

Dear Friends and Colleagues,

We are reaching out to inform you about terms of business operation in Ukraine during these days.

### **Martial law and suspension of deadlines**

Military aggression of the Russian Federation against Ukraine led to the imposition of martial law from 05:30 on February 24, 2022 according to the Decree of the President of Ukraine of February 24, 2022 No 64/2022 "On the imposition of martial law in Ukraine". As of today, martial law in Ukraine has been extended until April 26, 2022.

The Ukrainian Chamber of Commerce and Industry (UCCI) has issued a letter according to which introducing martial law is a force majeure circumstance. According to the UCCI, the scope of the regulation covers *business entities and/or individuals under the contract, separate tax and/or other obligations the fulfillment of which occurred in accordance with the terms of the contract, agreement, legislative or other regulations and the fulfillment of which became impossible within the deadline due to the occurrence of such force majeure circumstances (force majeure)*.

Therefore, the letter confirms that imposition of martial law is a force majeure circumstance. However, that does not mean automatic suspension of deadlines in all kinds of proceedings pending in courts and state bodies.

### **Filings with the Ukrainian Patent and Trademark Office**

The Ukrainian Patent and Trademark Office (UAPTO) has informed on its website that it works in a regular mode, including via online filing system. Theoretically, suspension and renewal of terms may be made on the ground of the UCCI's letter, but it is hard to predict how the UAPTO will interpret the UCCI's letter. Still, according to the Ukrainian law, a missed term may be restored within 6 months provided that it was missed due to a good reason. Please note that in such case an official fee for such restoration should also be paid. Therefore, unless UAPTO officially informs about suspension of its operations we recommend adhering the deadlines.

Moreover, it is still possible to file new applications. The Appeal Chamber of the UAPTO is also maintaining its activities, however only in written proceedings, without parties' presence either offline or online. We are constantly keeping an eye on the developments with the UAPTO and will inform you of further changes.

### **Courts' activities**

The UCCI's letter may as well be the ground for renewing missed procedural deadlines. A party will be still obliged to file a motion to renew missed procedural terms, it will not happen automatically. As for renewal of the terms for appeal / cassation proceedings such force majeure shall also be considered a sufficient ground. Therefore, the UCCI's letter and the Presidential Decree on Martial Law will be enough to renew all missed deadlines.

Practically, only few Ukrainian courts work (to the extent possible). Namely, provided that safety of people and documents is a priority, the courts in Kyiv mainly consider only urgent criminal and administrative cases, and all the

civil and commercial cases have been temporarily suspended. Access to the online court registers and systems is also temporarily suspended for the sake of judges' and parties' safety. Therefore, we are now deprived of possibility to monitor new and ongoing litigation proceedings but will inform you if anything changes.

### **UA-DRP domain names disputes' consideration**

The domain name disputes shall not be affected by the war. However, the Rules for UDRP specify "exceptional circumstances" as a ground for different procedural terms extensions, such as terms for filing objection to a complaint, submitting responses to the WIPO Center, rendering decisions in cases etc. We are of the opinion that the martial law and the UCCI's letter may serve a sufficient ground to qualify as such "exceptional circumstances".

### **Customs activities**

The State Customs Service of Ukraine performs its functions with no limitations, provided that the significantly increased amounts of humanitarian convoys should be allowed into Ukrainian territory with the highest priority under a simplified procedure. Some of the customs points have suspended their activities, namely the ones bordering rival states and in the airports.

The customs constantly reports on confiscation of undeclared goods illegally imported into Ukraine and their subsequent transfer for the military needs. The government decree also provides that confiscated goods and goods that have been stored at customs warehouses without owners' applications shall be handed over to the military and civilians needs. This is already the case, for example, for branded clothes, transport vehicles, computers, food etc.

Though there was no official announcement regarding suspending inspections as to the IP infringements, in practice we expect IP seizures to be of lower priority for the customs these days.

We hope you will find the above information helpful. Should you have additional questions, please feel free to reach out. We will be happy to assist.

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On behalf of the whole team of Mamunya IP we would like to **thank all of you for the unprecedented support** in these tough times for Ukraine.

Kind regards,

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Partner