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**REPORT ON THE ASSISTANCE AND SUPPORT FOR UKRAINE'S INNOVATION
AND CREATIVITY SECTOR AND INTELLECTUAL PROPERTY SYSTEM**

prepared by the Secretariat

1. EXECUTIVE SUMMARY

- 1.1. Introduction
- 1.2. Summary

2. ASSESSMENT OF IMPACTS OF THE WAR ON UKRAINE'S INNOVATION AND CREATIVITY SECTOR AND ECOSYSTEM

- 2.1. Summary
- 2.2. Methodology
- 2.3. Educational, research, and cultural institutions
- 2.4. Innovation and creative sector and ecosystem
- 2.5. Stakeholders responsible for the protection and enforcement of IP
- 2.6. Recent trends in international filings under PCT, Madrid, and Hague systems relating to Ukraine
 - 2.6.1. Patent Cooperation Treaty
 - 2.6.2. Madrid System
 - 2.6.3. Hague System
- 2.7. Government policies and strategies on IP, innovation, and creativity

3. CONSULTATIONS WITH UKRAINE ON ITS PARTICULAR NEEDS WITH RESPECT TO ITS INNOVATION AND CREATIVITY SECTOR AND ECOSYSTEM

- 3.1. Summary
- 3.2. Consultations with stakeholders from the innovation and creative sector
- 3.3. Consultations with the Government of Ukraine and Intellectual Property Offices
 - 3.3.1. Institutional reforms in Ukraine
 - 3.3.2. Consultations with the Ministry of Economy of Ukraine
 - 3.3.3. Consultations with Ukrpatent and UANIPIO
- 3.4. Consultations with TISCs

4. ASSISTANCE FOR UKRAINE FOR THE RESTORATION AND REBUILDING OF ITS INTELLECTUAL PROPERTY SECTOR AND ECOSYSTEM

- 4.1. Summary
- 4.2. Provision of access to information, technology, and creativity
 - 4.2.1. Access to WIPO Services
 - 4.2.2. Access to patent and non-patent literature
 - 4.2.3. Access for persons with print disabilities
- 4.3. Policy and legislative advice
- 4.4. Support for IP Office business development
- 4.5. Support for IP Training Institution (IPTI)
- 4.6. Support for IP enforcement
- 4.7. Support for alternative dispute resolution policy and outreach
- 4.8. Support to Government Institutions, SMEs, creators, and inventors in identification, valuation, protection, and benefit from their IP
 - 4.8.1. Translation and customization of support tools for SMEs and startups
 - 4.8.2. Projects on access to and use of government-generated/funded IP assets
 - 4.8.3. Inventor assistance program
- 4.9. Other capacity building through projects, training programs, and workshops

5. ALLOCATION OF ADEQUATE FINANCIAL AND HUMAN RESOURCES

6. MEASURES TAKEN TO ENSURE THAT INTELLECTUAL PROPERTY APPLICANTS FROM UKRAINE, AS WELL AS THE UKRAINIAN INTELLECTUAL PROPERTY INSTITUTE, HAVE ACCESS TO THE FULL RANGE OF WIPO'S INTELLECTUAL PROPERTY SERVICES AND ARE GRANTED APPROPRIATE EXTENSIONS, EXEMPTIONS, AND OTHER REMEDIES

- 6.1. Summary
- 6.2. Patent Cooperation Treaty (PCT)
 - 6.2.1. PCT extensions, exemptions, and other remedies
 - 6.2.2. International Searching and Preliminary Examining Authority (ISA/IPEA)
 - 6.2.3. Additional Issues
- 6.3. Madrid System
- 6.4. Hague System
- 6.5. Arbitration and Mediation

7. CONCLUSIONS

1. EXECUTIVE SUMMARY

1.1. INTRODUCTION

1. During the Sixty-Third Series of Meetings of the Assemblies of the Member States of WIPO (July 14 to 22, 2022), the Member States adopted the decision on the Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System (contained in document A/63/8), which requested the International Bureau:

- "1. To assess the immediate, medium- and long-term impacts of the war on Ukraine's innovation and creativity sector and ecosystem, including innovative and creative businesses; educational, research, and cultural institutions; government institutions responsible for the protection and enforcement of intellectual property and Technology and Innovation Support Centers (TISCs); as well as intellectual property filings in Ukraine by persons outside of Ukraine and filings worldwide by residents of Ukraine;
- "2. To initiate and maintain consultations with Ukraine on its particular needs with respect to its innovation and creativity sector and ecosystem, including intellectual property offices and TISCs;
- "3. Based on the aforementioned assessments and consultations, to implement technical assistance, legal assistance, capacity building, and other assistance for Ukraine as appropriate and as required for the restoration and rebuilding of Ukraine's intellectual property sector and ecosystem;
- "4. To allocate adequate financial and human resources, including through reallocation within the generally approved budget, for the implementation of the activities under item 3 above;
- "5. To take appropriate measures to ensure that intellectual property applicants from Ukraine, as well as the Ukrainian Intellectual Property Institute, have access to the full range of WIPO's intellectual property services, including WIPO Arbitration and Mediation Center services, and are granted appropriate extensions, exemptions and other remedies as provided for in relevant WIPO treaties, rules and regulations, in connection with the current circumstances;
- "6. To report on the assessment, consultations, implementation, and other activities under items 1-5 above at the next General Assembly."

2. Accordingly, the current document is a report to the Assemblies on the assessment, consultations, implementation and other activities related to Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System, as requested by Member States.

1.2. SUMMARY

3. Further to the request by Member States, and to implement the decision, the International Bureau conducted a comprehensive assessment of the impacts of the war on Ukraine's innovation and creativity sector and ecosystem by conducting extensive consultations with stakeholders at various levels through questionnaires, interviews, desk research, and data analysis. Approximately 100 stakeholders participated in the assessment and consultations.

4. Based on the conducted assessment, the impact of the war on the innovation and creativity sector and ecosystem in Ukraine includes social damage, mental health impact, and brain drain; infrastructure damage, and a reallocation of financial resources by the Government to national security and defense priorities; and damage to the intellectual property (IP) ecosystem, decrease in IP filings, loss of income by creative industry representatives.
5. The International Bureau continuously initiated and maintained consultations with Ukraine on its particular needs with respect to its innovation and creativity sector and ecosystem. In addition to exchanges of letters and communications at all levels, over 25 virtual and in-person Geneva meetings took place, which involved relevant governmental stakeholders from Ukraine.
6. The International Bureau was able to identify the most pressing needs for the country with respect to its IP sector and ecosystem. Such needs would be met with technical and legal assistance, capacity building, and other support and assistance for the restoration and development of Ukraine's IP sector and ecosystem. The International Bureau placed focus on activities with concrete impact, such as rebuilding a stronger IP ecosystem that benefits all stakeholders and the economy, that provides financial relief to IP ecosystem users in Ukraine, and that helps governmental institutions in Ukraine financially through enhanced future management of government-owned IP rights.
7. The International Bureau initiated several activities, which remain ongoing, including the provision of access to information and technologies, legislative advice or support for IP training institutions.
8. The International Bureau also took appropriate measures to ensure that IP applicants from Ukraine, as well as the Ukrainian National Office for Intellectual Property and Innovations (UANIPIO), continued to have access to the full range of WIPO's IP services, including WIPO's Arbitration and Mediation Center services, and were, and continue to be, granted appropriate extensions, exemptions and other remedies as provided for in relevant WIPO treaties, rules and regulations, in connection with the current circumstances.
9. In March 2022, the International Bureau issued a statement regarding WIPO's Global Services, which provided information on available extensions, exemptions, and other remedies that continue to apply today. Appropriate additional measures have been undertaken, including, among others, helping to facilitate the business continuity of the IP Office, and supporting the deployment of online filing.

