



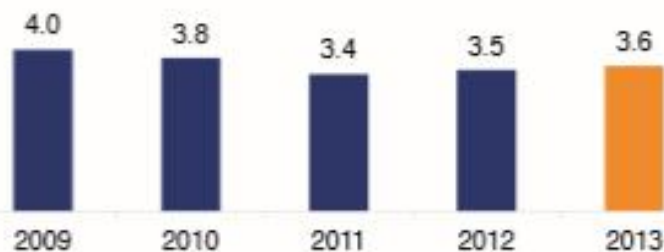
PROTECTION OF INTELLECTUAL PROPERTY RIGHTS UNDER CONDITIONS OF UKRAINE'S INTEGRATION TO THE EUROPEAN UNION

FACTORS OF HARMONIZATION OF LEGISLATION ON INTELLECTUAL PROPERTY RIGHTS

- export products contain more patented high-tech components and scientific developments. Therefore, producers need an adequate protection of their rights to patents, which would allow them to get compensation for their research work.
- investment cooperation opens new possibilities for production of products based on patents, licenses, or in the form of a joint venture.
- under conditions of international market, producers often face the problem of unauthorized use of their products, which may lead to material and moral damage of separate individuals, companies as well as national economy or country's image as a whole.

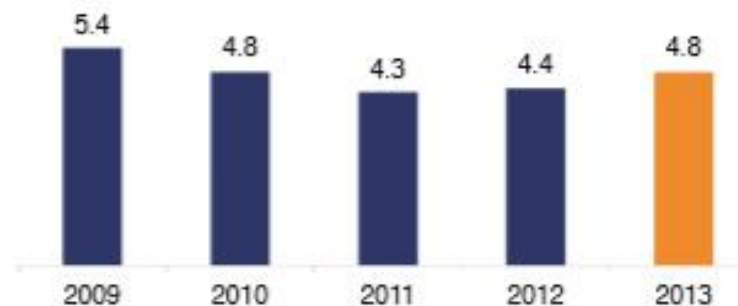
THE INTERNATIONAL PROPERTY RIGHTS INDEX (UKRAINE)

Legal and Political Environment



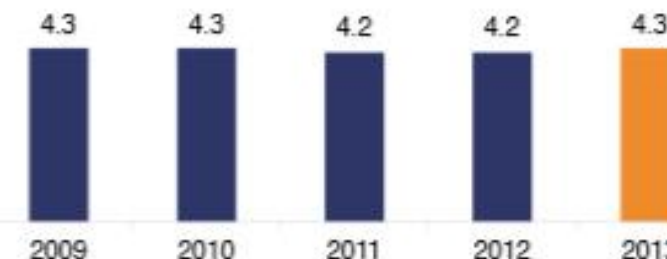
- Judicial Independence
- Rule of Law
- Political Stability
- Control of Corruption

Physical Property Rights



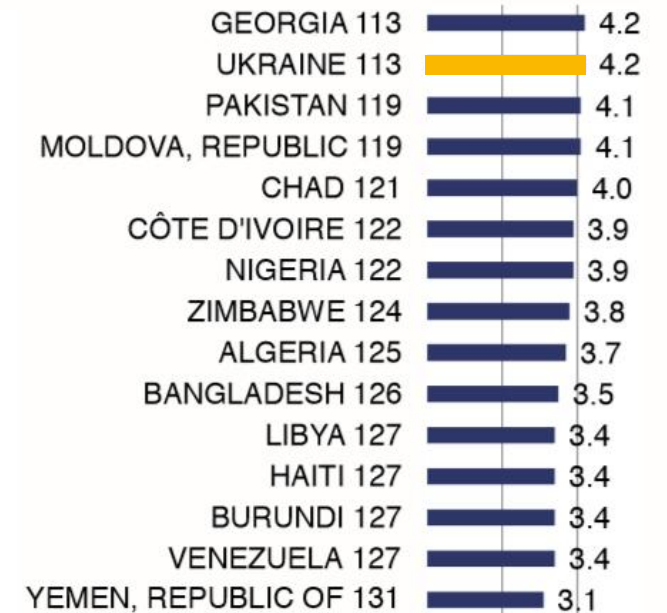
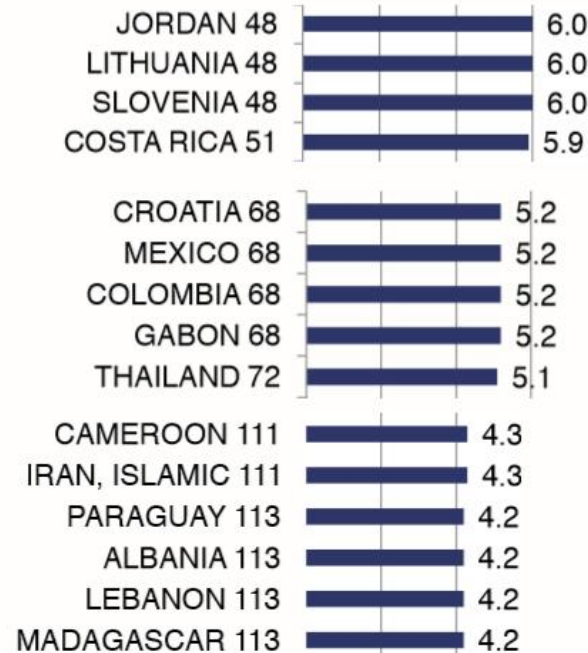
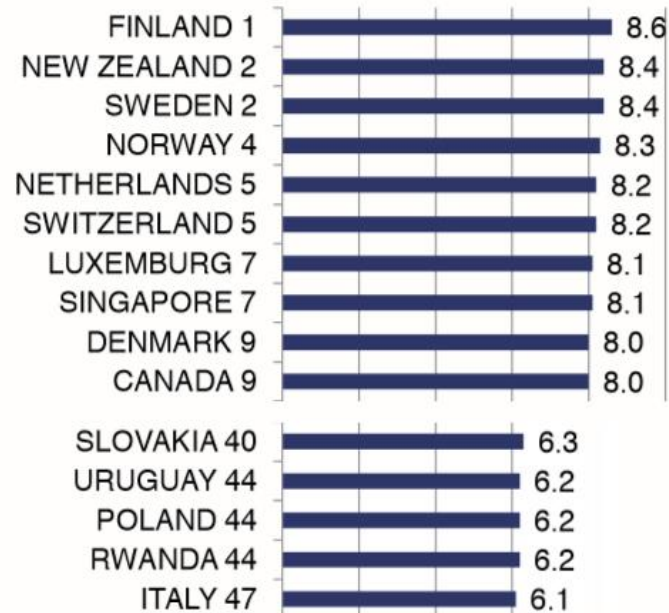
- Protection of Physical Property Rights
- Registering Property
- Access to Loans

