

## **Martial Law and Suspension of Deadlines**

Full-scale military aggression of Russia against Ukraine led to imposing martial law, effective from February 24, 2022 to November 21, 2022 in Ukraine. However, that does not mean automatic suspension of deadlines in all kinds of proceedings pending in the courts and/or state bodies.

## **Ukrainian Patent and Trademark Office**

The Ukrainian Patent and Trademark Office (UAPTO) works in a regular mode, including via online filing system. The Appeal Chamber of the UAPTO also maintains its regular activities, however only in written proceedings without parties' presence either offline or online.

Furthermore, on April 13, 2022 the Law of Ukraine "On Protection of Interests of Persons in the Sphere of Intellectual Property during Martial Law, Imposed in Connection with the Armed Aggression of the Russian Federation against Ukraine" became effective, according to which the terms for acquisition and protection of IPRs are suspended during martial law in Ukraine, including the deadlines for the following actions: (i) renewal/reinstatement of IPRs; (ii) oppositions; (iii) challenging the decisions of the UAPTO in the court or before the Appeal Chamber; (iv) invalidating patents.

The respective terms will be resumed right upon termination or cancellation of the martial law. At the same time, since all the prosecution is maintained online, any reason for missing a deadline should be well substantiated before the UAPTO. Therefore, we would strongly recommend adhering the deadlines, if possible (including filing the responses, claiming Paris Priority, PCT filing etc.).

## **Courts (recently updated)**

If a procedural deadline is missed, a party is still required to file motion to renew missed procedural term, since it does not happen automatically.

Since the end of May 2022, more and more courts of first, appellate and cassation instances resume working, commencing new proceedings and handling hearings in IP matters. Access to online court register has been resumed recently.

## **Law Enforcement Authorities (recently updated)**

**The State Customs Service of Ukraine** operates without any limitations, provided that the significantly increased amounts of humanitarian supply 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 confiscation of undeclared goods illegally imported into Ukraine and its subsequent transfer for military needs. The government decree also envisages that confiscated goods and goods that have been stored at customs warehouses without respective documents by the owners shall be handed over to the military and civilian needs. This has already been the case, for example, for branded clothes, transport vehicles, computers, food, etc. There are also recent examples of destruction of falsified products in

accordance with the applicable laws and procedures. In particular, officers of the Kyiv Customs destroyed ten batches of counterfeit products in early August ([fake headphones, power supplies, adapters and other accessories](#)).

In addition, the following legislative amendments were adopted regarding the protection of IPRs at the customs border during the martial law: (i) the Cabinet of Ministers of Ukraine has the right to determine the categories of goods which the customs authorities shall not monitor for compliance with IPRs during customs clearance; (ii) the terms of registration of IPRs in the Customs IP Registry are extended automatically.

**The National Police of Ukraine** has resumed its activities for tackling counterfeits, conducting raids against manufacturers of falsified products. For instance, in July 2022 a criminal group producing fake household chemicals under [well-known brands](#) in Ternopil Region was revealed.

According to the recently appointed **Prosecutor General**, the most important task for the prosecutors is investigation of war crimes committed by the Russian Federation in Ukraine. Likewise, **the Security Service of Ukraine** generally focuses on documenting war crimes and countering Russian espionage, subversion, infiltration etc. Therefore, other types of criminal cases both for prosecutors and the Security Service of Ukraine, which include, particularly, falsified medicine matters, have lower priority nowadays.

### **UA-DRP Domain Name Disputes (recently updated)**

WIPO has recently issued its statement <https://www.wipo.int/amc/en/domains/cctld/ua/index.html> related to .UA domain name disputes: "*In consultation with the .UA Registry, the Center has determined that it is not in a position to accept new .UA filings under the .UA Policy until further notice*", according to which currently WIPO Center does not accept UA-DRP complaints for consideration.

### **Use of Ukrainian Language while Doing Business in Ukraine (new)**

The following provisions of the Law of Ukraine "On Ensuring Functioning of Ukrainian Language as the State Language" as of May 16, 2019 related to, particularly, doing business on the Internet came into force on July 16, 2022:

- software installed on goods that are marketed in Ukraine must have the user interface in Ukrainian. In terms of the volume and content, the Ukrainian version shall be as informative as in other languages;
- websites, web pages in social networks and other web-offices (the "**Sites**") of Ukrainian companies shall be in Ukrainian but may have versions in other languages. In terms of volume and content, the Ukrainian version shall be as informative as in other languages. The Site's default version for users from Ukraine should be in Ukrainian;
- the Sites of foreign companies targeting users from Ukraine shall have the Ukrainian version. In terms of volume and content, it must be enough for easy navigation and disclosure of the company's business goals. The default version of such should be in Ukrainian.



Breach of the above requirements may result in administrative liability in the form of a fine. Violation of the use of Ukrainian in the software user interfaces and websites, or in advertising, shall be fined in the amount from UAH 3,400 up to UAH 5,100 (about USD 95 and USD 140 respectively).

### Other News (recently updated)

- The Law of Ukraine "On the Prohibition of the Propaganda of the Russian Nazi Totalitarian Regime, the Armed Aggression of the Russian Federation as a Terrorist State against Ukraine, the Symbols of the Military Invasion of the Russian Nazi Totalitarian Regime of Ukraine" became effective on June 12, 2022.

According to the Law, the use of symbols of the military invasion of the Russian Nazi totalitarian regime is recognized as propaganda. Thus, it is prohibited to use and distribute the products containing the following symbols: (i) Latin letters "Z", "V" separately (without a legitimate context or in the context of justification of armed aggression against Ukraine or other military actions) or by replacing with these letters the Cyrillic letters "З", "С", "В", "Ф" or other letters in separate words with a visual emphasis on these letters; (ii) symbols of the armed forces and authorities of the Russia terrorist state.

At the same time, such prohibition does not apply to the abovementioned symbols as elements of trademarks applied for registration or registered before February 24, 2022, as well as in other cases defined by the Law.

- The Parliament of Ukraine has adopted the Law of Ukraine "On Amendments to Certain Laws of Ukraine Concerning Support of the National Music Product and Restriction of Public Use of the Aggressor State's Music Product", which will enter into force on October 7, 2022. Such changes are intended to limit the music product of the aggressor state on the territory of Ukraine and to accelerate the development of a national music product. In particular, the Law supplements Art. 15 of the Law of Ukraine "On Culture" by prohibiting public use of the aggressor state's music product, including use in the manner of public announcement (i.e., communicating to the public, including through any means of communication in such a way that any person can access the music products from anywhere and at any time at their own choice).
- The Parliament of Ukraine has also passed through the first reading two Bills in the IP sphere aimed at:
  - (1) adopting a new version of the Law of Ukraine "On Copyright and Related Rights" to improve Ukraine's copyright and related rights legislation and harmonize it with the EU directives;
  - (2) strengthening the protection of IPRs in Ukraine in accordance with the EU-Ukraine Association Agreement.

\*\*\*

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.

Kind regards,

Oleksandr Mamunya  
Managing Partner

Ganna Prokhorova  
Partner