2. ASSESSMENT OF IMPACTS OF THE WAR ON UKRAINE'S INNOVATION AND CREATIVITY SECTOR AND ECOSYSTEM

2.1. SUMMARY

10. The war has had a profound effect on Ukraine's society and economy. According to the World Bank's *Rapid Damage and Needs Assessment* report, the war has resulted in more than 135 billion United States dollars in direct damage to buildings and infrastructure.¹ The most affected sectors have been housing (38 per cent), transport (26 per cent), energy (8 per cent), commerce and industry (8 per cent), and agriculture (6 per cent). Most of the damage occurred in the war's first three months and Ukraine's Eastern oblasts have sustained the greatest damage. Ukraine's Gross Domestic Product (GDP) shrank by 29.2 per cent in 2022. An estimated 9,655 civilians have lost their lives and 13.5 million people – around 30 per cent of Ukraine's population – have been displaced within Ukraine and across Europe. According to United Nations High Commissioner for Refugees (UNHCR) data, as of April 25, 2023, Europe

¹ See World Bank (2023). "[Ukraine Rapid Damage and Needs Assessment: February 2022 to February 2023](#)", (Washington, DC: The World Bank).

has witnessed an influx of 8,174,779 Ukrainian refugees seeking shelter, with 5,047,700 registered under Temporary Protection or similar national protection schemes across the continent. UNHCR data also indicates that as of January 23, 2023, 5.4 million persons were internally displaced within Ukraine.

11. Against this background, it is not surprising that IP use in Ukraine registered significant declines in 2022. The number of patent applications of Ukrainian origin filed under the PCT System declined by 33 per cent in 2022 from the year before. While the number has fluctuated considerably over the last 10 years, the 2022 result is substantially below the 120 to 183 range observed since 2011 and the lowest number since 2009.

12. The evolution of IP use in 2023 and beyond will depend upon broader economic trends. As pointed out in the International Monetary Fund (IMF) Country Report for Ukraine, the Ukrainian economy faces exceptionally high uncertainty associated with the scale, duration, and intensity of the war.²

13. Based on the assessment conducted, the following impact of the war on the innovation and creativity sector and ecosystem in Ukraine can be observed:

- Mental health – the war has taken a toll on the mental health of students, educators, creators, scientists, and researchers, affecting their performance and well-being;
- Brain drain – many creators, educators, scientists, and researchers have left the country, leading to a loss of human capital and a shortage of skilled professionals;
- Infrastructure damage – the destruction of educational and cultural buildings, research centers, laboratories, and libraries has disrupted the learning process and hindered scientific advancements and cultural development;
- Limited financial resources – cutting the budget funding for education, science, and creativity sector, redirecting funds to national security and defense priorities;
- Filings decrease – all international filings under PCT, Madrid, and Hague Systems relating to Ukraine, as well as national filings, have experienced significant decreases;
- Creative Industry losses – creators, artists, and creative industry representatives reported losses in their income and a decrease in the production of their work;
- Resilience and adaptability – the governmental institutions continued to operate. They reacted to the challenges by undergoing structural optimization, launching initiatives, and devising strategies to support and protect the IP, creativity, and innovation sectors and attract international partners.

2.2. METHODOLOGY

14. Since July 2022, the International Bureau consulted with relevant stakeholders in Ukraine to undertake the assessment. This included the preparation and collection of surveys from key stakeholders, such as government authorities responsible for the protection and enforcement of IP, education and research institutions from different regions of the country, technology and innovation parks, startups, IP associations, and practitioners, representatives of creative industries (artists, performers, musicians, publishers, collective management organizations (CMOs), etc.), as well as the Technology and Innovation Support Centers (TISCs).

15. To clarify the information and obtain additional data, supplementary interviews were conducted with policymakers, stakeholders from TISCs, higher education institutions, and representatives of the creative industries.

16. Approximately 100 stakeholders participated in the assessment.

² See [IMF Country Report No. 23/132](#), March 2023.

17. The International Bureau also consulted and reviewed publicly available sources, including official reports of international and regional organizations and institutions, such as the United Nations (UN), UNHCR, the Organization for Economic Co-operation and Development (OECD), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Development Program (UNDP), the European Bank for Reconstruction and Development (EBRD), the World Bank, national government authorities, and official web pages of relevant stakeholders and summaries and reports of research centers.

2.3. EDUCATIONAL, RESEARCH, AND CULTURAL INSTITUTIONS

18. To assess the impact of the war on educational, research, and cultural institutions, the International Bureau surveyed the following relevant stakeholders: the Ministry of Education and Science, the Ministry of Culture and Information Policy, the National Academy of Sciences, the National Research Foundation, and more than 40 higher education, research and cultural institutions. Based on the survey responses, interviews, and desk research, some of the key findings are presented below.

19. As of March 23, 2023, according to data provided by the Ministry of Education and Science of Ukraine, 350 educational institutions have been destroyed, and damage was inflicted on 2,830 educational sites³. According to the World Bank, in the long term, the overall need for the recovery and reconstruction of the education and research sector amounts to 10.7 billion United States dollars, with direct damage from the destruction of educational institutions during the first year of war amounting to 4.4 billion United States dollars⁴.

20. Losses of scientific institutions include damage to property and buildings of 116 scientific and higher education institutions, destruction of four scientific institutions, and loss of information regarding 11 institutions. Overall, more than 15 per cent of the research infrastructure of universities and research institutions has been damaged and destroyed⁵ by early April 2023, including unique scientific equipment, machines, and research laboratories. The infrastructure and scientific equipment of the National Academy of Sciences of Ukraine institutions located in Kyiv, Kharkiv, Dnipro, Sumy, and Mykolaiv were significantly damaged. Approximately 220 National Academy of Sciences of Ukraine buildings and structures were destroyed or damaged. The world's largest decameter radio telescope of the Radio Astronomy Institute, the Institute of Single Crystals, the Institute of Radiophysics and Electronics, the Kharkiv Physics and Technical Institute, the Institute of Pulse Processes and Technologies in Mykolaiv, and the V.M. Bakul Institute for Superhard Materials in Kyiv sustained extensive damage. The equipment and the laboratories of the Institute of Safety Problems of Nuclear Power Plants, which carried out scientific support and control of the condition of the "Shelter" facility in Chernobyl, were destroyed⁶.

