

The Law of Ukraine
On Protection of Rights for Inventions and Useful Models
Resume

The Law of Ukraine “On Protection of Rights for Inventions and Useful Models” (hereinafter - “Law”) No 3687-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 for Inventions and Useful Models” No3769-XII dated December 23, 1993.

This Law regulates relations in connection with obtaining and execution of the property right on inventions and useful models in Ukraine. The Law was created on the basis of the standard law on protection of rights for inventions and useful models, worked out by the World Intellectual Property Organisation (WIPO), has passed the WIPO expertise and **generally corresponds to the provisions of the Articles 27 - 34 of the Part 5 “Patents” TRIPS Agreement.**

The Law includes 33 Articles, divided into 8 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 regarding inventions and useful models 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 the Inventions (Useful Models)” includes the Articles 5 - 7 in which determined:

- conditions of providing with legal protection of inventions (useful model);
- objects of an invention and useful model;
- objects that shall not be provided with legal protection;
- term of the patent for invention and useful model validity;
- amount of legal protection that shall be granted;
- conditions of the patentability of the invention and useful model.

Part III “Right to Patent” includes the Articles 8 - 11 in which determined the agents that shall have the right to patent.

Part IV “Procedure of Obtaining of Patent” includes the Articles 12 - 22 in which determined:

- requirements for application for the invention (useful model);
- procedure of establishing of the date of application and the priority date;
- basic provisions on the application expertise;
- conditions of granting temporary legal protection under the application for invention;
- procedure of registration, publishing and granting the patent;
- rights of the applicant for appealing against the decision of the Authority regarding application and the procedure of appealing.

Part V “Rights and Obligations in Connection with Patent” includes the Articles 23 - 26 in which determined:

- rights in connection with patent;
- conditions of compulsory transfer of rights;
- actions that shall not be recognised as violation of rights;
- obligations in connection with patent.

Part VI “Suspending of the Patent Validity and Recognition of its Invalidity” includes the Articles 27, 28 in which determined the conditions of suspending of the patent on invention (useful model) validity and recognition of the patent invalidity.

Part VII “Protection of Rights” includes the Articles 29, 30 in which determined the actions that shall be considered as violation of rights of the patent owner and the list of disputes that shall be settled by court.

Part VIII “Final Provisions” includes the Articles 31 - 33 which determine:

- basic provisions on charges (duties) payment;
- procedure of patenting of the invention (useful model), created in Ukraine, in foreign countries;
- provisions on state encouragement of creation and utilisation of inventions and useful models in Ukraine.

The above Decree of the Verchovna Rada of Ukraine “On Introduction of the Law of Ukraine “On Protection of Rights for Inventions and Useful Models”:

- establish the procedure of validity in Ukraine of author's certificates on inventions of the USSR and legal relations in this connection;
- establish the possibility till July 1, 1997 of granting patents of Ukraine on invention without conducting the expertise of applications for the term up to 5 years since the date of application;
- establish other transition provisions, connected with introduction of the Law.