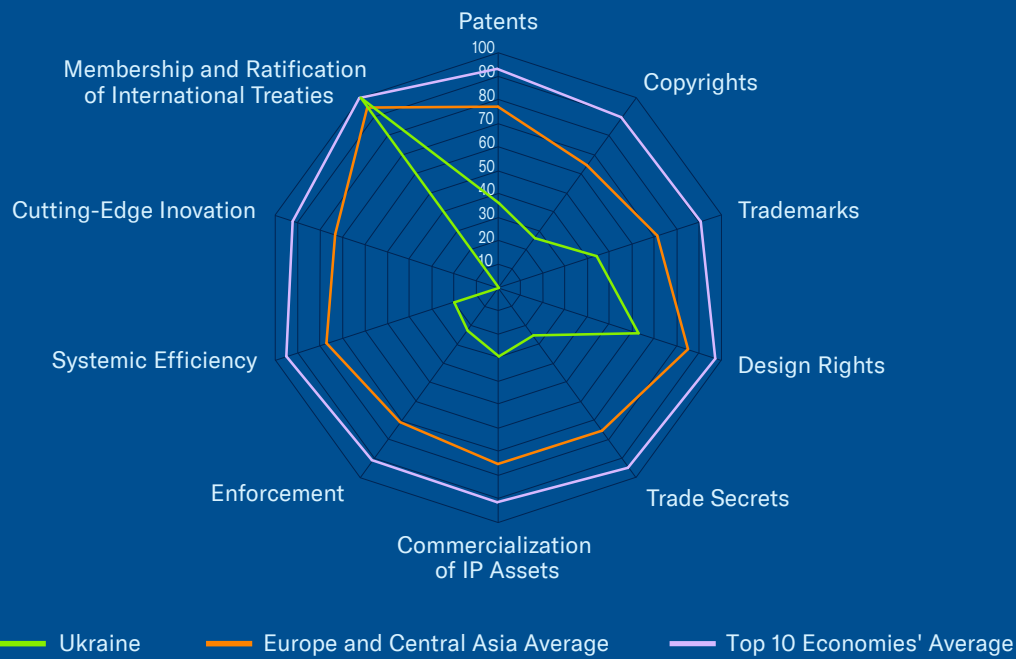




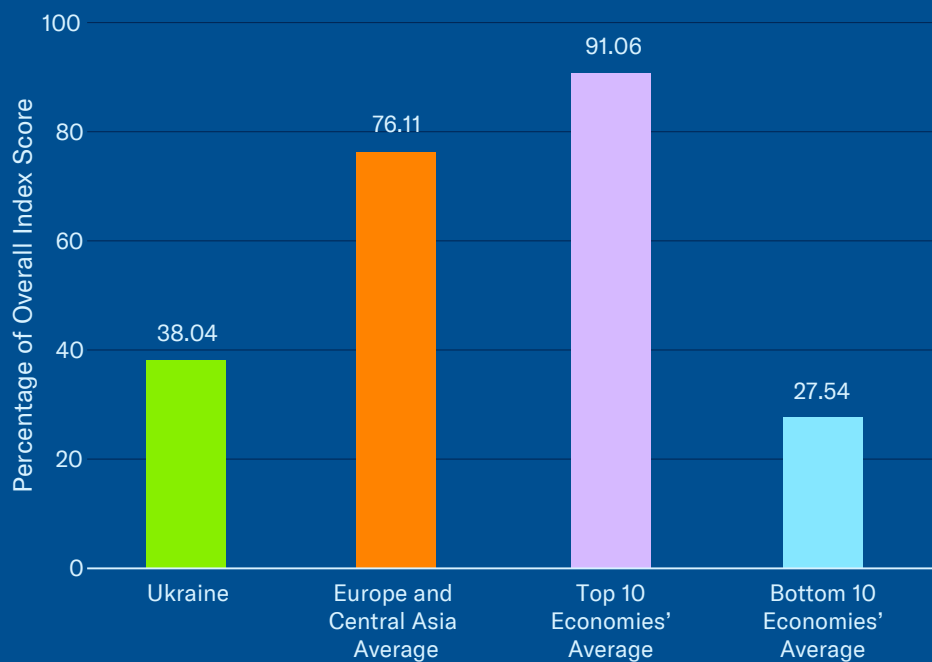
Ukraine

Rank
41/55

Category Scores



Overall Score in Comparison





Key Areas of Strength

- 2020 amendments to the law on design rights extend the term of protection to 25 years
- Growing body of case law on protection of trade secrets
- Amendments to the Customs Code strengthens enforcement capacity
- Efforts made to align IP legislation to EU standards and implement the Deep and Comprehensive Free Trade Area (DCFTA)
- New first instance Court for IP matters (the “High Court”) was set up in 2017 and should help improve consistency and expertise within judiciary
- Contracting party to all international IP treaties included in the Index

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- 2020 amendments to the Law on Protection of Rights to Inventions and Utility Models weaken the national IP environment, especially in relation to life sciences
- 2020 amendments restrict patentability of biopharmaceutical inventions and introduce export exemption for products under patent term restoration (modeled on EU's Regulation 2019/933)
- Major gaps exist across all categories of the Index through both a lack of relevant IP laws and weak enforcement
- 80% software piracy rate in latest BSA estimates and a continued lack of effective effort to reduce use of unlicensed software by the public sector
- High rates of physical counterfeiting; Ukraine is a key transit point for counterfeits entering the EU
- Gaps exist in customs activities, notably a lack of effective procedures for the destruction of counterfeits

Indicator	Score	Indicator	Score
Category 1: Patents Rights and Limitations		Category 7: Enforcement	
1. Term of protection	1.00	29. Direct government intervention in setting licensing terms	0.25
2. Patentability requirements	0.00	30. IP as an economic asset	0.50
3. Patentability of CII	0.00	31. Tax incentives for the creation of IP assets	0.00
4. Plant variety protection	1.00	Category 8: Systemic Efficiency	
5. Pharmaceutical-related enforcement	0.25	32. Physical counterfeiting rates	0.38
6. Legislative criteria and use of compulsory licensing	0.00	33. Software piracy rates	0.20
7. Pharmaceutical patent term restoration	0.75	34. Civil and precedural remedies	0.25
8. Membership of a Patent Prosecution Highway	0.00	35. Pre-established damages	0.25
9. Patent opposition	0.25	36. Criminal standards	0.25
Category 2: Copyrights and Limitations		37. Effective border measures	0.25