21. As of April 26, 2023, UNESCO has verified damage to 253 cultural sites since February 24, 2022 – 108 religious sites, 22 museums, 91 buildings of historical and/or artistic interest, 19 monuments, 12 libraries, and one archive⁷. According to the information of the Kyiv School of Economics, as of February 2023, at least 2,148 cultural and religious institutions have suffered direct damage due to the war. Among them are 703 cultural buildings/palaces of

³ Statistical data provided by the Ministry of Education and Science of Ukraine

⁴ <http://documents.worldbank.org/curated/en/099184503212328877/P1801740d1177f03c0ab180057556615497>

⁵ Information provided by the Ministry of Education and Science of Ukraine

⁶ Information provided by the National Academy of Sciences of Ukraine

⁷ <https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco?hub=66116> (accessed April 2023)

culture, 348 religious buildings, 82 museums, and 22 theaters. The total damage to cultural and religious institutions is estimated at over 1.5 billion⁸ United States dollars.

22. According to data provided by the Ministry of Education and Science, an average amount of 8 per cent of students in higher education institutions are studying remotely from foreign countries, whereas in some institutions in war-affected areas or near the frontline, this number reaches over 20 per cent. Approximately 8 per cent of researchers and 10.5 per cent of scientific and educational staff were forced to relocate to other regions of Ukraine, while 5 per cent of researchers and 8 per cent of the higher education staff settled in other countries. Thirty-one higher education institutions and 44 professional pre-higher education institutions were relocated to safer regions of Ukraine⁹. Fourteen per cent of the National Academy of Sciences researchers were forced to relocate to safer areas of Ukraine or flee abroad.

23. As the Government of Ukraine has had to redirect its budget towards defense, social, and humanitarian needs, this has significantly impacted financial resources for education, science, culture, and innovation. Funding for scientific research was reduced due to military expenses, with the National Research Foundation of Ukraine experiencing cuts of around 20.7 million United States dollars in 2022¹⁰. The budget of the National Academy of Sciences of Ukraine¹¹ was reduced by 17.1 per cent in 2022 and an additional 10.7 per cent in 2023. In 2022, the Ministry of Culture and Information Policy's expenditures from the state budget's general fund, including allocating funds for grants and scholarships to support and develop projects in culture and arts and creative industries, were reduced by 85.2 per cent. The State Budget of Ukraine for 2023 envisages expenditures of about 25 per cent of the downsized 2022 budget to finance such goals¹².

24. As reported by many of the surveyed research institutions, a combination of factors caused by the war (lack of financial resources, difficulties in payment of fees, damage to research equipment, etc.) has led to a decrease in inventive activity and thus reduced the number of patent applications filed by the institutions. According to the information provided by the National Academy of Sciences of Ukraine in 2021, the National Academy of Sciences institutions experienced a 1.6-fold drop in patent filings as compared to 2017-2018, and a further 2.6-fold drop in filings in 2022.

2.4. INNOVATION AND CREATIVE SECTOR AND ECOSYSTEM

25. Small and medium-sized enterprises (SMEs) are the backbone of an innovative and creative economy. As reported by OECD in 2020, SMEs account for 99.98 per cent of the total business population (legal and individual entrepreneurs) in the Ukrainian Economy¹³.

26. According to a UNDP assessment¹⁴, the war has exacerbated existing challenges that micro, small and medium enterprises (MSMEs) face, while creating new ones. In particular, the outflow of human capital, exacerbated by forced internal and external migration, has created a labor shortage in many areas; the disruption of supply chains and the reduction in domestic

⁸ Kyiv School of Economics. The damage from the destruction of cultural and religious sites during the war have exceeded 1.5 billion United States dollars, 16/03/2023 <https://kse.ua/about-the-school/news/the-damage-from-the-destruction-of-cultural-and-religious-sites-during-the-war-have-exceeded-1-5-billion/>

⁹ Information provided by the Ministry of Education and Science of Ukraine

¹⁰ Information provided by the Ministry of Education and Science of Ukraine

¹¹ Information provided by the National Academy of Sciences of Ukraine

¹² Information provided by the Ministry of Culture and Information Policy of Ukraine

¹³ <https://www.oecd-ilibrary.org/sites/ae8c3c25-en/index.html?itemId=/content/component/ae8c3c25-en#:~:text=SMEs%20in%20the%20national%20economy.legal%20enterprises%20and%20individual%20entrepreneurs>

¹⁴ <https://www.undp.org/ukraine/publications/rapid-assessment-wars-impact-micro-small-and-medium-enterprises-ukraine>

demand for goods and services have forced MSMEs to look for new partners and customers; the reduction of bank lending have significantly reduced MSMEs' access to financial resources for working capital and capital investments; and the risks and consequences of hostilities, such as loss or damage of assets, threats to personnel and information security, and destroyed infrastructure have each taken a significant toll on MSMEs.

27. Despite the above, according to research commissioned by the European Bank for Reconstruction and Development¹⁵, most SMEs had stabilized their activity almost a year after the war, demonstrating resilience despite the devastating impact on the economy.

28. The Ukrainian innovation sector and ecosystem adapted to extraordinary challenges, shifting focus towards industries that address the urgent needs of a country at war, such as cybersecurity, defense technologies, and communication infrastructure. In March 2023, the Government updated the medium-term priorities for national innovation activities encompassing various strategic sectors, such as energy, defense industry, agro-industry, medicine, environmental protection, information and communications technology (ICT) development, and robotics¹⁶. As reported by the Ukrainian Startup Fund after February 24, 2022, the Fund focused grant support to military-technology and deep-technology¹⁷ projects.

29. The pre-war dynamic growth of innovation infrastructure in Ukraine, including co-working spaces, hubs, incubators, and accelerators played a crucial role in the innovation ecosystem's resilience. Some examples of impressive startups originating in Ukraine include Grammarly, Gitlab, and Ahrefs, highlighting the strong talent and global potential of Ukrainian startups. Prior to the war, Ukrainian startups were on the rise, recording 832 million United States dollars in venture capital and private equity investments in 2021, a 45 per cent yearly growth. Ukrainian startups were worth around 21 billion United States dollars, and the tech ecosystem was one of the country's most dynamic and promising sectors¹⁸. Although Ukraine lost 16 positions in the 2022 Global Startup Ecosystem Index by Startup Blink¹⁹, it maintained its position in the global top 50. In 2022, two technology companies joined the ranks of Ukrainian unicorns²⁰ since the war began — airSlate and Unstoppable Domains (the latter being US-based with Ukrainian founders) – while Ukraine's Preply raised 50 million United States dollars to scale up globally²¹. As stated in the recent StartupBlink 2023 Report, in 2023 Ukraine solidified its position among the global top 50 by improving one spot.²²

30. Before the war, Ukraine made significant progress in the digitalization sphere, as this sphere was one of the key national priorities since 2019. The IT sector was also identified as fast-growing and a key engine of the Ukrainian economy, having the potential to address current and future challenges caused by war.

31. As reported by the Ministry of Digital Transformation, the number of business entities undertaking activities in the digital economy increased during the past year. As of the 4th quarter of 2021, 265,570 business entities were registered and operated in Ukraine in the abovementioned category of activities. As of the 4th quarter of 2022, 279,671 business entities were registered and operated in Ukraine. That is, during the year of the war, the number of IT

¹⁵ <https://www.ebrd.com/news/2023/ebd-usa-and-sweden-assess-impact-of-war-on-smes-in-ukraine.html>

¹⁶ <https://mon.gov.ua/ua/news/uryad-onoviv-perelik-prioritetnih-napryamiv-innovacijnoyi-diyalnosti-do-aktualnih-potreb-periodu-voyennogo-stanu-ta-potreb-vidnovlennya-ukrayini>

¹⁷ Startups whose business model is based on high tech innovation in engineering, or significant scientific advances.

