

The Law of Ukraine
On Protection of Rights on Marks for Products and Services
Resume

The Law of Ukraine “On Protection of Rights on Marks for Products and Services” (hereinafter - “Law”) No 3689-XII dated December 15, 1993 and introduced since June 1, 1994 by the Decree of the Verchovna Rada of Ukraine “On Introduction of the Law of Ukraine “ON Protection of Rights on Marks for Products and Services” No3771-XII dated December 23, 1993.

This Law regulates relations in connection with obtaining and execution of the property right on marks for products and services (hereinafter - “mark”) in Ukraine. The Law was created on the basis of the standard law on rights for trade marks protection, worked out by the World Intellectual Property Organisation (WIPO), has passed the WIPO expertise and generally **corresponds to the provisions of the Articles 15 - 21 of the Part 2 “Trade Marks” TRIPS Agreement.**

The Law includes 24 Articles, divided into 7 Parts.

Part I “General Provisions” includes the Articles 1 - 4 in which:

- determined the terms that are being used in the Law;
- determined the main functions of the Authority (Derzhpatent of Ukraine);
- declared priority of the provisions of international agreements, party to which is Ukraine, if such provisions establish another rules than ones of the Ukrainian legislation;
- determined that foreign persons and persons without citizenship shall have equal with Ukrainian citizens rights, provided for by this Law in accordance with international agreements of Ukraine;
- determined that foreign and other persons that live or have permanent accommodation out of Ukraine, shall execute their rights in relations with the Authority through patent agents.

Part II “Legal Protection of Marks” includes the Articles 5, 6 in which determined:

- conditions of providing with legal protection of mark;
- objects of mark;
- term of the mark certificate validity;
- amount of legal protection that shall be granted;
- basis for rejection in granting the legal protection.

Part III “Procedure of Obtaining of Certificate” includes the Articles 7 - 15 in which determined:

- requirements for application for the mark registration;
- basic provisions on the application expertise;
- procedure of registration, publishing and granting the certificate;
- rights of the applicant for appealing against the decision of the Authority regarding application and the procedure of appealing.

Part IV “Rights and Obligations in Connection with Certificate” includes the Articles 16, 17 in which determined:

- rights in connection with certificate, including the conditions of transfer of ownership for mark;
- obligation of the owner of the certificate.

Part V “Suspending of the Certificate Validity and Recognition of its Invalidity” includes the Articles 18, 19 in which determined the conditions of suspending of the certificate on mark for products and services validity and recognition of the certificate invalidity.

Part VI "Protection of Rights" includes the Articles 20 - 23 in which determined the actions that shall be considered as violation of rights of the certificate owner, list of disputes that shall be settled by court and established the right for second registration.

Part VII "Final Provisions" includes the Articles 23, 24 which determine:

- basic provisions on charges (duties) payment;
- conditions of mark registration in foreign countries.

The above Decree of the Verchovna Rada of Ukraine "On Introduction of the Law of Ukraine "On Protection of Rights on Marks for Products and Services" establishes the transition provisions, connected with introduction of the Law.