10. Term of protection	0.58	38. Transparency and public reporting by customs	0.00
11. Exclusive rights	0.25	Category 9: Cutting-Edge Innovation	
12. Expeditious legal remedies disabling access to infringing content online	0.00	39. Coordination of IP rights enforcement	0.25
13. Cooperative action against online piracy	0.25	40. Consultation with stakeholders during IP policy formation	0.25
14. Limitations and exceptions	0.50	41. Educational campaigns and awareness raising	0.25
15. TPM and DRM	0.25	42. Targeted incentives for the creation and use of IP assets for SMEs	0.00
16. Government use of licensed software	0.00	43. IP-intensive industries, national economic impact analysis	0.25
Category 3: Trademarks Rights and Limitations		Category 10: Membership and Ratification of International Treaties	
17. Term of protection	1.00	44. IP incentives for orphan medicinal product development	0.00
18. Protection of well-known marks	0.50	45. IP incentives for orphan medicinal product development, term of protection	0.00
19. Exclusive rights, trademarks	0.25	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
20. Frameworks against online sale of counterfeit goods	0.00	Category 5: Trade Secrets and the Protection of Confidential Information	
Category 4: Design Rights and Limitations		23. Protection of trade secrets (civil remedies)	0.25
21. Industrial design term of protection	1.00	24. Protection of trade secrets (criminal sanctions)	0.00
22. Exclusive rights, industrial design rights	0.25	25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets		Category 10: Membership and Ratification of International Treaties	
26. Barriers to market access	0.25	47. WIPO Internet Treaties	1.00
27. Barriers to technology transfer	0.25	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
28. Registration and disclosure requirements of licensing deals	0.50	49. Patent Law Treaty and Patent Cooperation Treaty	1.00
		50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
		51. Membership of the Convention on Cybercrime, 2001	1.00
		52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
		53. Post-TRIPS FTA	1.00

Percentage of Overall Score: 38.04%

Total Score: 20.16

Spotlight on the National IP Environment

Past Editions versus Current Score

Ukraine's overall Index score has increased from 20.15 out of 50 indicators in the twelfth edition to 20.16 out of 53 indicators. This reflects a score increase for indicator 32.