¹⁸ [Celebrating Ukrainian Science and Technology Entrepreneurship - United States Department of State](#)

¹⁹ [StartupBlink: The Startup Ecosystem of Ukraine](#)

²⁰ A startup whose value is considered to be over 1 billion United States dollars

²¹ <https://techukraine.org/2022/08/16/the-voice-of-ukrainian-start-ups-report/>

²² <https://www.startupblink.com/startup-ecosystem/ukraine>

business entities increased by 14,101, which demonstrates their economic resilience despite the war.

32. This resilience can be demonstrated further by the fact that while the country's GDP fell, IT service exports reached a record 7.34 billion United States dollars, up 400 million United States dollars from 2021, according to central bank statistics cited by the IT Ukraine association²³.

33. Additionally, according to information provided by the Ukrainian Startup Fund based on an online survey of the startup ecosystem it conducted in mid-2022, although nine out of 10 Ukrainian startups needed financial support to continue their activity, every fourth startup noted the maintenance of their status, and only four per cent of the startups considered their activity might be reduced. With respect to startup relocation, the survey results revealed that 95 per cent of startups remained in Ukraine at least partially, while 56 per cent continued their operations exclusively from Ukraine. Despite the war, Ukrainian startups – similarly to the country's IT sector – have further demonstrated resilience, and entrepreneurs continue to operate their businesses and to contribute to the country's economy.

34. A key priority of Ukraine's state innovation policy is fostering the startup ecosystem within universities. The Ministry of Education and Science of Ukraine has initiated a pilot project to create a network of startup schools, incubators, and accelerators based in higher education and research institutions. Many universities hold startup and innovation activities to encourage ideas and initiatives among students, young scientists, and researchers. Within some institutions of higher education, the development of and focus on startup and innovative activity among students and young scientists were implemented. Examples include Uzhhorod National University's annual Startup-UzhNU competition and Kyiv National Economic University's Innovation Menu Digital Accelerator project. One of the most prominent players in the higher education innovation ecosystem is the Innovation Ecosystem Sikorsky Challenge National Technical University of Ukraine "Igor Sikorsky Kyiv Polytechnic Institute" (INESC), which is designed to carry out the selection, recruitment, and training of creative people to create their own business and startups, helping participants to find the investors and the promotion of startups. The composition of INESC includes the Startup School "Sikorsky Challenge," the Festival of Innovation Projects "Sikorsky Challenge," the Business Incubator "Sikorsky Challenge," the Innovative Technological environment "Sikorsky Lab," the Center for Intellectual Property, Venture Fund "Sikorsky Challenge."²⁴ The TISC established within the University provides services, in the vast majority, to university employees and startup projects selected by the Sikorsky Challenge for acceleration. These activities aim to provide comprehensive support for innovative projects and contribute to Ukraine's post-war recovery and competitive development.

35. To assess the impact of the war on the creative sector, the International Bureau engaged with representatives from the creative industries, including representatives from TV and radio companies, book publishers, film producers, CMOs, as well as individual artists, photographers, authors and performers of musical works. Based upon those exchanges, the following challenges were reported: the impossibility of making cross-border currency transfers to respondents' accounts abroad; a decrease in the production of music and music videos; a drop in the level of income and exports of creative products; outflow of professional staff abroad or to other areas of activity; dissolution of professional teams and freelance work, which leads to a decrease in product quality and the inability to implement large-scale projects; loss of production capacity; significant reduction in the Ukrainian market for creative industries related to the organization and holding of large-scale events; and the difficulty of relocating businesses.

²³ [Ukrainian Digital News \(uadn.net\)](https://uadn.net)

²⁴ [Sikorsky Challenge Ukraine](https://sikorskychallenge.com)

36. It was reported that the war has led to significant changes in the television and radio industry. A single information telethon was launched to keep the public informed about the war, causing TV channels to abandon or delay planned content. This has led to a decrease in advertising revenues and a reduction in employees. The national TV channels were forced to set up studios in unsuitable locations, such as basements and underground parking lots. Broadcasting infrastructure and equipment have been damaged or destroyed, and journalists face risks collecting and preparing information. Radio companies have also seen decreased advertising revenues and experienced interruptions in signal transmission. There is a need to restore damaged equipment and invest in new methodologies for media market research.

37. As provided in the replies, the war has also significantly affected Ukrainian visual artists, who have faced difficulties adapting to the new conditions. Factors such as lack of inspiration, stressful psychological conditions, and personal injuries have influenced their creative output. Most artists have shifted their focus to war-related themes while experiencing a decrease in the number of new works created. High prices for materials, the loss of materials and equipment, the impossibility to rent studios due to a significant increase in rental costs, and reduced income from art sales have further hindered their creative activities. Despite increased international interest in Ukrainian art and participation in exhibitions abroad, artists face challenges exporting their works and accessing grant programs.

38. Representatives of the music industry likewise reported the significant impact of the war on their activity, identifying the following factors: cancelation of all concerts, festivals, and other events scheduled after the beginning of the war; the impossibility for authors and performers to carry out creative activities at all for two to six months after the beginning of the war, because of the need to conduct volunteer work related to war efforts, join the defense forces, or moral concerns, including a sense of inappropriateness of music development and song writing in the midst of the war, the suspension of recording studios, and the relocation of creative team members to different cities and countries. The number of works created after February 24, 2022 decreased by 80-90 per cent for all respondents. While the demand for respondents' music has increased five to seven times, contributing to the monetization of Ukrainian music on digital platforms, the revenues from concert activities decreased by an average of 65-90 per cent. Most respondents reported a decrease in income compared to the pre-war period.

39. The war has similarly impacted Ukraine's book publishing industry, with significant decreases in the number of publishers, published titles, and circulation. As reported, challenges faced by publishers include employee safety, the need to shift to remote work, physical protection of existing books, rising costs, decreased book sales, bookstore closures, outflow of readership, and power outages. 30 per cent of publishers have lost production capacity²⁵, and there has been a substantial decline in income. Assistance in publishing educational literature is a priority, as the war has damaged many educational institutions' book collections.

40. Film production during the war has been significantly hampered. The survey participants named the main challenges for the film industry as: the inability to attract investment due to the impossibility of providing insurance against the myriad risks of war; a significant reduction in the number of employees (50 to 70 per cent); lack of access to many filming locations due to the war; the disappearance of the entertainment segment in the television market; and the destruction of and damage to cinemas. According to the State Film Agency of Ukraine, 16 films were completed with state support in Ukraine in 2022²⁶. There are no systematic statistics on box office receipts from film screenings in Ukraine. The State Film Agency of Ukraine publishes information on box office receipts of individual films, which only partially covers the situation and

²⁵ Public Culture. "Our culture lives on even in times of war": literary results of 2022, 29/12/2022 (in Ukrainian) <<https://suspijne.media/348496-nasa-kultura-zive-i-pid-cas-vijni-pidbili-literaturni-pidsumki-2022-roku/>>

²⁶ Report on the results of the activities of the State Film Agency of Ukraine for 2022 (in Ukrainian) <https://usfa.gov.ua/upload/media/2022/12/30/63aee7cc5f0a0-derzhkino-2022.pdf>

does not allow for accurate calculations and comparisons with the pre-war period. Based on the survey's responses, the respondents have experienced a significant decrease in income.

