	—	1	7	7	5	2	—	—	2
BE	Belgium	4	14	5	15	7	41	7	7	14	5
BG	Bulgaria	16	37	10	17	33	40	21	15	22	11
BM	Bermuda	—	3	—	5	33	2	2	—	2	3
BR	Brasilia	11	7	16	18	47	6	2	10	7	18
BY	Belarus	25	33	81	71	50	7	12	12	19	86
CA	Canada	12	10	17	36	13	20	19	11	12	20
CH	Switzerland	101	123	104	118	193	75	93	98	132	134
CL	Chile	4	6	6	10	7	—	3	3	10	4
CN	China	7	14	13	48	92	6	4	5	13	23
CU	Cuba	1	—	—	—	2	2	1	—	1	—
CY	Cyprus	13	14	23	72	97	20	16	11	40	50
CZ	Czech Republic	6	6	12	21	31	3	1	5	8	22
DE	Germany	92	114	188	161	132	126	177	93	129	225
DK	Denmark	9	16	12	13	12	57	17	14	12	12
EE	Estonia	6	—	11	2	8	7	—	6	3	9
EG	Egypt	—	1	5	2	—	9	—	—	—	4
ES	Spain	14	16	18	12	18	16	8	21	19	11
FI	Finland	20	0	19	39	32	61	31	13	10	25
FR	France	11	54	46	59	72	22	40	27	60	45
GB	United Kingdom	105	156	145	146	193	289	127	73	182	150
GE	Georgia	—	2	8	3	7	4	6	6	3	3
GR	Greece	14	5	8	3	19	11	17	5	13	8
HR	Croatia	5	9	4	5	14	—	13	2	4	4
HU	Hungary	6	16	16	7	9	4	43	9	8	4

Code	Country	Applications					Registrations				
		2002	2003	2004	2005	2006	2002	2003	2004	2005	2006
IE	Ireland	6	12	4	9	34	2	11	4	12	7
IL	Israel	4	18	7	15	23	7	7	8	14	9
IN	India	77	83	139	129	140	27	31	45	103	97
IT	Italy	13	15	19	10	26	9	11	13	18	17
JP	Japan	47	48	63	74	108	99	70	55	60	97
KR	Republic of Korea	33	38	43	34	51	55	37	35	31	51
KZ	Kazakhstan	3	—	—	6	2	—	2	3	—	—
LB	Lebanon	1	1	11	3	5	3	1	—	8	5
LI	Liechtenstein	4	5	5	1	4	7	—	4	2	39
LK	Sri Lanka	2	7	3	1	7	11	—	1	7	3
LT	Lithuania	3	1	2	2	—	6	7	5	—	2
LU	Luxemburg	1	4	11	12	11	6	24	4	3	9
LV	Latvia	3	4	2	7	4	—	2	2	3	5
MD	Republic of Moldova	19	14	18	8	19	1	1	18	15	8
MX	Mexico	4	—	2	1	1	3	—	1	1	2
NL	Netherlands	47	64	41	59	96	113	81	44	85	48
NO	Norway	2	2	—	5	5	10	12	4	1	3
PA	Panama	1	3	11	8	2	2	1	1	6	10
PL	Poland	74	51	64	92	125	31	45	61	44	98
PT	Portugal	2	—	1	1	2	6	1	1	1	—
RO	Romania	3		5	10	28	1		3		5
RU	Russian Federation	344	373	619	841	589	114	247	293	308	691
SE	Sweden	9	11	16	33	53	52	26	16	15	29
SG	Singapore	21	21	5	29	—	14	9	15	24	16
SI	Slovenia	44	3	2	2	—	3	2	39	5	4
SK	Slovakia	1	2	1	7	1	5	11	1	1	4
TR	Turkey	26	21	30	48	57	58	32	15	23	36
TW	Taiwan	8	20	13	11	—	9	7	12	21	—
US	USA	462	485	390	721	631	918	651	490	540	521
VG	Virgin Islands			36	14				15	11	
	Others	37	93	75	74	239	57	35	32	58	98

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

Code	Country	2002	2003	2004	2005	2006
	Total:	5265	6379	6303	8033	9183
AM	Armenia	—	5	16	10	12
AT	Austria	189	112	200	280	281
AU	Australia	11*	8*	20*	18*	43*
BE	Belgium	118	210	96	151	171
BG	Bulgaria	57	280	147	160	154
BY	Belarus	3	9	24	21	19
CH	Switzerland	567	691	365	493	650
CN	China	42	147	222	315	379
CY	Cyprus	—	3	12	6	14
CZ	Czech Republic	231	198	257	243	259
DE	Germany	1269	1615	1344	1881	1984
DK	Denmark	69*	53*	61*	103*	80*
EE	Estonia	13'	23'	26'	26*	41*
EG	Egypt	9	1	13	6	11
ES	Spain	137	147	166	206	197
FI	Finland	51*	49*	36*	55*	92*
FR	France	593	625	590	783	816
GB	United Kingdom	102*	120*	131*	210*	267*
GR	Greece	3*	11'	36*	22*	24*
HR	Croatia	20	70	35	39	21
HU	Hungary	117	92	118	72	87
IE	Ireland	5*	—	23*	8*	25*
IS	Iceland	—	1*	1*	7*	11*
IT	Italy	446	428	502	666	795
JP	Japan	43	65*	70*	72*	137*
KR	Republic of Korea	—	11'	21*	25*	23*
KZ	Kazakhstan	5	8	20	20	13
LI	Liechtenstein	41	24	32	18	40
LT	Lithuania	30*	40*	51*	41*	47*
LU	Luxemburg	28	25	62	84	64
LV	Latvia	18	39	45	54	57
MC	Monaco	12	7	15	10	7
MD	Republic of Moldova	15	43	44	74	50
MK	The former Yugoslav Republic of Macedonia	—	—	11	3	6
NL	Netherlands	219	199	195	207	264

Code	Country	2002	2003	2004	2005	2006
NO	Norway	9*	17*	16*	15*	28*
PL	Poland	158	203	219	204	274
PT	Portugal	24	7	15	34	37
RO	Romania	33	28	38	29	52
RU	Russian Federation	142	243	260	417	472
SE	Sweden	43 ¹	48 ¹	47 ¹	61 ¹	86 ¹
SG	Singapore	—	10 ¹	15 ¹	4 ¹	15 ¹
SI	Slovenia	38	62	48	81	55
SK	Slovakia	62	69	60	66	96
TR	Turkey	202*	254*	217*	313*	424*
US	USA	30	16*	172*	358*	403*
VN	Viet Nam	10	12	21	10	15
YU	Serbia and Montenegro ^{1,1}	21	20	15	20	38
	Others	30	33	149	31	45

* applications under the Protocol Relating to the Madrid Agreement

** till 2002 — Yugoslavia

9. Expenses for Functioning and Development of the State System of Intellectual Property Rights Protection in 2006

Expense items	Amount, Thousands UAH
Organization expenses, expenses connected with examination and grant of titles of protection for industrial property rights	26,337.6
Expenses for information activities in the sphere of intellectual property rights protection	2,116.0
Expenses for editorial and publishing activities	2,300.0
Expenses for development of international cooperation in the sphere of intellectual property rights protection, for organization and participation in exhibitions, competitions and seminars etc.	1,800.0
Expenses for organization of control stamps making and distributing process	5,953.7
Expenses connected with state registration of author's right and contracts	328.5
Total:	38,835.8