Area of Note

In 2024, the war between Russia and Ukraine continued. At the time of research, Ukraine continued to be under a state of martial law and mass mobilization. Despite these difficulties, the Government of Ukraine and Ukrainian state ministries and agencies continued to function. In 2024, the Ukrainian National Office for Intellectual Property and Innovations (UANIPIO) continued to provide users with a full range of its services and launched a new *Strategic Development Plan*. The plan puts a strong emphasis on fundamentally improving all aspects of Ukraine's national IP environment, including legislative changes, stronger enforcement, and an enhanced institutional capacity. As such, the plan is a comprehensive document outlining how UANIPIO can put IP policy at the center of Ukraine's efforts to rebuild and reconstruct its economy through a range of reform efforts.

For all economies—emerging and developed alike—what drives innovation, technological advances, and, ultimately, economic development and growth is the creation of new forms of intangible assets and IP. Covering 53 indicators across 10 separate categories, the Index has for a decade provided a clear model for the type and strength of IP rights that international innovators, creators, and rightsholders need to be able to fully develop and commercialize their ideas and products.

As the Government of Ukraine continues to pursue a program of national IP rights reforms, we would encourage it to use the Index findings and accompanying *Statistical Annex* as a guide in 2025 and beyond. In addition to these efforts, the UANIPIO also continued to deepen its existing partnerships and cooperation agreements with several EU Member States and European institutions, including EPO and EUIPO. This is part of Ukraine's ongoing efforts to strengthen political and institutional ties with the EU after the granting of official candidate status for EU membership in 2022. In late 2023, the European Council announced that it had authorized the Commission to begin formal negotiations on EU accession. In June 2024, these negotiations were launched with the first interministerial meeting held. The Index commends the Government of Ukraine and UANIPIO for its positive work under such trying circumstances.

Enforcement

34. Civil and procedural remedies:

As has been documented over the course of the Index, rightsholders face fundamental difficulties in enforcing their rights and accessing available civil remedies in Ukraine. There is a general lack of confidence in the judicial system, a dearth of knowledge of IP rights within the judiciary, and infrequent civil prosecutions. Although there have been instances in which damages have been successfully claimed from infringing companies in the past, decisions are often not transparent and, overall, sentences have been nondeterrent. Furthermore, before the Russian invasion, Ukraine had some of the world's highest estimated levels of both hard goods and online piracy in the world.

As noted last year, in 2023, the Ukrainian Parliament passed Law 6,464 “On making changes to some legislative acts of Ukraine regarding strengthening the protection of intellectual property rights,” and President Zelensky signed the bill into law in April. The amendments strengthened existing civil remedies related to IP infringement and the circulation of infringing goods and the manner in which damages are assessed and awarded. These positive efforts continued in 2024.

In June, UANIPIO announced that the office’s Appeals Chamber was operational. The Appeals Chamber provides rightsholders with a mechanism for administrative hearings on IP disputes, including with respect to invalidation and opposition proceedings for all industrial property rights. More broadly, UANIPIO announced the launch of an IP Rights Infringement Monitoring Center. The Center is to improve the environment for IP rights enforcement and awareness through greater coordination and training of government agencies such as customs and law enforcement as well as international cooperation. The Index will continue to monitor these developments in 2025.

Incentives for Cutting-Edge Innovation

44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:

Interest in rare diseases has grown in Ukraine. In 2021, a national policy and framework was introduced (Cabinet Order 377, April 2021). This policy seeks to create a national registry of rare diseases, ensure access to therapies and care, improve awareness and understanding of rare diseases among health care professionals as well as the public at large, and seek to stimulate new R&D. Neither the order nor other relevant statute referring to orphan drugs—including the 2022 revisions to the Law on Medicines—contains any special IP-based market exclusivity incentives for orphan medicinal product development.