41. As reported by CMOs, their situation deteriorated shortly before the outbreak of war. On February 13, 2022, a law came into force that canceled the decision to accredit CMOs in the following areas of extended management: public performance of musical non-dramatic works and communication to the public of musical non-dramatic works²⁷. Due to the war, the accreditation was not held. At the same time, it was assumed that by April 13, 2022, the tenders would be announced to determine accredited CMOs in these areas. Due to the outbreak of war, the tenders were not announced. In December 2022, the Parliament of Ukraine adopted the Law on Copyright and Related Rights, which established that during the war, the tenders for the selection of an accredited CMO are not announced or held. Such tenders shall be announced within 12 months after the termination of martial law²⁸. Therefore, at the beginning of the war, CMOs could only carry out voluntary management of rights based on agreements with right holders. Thus, the 17 registered CMOs²⁹ suspended their activities, and only two CMOs were functioning stably in Ukraine. During March to May 2022, almost none of the respondents' activities were carried out, and their resumption began in June 2022. The main factors that complicate the work of CMOs are risks to their employees' lives, the general decline in the copyright market, and the lack of stability generally. As for remuneration collected for the use of works, performances, and phonograms, one respondent saw a threefold decrease in the amount of revenue collected, while the other respondent collected almost the same amount of remuneration as in the pre-war period. The respondents also reported difficulties in paying remuneration to Ukrainian rights holders in the temporarily occupied and frontline territories, as the activities of Ukrainian banks in these areas were suspended or terminated. The respondents similarly reported an inability to pay the collected remuneration to foreign rights holders due to the legislative restriction on foreign exchange transactions related to the purchase of foreign currency during the war. The volume of licenses issued for the use of performances of works fixed in phonograms amounted to 20 to 25 per cent of the pre-war volume. Both respondents reported cases of copyright and/or related rights infringement by users, with one respondent recording 80 per cent fewer such cases than in 2021 and the other respondent recording 20 per cent more.

2.5. STAKEHOLDERS RESPONSIBLE FOR THE PROTECTION AND ENFORCEMENT OF IP

42. The government institutions that responded to the WIPO survey reported their continued operation and resilience in reacting to the challenges of the war. The key stakeholders contacted were the Ministry of Economy of Ukraine, the Ukrainian National Office for Intellectual Property and Innovations (UANIPPIO), the Antimonopoly Committee, the State Customs Service, the Ministry of Internal Affairs, the Office of the Prosecutor General, the Supreme Court, and IP associations.

43. The main challenge for the operation of these state actors remains with human resources, staff support, professional development, and ongoing recruitment in light of the constant outflow of personnel due to displacement, mobilization, and deaths. At the same time, as reported, the

²⁷ On Amendments to the Law of Ukraine "On Effective Management of Property Rights of Right Holders in the Field of Copyright and (or) Related Rights" to Ensure Collection of Revenue from Rights by Collective Management Organizations: Law of Ukraine of December 15, 2021 No. 1960-IX (in Ukrainian)
<https://zakon.rada.gov.ua/laws/show/1960-20#n2>

²⁸ On Copyright and Related Rights: Law of Ukraine of December 1, 2022 No. 2811-IX (in Ukrainian)
<https://zakon.rada.gov.ua/laws/show/2811-20#n983>

²⁹ Access to the register of CMOs has been closed since the beginning of the war, and one of the respondents provided information about the non-functioning of 17 CMOs

Ukrainian IP Office managed to preserve and strengthen the expertise of their staff despite these challenges.

44. The war impacted the filing activity of applicants for different IP rights. In the first months of the war (March to May 2022), the number of applications filed for all IP rights reduced by an average of 74 per cent compared to the same period in 2021. By the middle of summer 2022, the number of applications filed reached 50 per cent of numbers during the same period of the previous year. UANIPIO also reported that international applications (filled by foreign applicants) experienced only a drop of 20 to 25 per cent for trademarks and patents. The following IP statistics were also reported in 2022 as compared to 2021: a 44 per cent drop in trademark applications; a 55 per cent drop in industrial design applications; a 46 per cent drop in utility models applications; and a 19 per cent drop in patent applications.

45. The war has also had an impact on IP stakeholders, including IP associations and practitioners. Many have faced difficulties in their professional activities, with some relocating to western Ukraine or abroad. However, they continued their operations, adapting to remote work models. The National Association of Patent Attorneys (NAPA) reported 30 per cent of its members relocated internally or abroad, with some members severely affected by war or staying in temporarily occupied territory. The Ukrainian Trademark Association (UTA) and the All-Ukrainian Association of Patent Attorneys have nevertheless remained active in their advocacy, and, for example, supported the special law protecting intellectual property interests during martial law that was adopted in April 2022, the key actions of which are to extend the term of any actions before the IP Office and to extend the term of validity of IP rights that expire after the introduction of martial law. The Ukrainian Bar Association (UBA) had to relocate and take additional security measures. These IP associations reported that the launching of the High Court of Intellectual Property as an urgent issue for the development of the innovative and creative sectors in Ukraine.

46. Government authorities, including the Ministry of Economy, the Ministry of Culture and Information Policy, and enforcement and judicial authorities, have acted to adapt and maintain operations in the areas under their responsibility during the war. They have undergone structural optimization, launched initiatives, and devised strategies to support and protect the IP, creativity, and innovation sectors and to attract international partners.

47. Despite numerous challenges, such as frequent air raid alerts, power outages, and increased workload for employees, these authorities have reported resilience and adaptability in maintaining operations.

48. Despite the war's impact, key stakeholders like the Ministry of Economy, and UANIPIO, have stabilized their work and continued their duties. Remote work models and access to IP databases have enabled uninterrupted operations while legislative and regulatory improvements in the IP system persist. Notwithstanding the global shutdown of access to Ukrainian state registers and other databases, the work of the IP database remained stable and 24-hour access to electronic services for filling applications, receiving documents, and communicating with applicants were all ensured. UANIPIO is also implementing relevant legislative provisions to extend terms of actions before the Office and the validity of IP rights during martial law in accordance with the law on protection of intellectual property interests during the martial law³⁰.

49. UANIPIO and the Ministry of Economy continue to work on legislative and regulatory improvements to the IP system. On January 12, 2023, the Parliament of Ukraine adopted the Law of Ukraine on Accession to the Marrakesh Treaty, facilitating access to published works for persons who are blind, visually impaired or otherwise print disabled. In addition, the Parliament of Ukraine adopted a new version of the Law on Copyright and Related Rights, which

³⁰ <https://zakon.rada.gov.ua/laws/show/2174-20#Text>

harmonizes part of the provisions with European legislation and improves the system of obtaining remedies for copyright owners.

