



PROTECTION OF THE INTELLECTUAL PROPERTY RIGHTS IN UKRAINE.

Peculiarities.
Issues.
"Pitfalls"

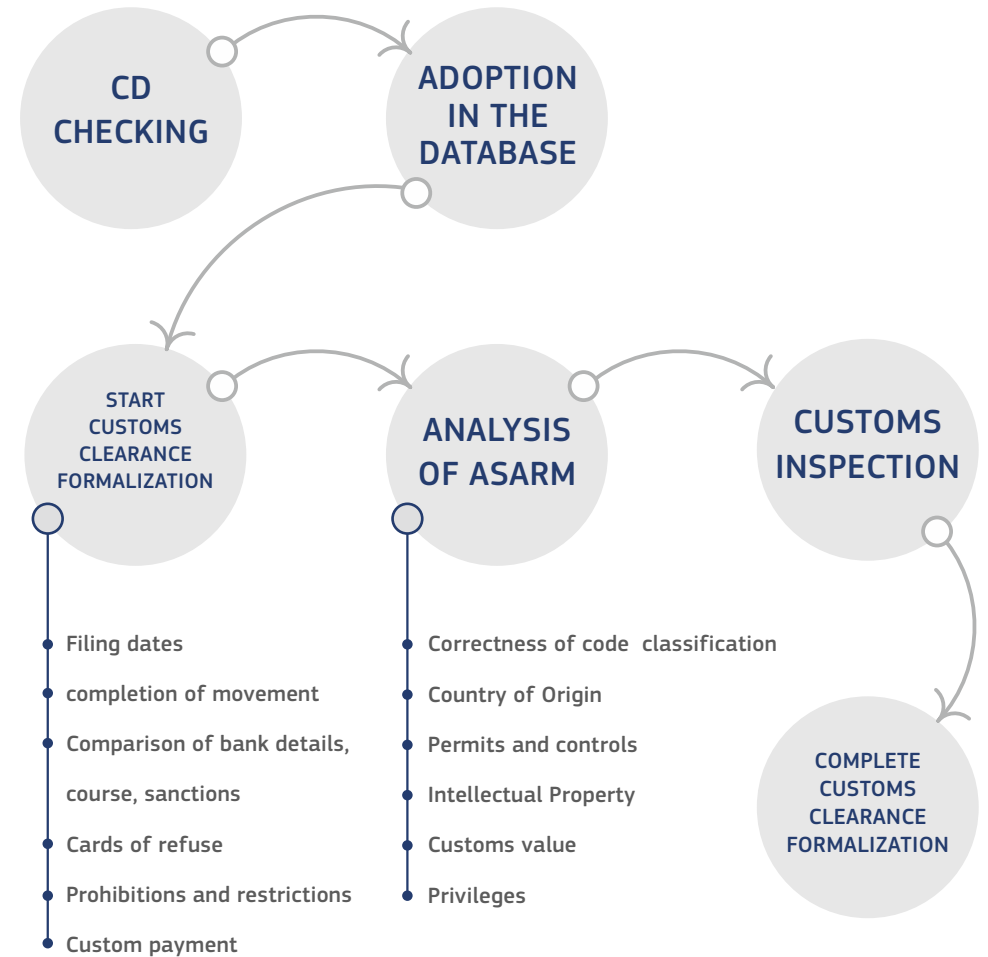
CHECKING THE PRODUCT IN THE INTELLECTUAL PROPERTY REGISTER

If the information about TM of the goods is available, then it will be checked in IPR, which are protected by the state

This registry is public and open

In case of detection of TM from the supply in the IPR, there will be notification about necessity to reconcile import with the patent holder

IMPLEMENTATION OF CUSTOMS FORMALITIES ON ECD



PREPARATION FOR CUSTOMS CLEARANCE OF OIP

Request to OIP rights holder

Importer receives draft of the
letter of agreement

Information of OCC dep.
SFS – to inform OCC dep. SFS

To run to work #1 CD with OIP

Registration, acceptance

Making a request OCC dep.
SFS at the address of the copyright holder

The response of the right holder
to the OCC dep. SFS reques (draft OK)

Removal from control CD with OIP

Complete customs clearance of CD

SUSPENSION OF CUSTOMS CLEARANCE ON THE BASIS OF DATA OF THE REGISTER OF OBJECTS OF INTELLECTUAL PROPERTY, CUSTOMS CODE, ART.399

- SFS suspends CC on the basis of the data of the customs register of the OIP, if the product contains signs of a violation of IPR (10 days)
- On the same day, the SFS informs the right holder about the fact of presenting these goods at CC, and representative person about the reasons for suspending their CC
- SFS informs representative person about the name and address of the rights holder for the purpose of informing the subject of FI
- If within 10 days after receiving notice of suspension of the CC, the right holder won't apply to the court / will not request extension of the suspension period, then CC will be proceeded
- If the right holder informs the SFS within 10 days about the prohibition of certain actions in the OIP infringement case – SFS continues CC in the period established by these authorities
- If the owner of the right will not give to DFS a prohibition of actions in the case of violation of IPR - goods that were decided to suspend CC, are subject to registration in the prescribed manner.
- In case of suspension of goods by DFS and with no reasonable arguments to name this goods as infringing, the rights holder may apply with written application to DFS for the consent to renew the CC of such goods.
- The rights holder and / or representative person may take samples of goods for which a decision is made to suspend the CC and pass them on for examination
- In case of violation of the IPR on goods suspended on CC will be confirmed by the conclusion of the examination, then SFS filed a case on violation of customs regulations, and the goods will be as direct objects of the offense are withdrawn

Decree the Ministry of Finance 648 from 30.05. 2012
"Procedure for registration in the customs register of intellectual property"

To register the OIP in the customs register, the copyright holder submits to the SFS
a statement form

**THE APPLICATION IS
ACCOMPANIED BY:**

Extract from the corresponding register of the State IP services of Ukraine on the registration of IP in Ukraine/a document certifying the property rights of the IP

Description of the object of the IP and the goods containing it, allowing the customs to identify it and identify the code UKTZED/HS Code

While registering patented inventions - a description of the methods and identification methods in specific products

Samples of goods containing the object of the IP / their photos

The term of consideration -30 working days from the date of filing an application

Registration of the corresponding IP object in the customs register, introduction into the European EIS

Informing the right holder about the number in the customs register and the period on which the object of the IP was registered