Intellectual Property Rights



- Protection of Intellectual Property Rights
- Patent Protection
- Copyright Piracy

RANKING BY THE INTERNATIONAL PROPERTY RIGHTS INDEX, 2013



LEVEL OF SOFTWARE PIRACY IN UKRAINE AND EUROPEAN UNION



Commercial value
(Ukraine)-

640

million dollars

LEGAL BASIS FOR PROTECTION OF INTELLECTUAL PROPERTY IN UKRAINE

15

International conventions

- Berne Convention (Paris Act 1971);
- Rome Convention 1961;
- Geneva Convention 1974;
- Paris Convention 1979;
- Stockholm Act 1967;

More
than
40

laws

More
than
100

bylaws

- Patent Cooperation Treaty 1970;
- Patent Law Treaty;
- Madrid Agreement 1981;
- Madrid Protocol 1989;
- Budapest Treaty 1977, etc.

LEGAL BASIS FOR PROTECTION OF INTELLECTUAL PROPERTY IN UKRAINE

15

**International
conventions**

- “On Copyright and Related Rights”
- “On Advertising”
- “On Protection of Rights to Trademarks and Service Marks”
- “On Protection against Unfair Competition”

More
than
40

laws

More
than
100

bylaws

- “On the information agencies”,
- “On Information”,
- “On Cinematography”,
- “On Scientific and Technical Information”, etc.

LEGISLATIVE FRAMEWORK FOR ADAPTATION OF THE LEGISLATION OF UKRAINE TO THE LEGISLATION OF EU

↓

**Agreement on Partnership and
Cooperation between Ukraine and
the European Union and their
Member States (14 June 1994)**

↓

**The Law of Ukraine “On State
Program of adaptation of Ukrainian
legislation to the legislation of the
European Union” (18 March 2004).**

↓

**The project of Association Agreement between the European Union and its
Member States, from the one hand, and Ukraine, from the other part**

LEVEL OF ADAPTATION OF LEGISLATIVE ACTS OF UKRAINE TO THE LEGISLATION OF EU

High level of adaptation

Legislation on civil methods of
protecting intellectual property
rights

Average level of adaptation

- Legal acts on
- copyright and related rights
 - protection of inventions
 - protection of trademarks
and geographical
indications
 - plant varieties
 - customs protection of
intellectual property rights

Low level of adaptation

Legislation on protection of
databases

RECOMENDATIONS

- To ensure consideration of draft laws in the field of intellectual property regarding the changes, which will allow to bring national legislation in line with international agreements signed by Ukraine and European Union legislation.
- To ensure the development of the internal legal framework on protection of intellectual property. It is necessary to expedite the consideration and adoption of draft laws on amendments to some legislative acts on issues of intellectual property, to work to eliminate conflicts between individual legislative acts on these matters.
- To introduce effective public system to control enforcement of the provisions of the legislation in the sphere of intellectual property, establishing of the Advisory Council on Intellectual Property, which will be on an ongoing basis monitor the practice of legislative acts in the field of intellectual property rights.

RECOMENDATIONS

- To improve economic instruments of protection of intellectual property, that involves the development of a system of economic tax, credit, insurance incentives for the commercialization of intellectual property rights; to approve the methodology for determining the amount of damage caused by the infringement of intellectual property rights; to foster the maintenance of patenting and promotion of Ukrainian inventions abroad.
- To develop the plans for the media activities aimed at developing of legal culture in Ukraine, respect to intellectual property rights, to the subjects of such rights, as well as at obtaining basic knowledge on the protection and use of intellectual property rights.



THANK YOU FOR ATTENTION!