50. Soon after February 24, 2022, due to the complexity of the situation in Kyiv and to prevent a threat to the life and health of the participants, appeal hearings were suspended. Judicial authorities have since resumed court hearings, both in person and online. The UANIPIO Appeals Boards are preparing to resume soon. UANIPIO has also joined the electronic court system implemented in the Ukrainian judicial system.

51. The Office of the Prosecutor General reported that the war did not affect the detection and investigation of IP rights violations. The Office of the Prosecutor General coordinates the activities of law enforcement agencies concerning IP crimes nationwide, and reported that crimes of IP infringement decreased in 2022 by three times as compared to 2021.

52. The Supreme Court reported continued operation of the judicial system since February 2022 albeit with the following main challenges: the need to ensure the administration of justice during martial law, shelling, power outages and disruption to internet access; and ensuring the safety of litigants, judges, and staff, in addition to court cases. Despite the difficult circumstances, the Supreme Court still considers cases, particularly those involving IP, within the time limits set by the procedural law. The procedure of establishment of the High Court of Intellectual Property is currently ongoing.

53. The war impacted the TISCs network established under the 2018 Memorandum of Understanding (MoU) between the Ministry of Economic Development and Trade of Ukraine and WIPO. As of February 2022, 17 TISCs were established, primarily in institutions of higher education, with the coordinating TISC hosted in UANIPIO.

54. At the beginning of the war, innovative activity and, subsequently, innovation indicators, decreased, which influenced the work of TISCs. As of today, activity in the innovation sphere is once again resuming. Scientists, researchers, and innovators are actively engaged in the issues of Ukraine's recovery during the war and post-war periods.

55. The majority of TISCs have resumed the provision of their services. Nevertheless, some TISCs are located in higher education institutions that were partially destroyed or damaged (for example, the TISCs located in Chernihiv and Kharkiv), making impossible or significantly impeding the exercise of tasks and the provision of services by these TISCs. In one case, a TISC host institutions was relocated to another region and currently under the process of adaptation and arrangement. A new TISC will be opened soon within the relocated higher education institution.

2.6. RECENT TRENDS IN INTERNATIONAL FILINGS UNDER THE PCT, MADRID, AND HAGUE SYSTEMS RELATING TO UKRAINE

2.6.1. Patent Cooperation Treaty

56. In 2022, there was a significant decrease in PCT filings by Ukrainian applicants, with a decline of 33 per cent compared to the previous year. While the number has fluctuated considerably over the last 10 years, the 2022 result is substantially below the 120 to 183 range observed since 2011.

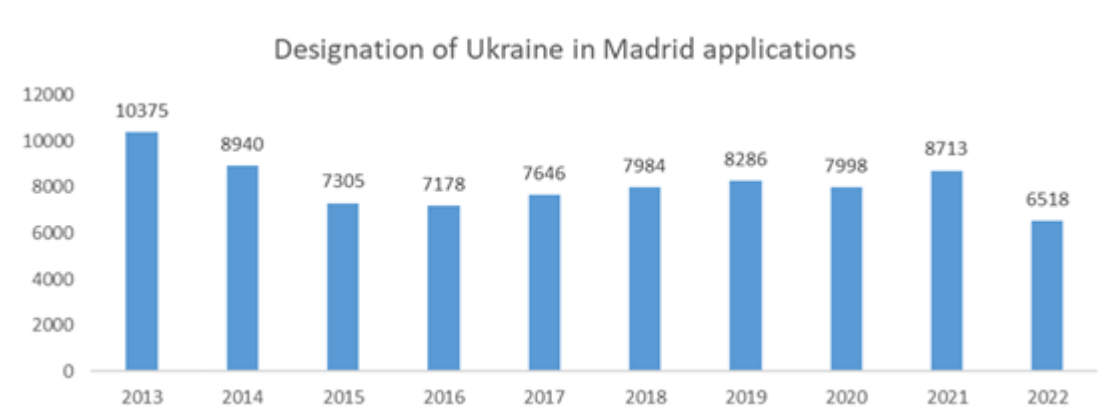


2.6.2. Madrid System

57. International trademark applications of Ukrainian origin under WIPO's Madrid System declined by approximately 20 per cent in 2022. While this is the lowest number since 2010, it is worth noting that applications were on a downward trend, following a peak of 496 applications in 2019.



58. The decline in international trademark activity has not been confined to Ukrainian applicants. The number of designations of Ukraine in international trademark filings by applicants from other Madrid Member States declined substantially as well, by around 25 per cent from 8,713 in 2021 to 6,518 in 2022. Again, the 2022 figure is the lowest recorded over the last decade.



2.6.3. Hague System

59. The number of applications of Ukrainian origin under the Hague System has fluctuated widely in recent years. Still, the 2022 figure represents a decline of 61 per cent compared to the 2021 figure and it is the lowest since 2015.



2.7. Government Policies and Strategies on IP, Innovation, and Creativity

60. Ukraine fosters innovation, creativity and economic development as supported by and enshrined in key strategic policies, including the Sustainable Development Goals (SDGs) in Ukraine for the period up to 2030, the Strategy for the Development of the Sphere of Innovative Activity for the period up to 2030, the National Economic Strategy for the period up to 2030, and other sector-specific strategies. These strategies include promoting innovation, building sustainable infrastructure, and creating a highly developed, socially oriented economy based on knowledge and innovation. Several initiatives have been proposed to achieve these goals, such as state support for innovation and technology transfer, extending the TISC network, developing Industry 4.0 centers, facilitating alternative dispute resolution mechanisms in the IP sphere, and the efficient operation of the High IP Court.

61. The National Recovery Plan, based on resilience, recovery, modernization, and growth, serves as a comprehensive framework for rebuilding and reconstructing the country in synergy with ongoing reforms. The draft Strategy on Development of the Innovation Ecosystem in Ukraine was developed to address challenges and bring strategic documents in line with the new reality of post-war recovery and rebuilding. Finally, the National IP Development Strategy of Ukraine for 2020-2025, developed with WIPO support, will be adapted to also take into account current challenges by the end of 2023.

3. **CONSULTATIONS WITH UKRAINE ON ITS PARTICULAR NEEDS WITH RESPECT TO ITS INNOVATION AND CREATIVITY SECTOR AND ECOSYSTEM**

3.1. SUMMARY

62. As of July 2022, the International Bureau initiated and maintained consultations with Ukraine on its particular needs with respect to its innovation and creativity sector and ecosystem, including intellectual property offices and TISCs.

63. Over 25 online and in-person consultations in Geneva took place, which involved relevant governmental stakeholders from Ukraine, including the Ukrainian Intellectual Property Institute (Ukrpatent), UANIPIO, the Ministry of Economy of Ukraine and the Permanent Mission of

Ukraine to the United Nations Office in Geneva. Additionally, approximately 100 key stakeholders from the Ukrainian innovation and creativity sector participated in the assessment and consultations through questionnaires and organized interviews. The International Bureau has also been in constant contact with the TISCs Network of Ukraine.

64. In 2023, three high-level meetings were held with the participation of H.E. Mr. Oleksandr Gryban, Deputy Minister of the Ministry of Economy of Ukraine. Additionally, the International Bureau organized regular meetings with the Permanent Mission to ensure ongoing communication and collaboration.

