





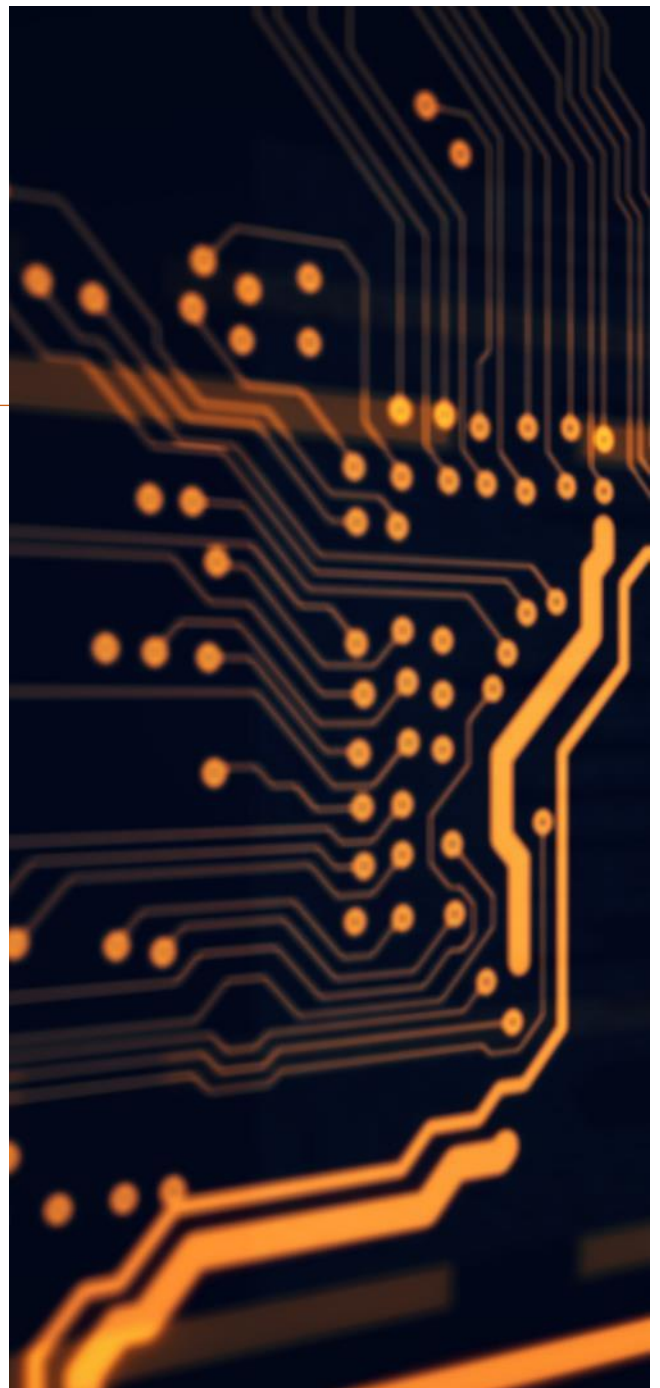
Ukraine introduces a new law to strengthen IP rights protection

April 2023 – A new Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Protection of Intellectual Property Rights” No. 2974-IX (the “**Law**”), entered into force on 15 April 2023. The Law’s aim is to strengthen IP rights protection in Ukraine and harmonise Ukrainian intellectual property legislation with EU standards on the protection of IP rights.

The Law introduces the following important new changes:

-  the removal from public circulation and destruction of any goods manufactured or put into public circulation that are in violation of IP rights, as well as materials and tools used primarily for the manufacture of goods in violation of IP rights, at the expense of the person who committed such violation;
-  introduction of a one-time cash reimbursement as an alternative to the removal from public circulation and destruction of goods, materials, and tools infringing IP rights. This remedy may, however, be applied only if the IP rights infringement was unintentional and without negligence, and the application of the other remedies would be disproportionate to the damage caused;
-  additional means to request evidence in the form of information on the origin and networks of the distribution of goods or services infringing IP rights in cases of IP rights infringement;
-  reimbursement of the damage caused by IP rights infringement is to be carried out either by means of reimbursement of the loss or by means of payment of compensation and/or moral damages. The amount of compensation shall not be less than the amount of remuneration that would have been paid for granting permission to use the respective IP rights.

The Law is expected to ensure fulfilment of obligations undertaken by Ukraine under the EU-Ukraine Association Agreement, in particular those related to civil measures, procedures and remedies of IP rights protection.



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