65. All WIPO Sectors have been involved in this process. Based on the consultations, the current needs have been identified and categorized into short-, medium-, and long-term measures. The International Bureau continues to hold consultations with all relevant public and private stakeholders to assess the needs and provide assistance that yields impact in the areas identified.

3.2. CONSULTATIONS WITH STAKEHOLDER FROM INNOVATION AND CREATIVE ECOSYSTEM

66. As noted above, and based upon consultations across a range of IP stakeholders and sectors, the following needs, described in more detail below, have been identified:

67. The Ministry of Education and Science of Ukraine reported an immediate need to support and increase scientific and innovation activities by implementing projects aimed at developing the innovation infrastructure network; an intensification of technology transfer and commercialization of scientific results; implementation of joint projects with universities, research institutions and innovation-driven enterprises in Ukraine; the creation of high-tech industries with the participation of higher education institutions and research institutions in order to combine scientific and industrial potential; and the solicitation of grant support for the implementation of scientific, technical and innovative projects, as well as the development of startups to restore Ukraine and its economy.

68. Consultations with educational, research, and cultural institutions outlined the urgent need to address the challenges caused by the war and not only to maintain the education, scientific, and innovative sector, but also to boost its development. These needs included deeper implementation of the process of digitalization of all educational processes; the resumption of funding of scientific activities in higher education and research institutions; the expansion of grant funding programs for scientific research; the sharing of experiences and best practices related to the mechanism of commercialization of IP and innovative technologies; support in inviting international experts on IP, innovation, and startups to give lectures to students and young scientists of higher education institutions; training on drafting and preparing the documentation required for international projects, grants, agreements, memoranda; and IP awareness-raising events.

69. The National Academy of Sciences reported the following needs: development of recommendations for higher education and scientific institutions on IP policies for universities and scientific and research institutions; the organization of targeted grant support for conducting research at the Academy's institutions; improving the laboratory facilities of the institutions; and annual training of specialists in IP management and technology transfer by the WIPO Academy (together with the National IP Training Institution) in Ukraine for those working in scientific and higher education institutions, with the possibility of obtaining qualifications and diplomas (certificates), which would allow for the provision of qualified support for inventive activity and commercialization of IP rights in budgetary institutions.

70. Representatives of the creative industries, in particular representatives of television, the music industry, the publishing industry, CMOs, film producers and individual artists also identified the following immediate needs: professional training, workshops, and seminars; cooperation with foreign partners to create co-production projects; the creation of an information channel or platform on publicly available sources that would provide information on grants and projects for creative industries; training on issues related to IP, export and the operation of digital platforms; assistance in creating grant programs for Ukrainian artists; the attraction of international funds and initiatives for the production of Ukrainian films and TV series; and improvements in legislation for CMOs.

3.3. CONSULTATIONS WITH THE GOVERNMENT OF UKRAINE AND INTELLECTUAL PROPERTY OFFICES

3.3.1. Institutional Reforms in Ukraine

71. On October 28, 2022, the Cabinet of Ministers of Ukraine adopted a resolution according to which the functions of the National Intellectual Property Authority (NIPA) were transferred from Ukrpatent to the then-recently-created UANIPIO, including all the examiners, IT systems and other facilities and expertise of Ukrpatent. According to the resolution and the relevant transfers, UANIPIO assumed the tasks of the national IP Office under the supervision of the Ministry of Economy of Ukraine. Between November 22 and January 2023, institutional reforms in Ukraine were being finalized.

3.3.2. Consultations with the Ministry of Economy of Ukraine

72. Following the decision by Member States for the Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System, the International Bureau engaged in close consultations with the Ministry of Economy of Ukraine, particularly with the Department of Investments, Innovations, and Intellectual Property. The International Bureau conducted at least six meetings, at different levels, with representatives of the Ministry of Economy.

73. On November 4, 2022, an online meeting was organized with H.E. Mr. Oleksandr Gryban, Deputy Minister of Economy of Ukraine to discuss further steps concerning the implementation of the decision by WIPO Member States regarding the Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System, in particular:

- An update on the current situation in the IP sphere of Ukraine;
- An approach for the methodology of assessment and selection of relevant consultants for the collection of information on the impact of the war on innovation and creativity sector and IP system;
- Copyright legislative advice;
- The provision of international expertise and support in maintaining the IP Office functions;
- WIPO's development of tools to support SMEs and startups, including a distance learning course (DL 101);
- The participation of women entrepreneurs in WIPO Training, Mentoring, and Matchmaking Program for Women Entrepreneurs and Local Communities in the Central European and Baltic States with a focus on traditional textiles;
- The impact on the TISCs Network.

74. In addition to the continued consultation and communication with the Permanent Mission of Ukraine in Geneva, in 2023, two additional online meetings were held between the Secretariat representatives and Mr. Oleksandr Gryban, Deputy Minister of Economy of Ukraine,

and Ms. Olena Orliuk, Director, UANIPIO. As a result of these meetings, the participants agreed to continue holding such consultations with UANIPIO related to coordinating bilateral cooperation activities.

3.3.3. Consultations with Ukrpatent (former IP Office) and UANIPIO

75. Following the numerous meetings, exchanges of communications, surveys, and data collection, the following priority needs were identified in consultation with UANIPIO:

Short-term priorities:

- Provide support in access to patent and non-patent databases, including Access to Specialized Patent Information (ASPI) and expanded access to Research4Life;
- Provide legislative support on copyright, including expert opinion and review of the new Copyright and Related Rights Law and drafted by-laws, as well as for the adaptation of CMO accreditation processes;
- Provide support for the translation of SMEs and Startup guides, IP Diagnostic Tool and DL101 course into Ukrainian;
- Provide support in the implementation of the Marrakesh Treaty, including support in communication with The Accessible Books Consortium (ABC);
- Continue to provide support for the functioning of the National IP training Institution;
- Continue to provide support for TISCs Network institutions;
- Provide support for the development of the established IP Mediation Center at UANIPIO;
- Support attracting international technical assistance and resources to meet the needs of Ukraine's IP and innovation sector, including technical means and other support for the functioning of UANIPIO.

Medium-term priorities:

- Provide support for the implementation of the ePCT filling system for applicants at UANIPIO;
- Provide support for projects on IT solutions and infrastructure (namely cloud hosting) to further improve the efficiency of UANIPIO;
- Provide support for the development of technical assistance projects, on-site and online trainings, and other support to women and youth, with a focus on capacity building and economic growth in the sphere of IP;
- Explore the provision of support for implementation of the Inventors Assistance Program in Ukraine.

Long-term priorities:

- Provide support for development, adoption, and implementation of the IP Audit project.
- Provide support for the adaptation of the National IP Strategy;
- Provide support in the development of a program for introducing artificial intelligence (AI) into the work of UANIPIO, in particular for the translation of patent documentation.

3.4. CONSULTATIONS WITH TISCS

76. WIPO maintained online consultations with the Ukrainian TISCs Network representatives, as well as developed a questionnaire, which was sent out to all TISCs, to collect relevant information.

The following areas of support were in particular identified:

- Provide support for access to IP databases;
- Provide capacity building activities and training on IP;
- Provide support for IP valuation and startup support practices;
- Provide support for development of technology transfer and commercialization processes;
- Provide support for international cooperation and networking;
- Provide support for the translation and customization of relevant WIPO tools and publications;

4. ASSISTANCE FOR UKRAINE FOR THE RESTORATION AND REBUILDING OF ITS INTELLECTUAL PROPERTY SECTOR AND ECOSYSTEM

4.1. SUMMARY

77. As of July 2022, WIPO supported the restoration and development of Ukraine's intellectual property sector and ecosystem through impact-focused technical assistance, legal assistance, capacity-building support, and other assistance. These activities were aimed at supporting governmental institutions, including UANIPIO, the TISCs network, IP training institutions, the legal and enforcement system, and the users of the IP system in Ukraine. The undertaken, ongoing, and initiated activities include:

- Provision of access to information and technologies to support the business continuity and development of UANIPIO, governmental institutions, TISCs, and public users such as SMEs, startups, researchers, creators, and users with print disabilities;
- Provision of policy and legislative advice about the development and implementation of the new National IP Strategy, copyright law and bylaws, and collective management system of Ukraine;
- Support for IP Business Development of the UANIPIO;
- Support for the IP Training Institution (IPTI);
- Support for IP enforcement;
- Support for Alternative Dispute Resolutions Policy and Outreach activities;
- Support and assistance to Government Institutions, SMEs, creators, and inventors in identification, valuation, and benefit from their IP;
- Capacity building through participation in projects, training programs, and workshops for various stakeholders from Ukraine.

4.2. PROVISION OF ACCESS TO INFORMATION AND TECHNOLOGIES

4.2.1. Access to WIPO Services

78. WIPO facilitated business continuity of UANIPIO as NIPA by the preservation of Office users' accounts and access to WIPO Services, such as ePCT, the PCT Electronic Data Interchange (PCT-EDI) system, and the Madrid Office Portal and updating of relevant information on WIPO IP Portal, such as Hague and Madrid Member Profile information.

4.2.2. Access to Patent and Non-Patent Literature

79. The International Bureau also continues to provide assistance to Ukrainian institutions through two WIPO public-private programs: the Access to Research for Development and Innovation (ARDI) program offering access to subscription-based scientific and technical

journals, and the Access to Specialized Patent Information (ASPI) program, which provides access to commercial, more sophisticated search and analytics patent databases.

80. ARDI is part of the Research4Life partnership, comprising programs from the World Health Organization (WHO), Food and Agriculture Organization (FAO), United Nations Environment Programme (UNEP), and International Labour Organization (ILO). The Research4Life publisher partners have agreed to waive necessary payments from institutions in Ukraine and have also taken steps to expand access to information resources for Ukraine institutions. The complete list of publishers offering is at:

https://portal.research4life.org/country_offer.

81. Following coordination by WIPO, the ASPI partnership will offer access to patent information tools and services available through the program to industrial property offices and local academic and research institutions in Ukraine at no cost until December 31, 2023. Eligible institutions may benefit from one account for each service available through ASPI.

82. In addition to free access to both ARDI and ASPI programs, follow-up training is foreseen to support users in effectively searching and using information and knowledge found in both ARDI and ASPI databases. Research4Life has dedicated trainers for their programs, and the ASPI partners have offered their support in providing specific training for selected databases.

4.2.3. Access for Persons with Print Disabilities

83. WIPO, in cooperation with the ABC, facilitated support for Ukrainian users with print disabilities. Following the Authorized Entity Agreement signed between the Ostrovskiy Central Specialized Library for the Blind (CLBU) and ABC on December 10, 2019, CLBU shared with ABC a metadata feed describing 71 accessible books. In March 2023, CLBU confirmed the feasibility of sharing more accessible books upon integrating the initially shared 71 titles. A catalogue containing the shared titles has been integrated into the ABC Global Book Service for CLBU to review the quality of integration. Upon CLBU approval, the catalogue will become visible to all participating Authorized Entities, and CLBU will gain full access to the service. Moreover, CLBU can download any title from the record of books for which permissions have been obtained from the Right Holders for distribution in Ukraine.

4.3. PROVISION OF POLICY AND LEGISLATIVE ADVICE

84. In 2019, the International Bureau supported the development of the National IP Strategy in Ukraine. The Strategy has been submitted for approval by the Government and is not yet implemented. In March 2023, Ukraine requested the support of WIPO in the review and adoption of the National IP Strategy following the results of the assessment of the national IP ecosystem. Initial consultations were held with UANIPIO and further steps will be coordinated with the IP office following the assessment result.

85. WIPO also provided legislative advice on the new specialized Law of Ukraine on Copyright and Related Rights and the Collective Management System of Ukraine. Implementation of the law was postponed due to institutional reforms. This led to follow-up consultations in March 2023, when further support was requested regarding the following:

- Provision of WIPO support for the drafting of bylaws to implement the new Copyright Law,
- Provision of WIPO support in analyzing and commenting on two bylaws already developed by Ukraine but not yet been adopted;
- Provision of WIPO support in the adaptation of CMO accreditation processes;
- Provision of WIPO support in drafting new provisions of the law in the context of the negative impact of the war on Ukrainian copyright and creative sectors;

- Support of the translation of the Copyright Law and the abovementioned draft bylaws;
- Provision of expert opinion on the Copyright Law to consider all possible implementation outcomes and consider them for further development of bylaws or amendments to the Law.

86. Following consultations between the International Bureau and the Government, an international expert was contracted to provide the requested support, including drafting a new procedure for the accreditation of CMOs, adapted to the current exceptional situation. WIPO, in coordination with UANIPIO, continues to implement the agreed activities.

4.4. SUPPORT FOR IP OFFICE BUSINESS DEVELOPMENT

87. The International Bureau held consultations on a needs-assessment with officials from the Ministry of Economy and UANIPIO regarding technical assistance and other solutions to assure the business continuity and business development of the UANIPIO as National Intellectual Property Authority. The next stage of consultations and technical exchanges will explore the feasibility of supporting the enhancement of the digital platforms used by UANIPIO.

4.5. SUPPORT FOR IP TRAINING INSTITUTION (IPTI)

88. The Intellectual Property Training Institution (IPTI) in Ukraine was launched in 2019. A business model has been developed by the WIPO Academy for the Ukrainian IPTI, including, among others, a market analysis, a catalog of courses to be offered by the IP Academy of Ukraine (IPA), and an assessment of human and financial resources to meet the needs of the IPA. More than 40 Ukrainian trainers have trained in a training of trainers program in 2020-2022 on modules in basic teaching methodologies, IP management, and copyright and collective management. The fourth Module on Advanced Teaching Methodologies is scheduled to be finalized in 2023 in an asynchronous format. In parallel, the Ukrainian IPTI has reported delivering more than 50 events for more than 5,500 participants, almost half of which are women, and 40 per cent are from the private sector. In 2023, the program expects to target around 120 participants during the pilot programs planned to be organized with WIPO's support, targeting: (i) patent attorneys; (ii) IP and emerging technologies; and (iii) technology transfer for universities.

4.6. SUPPORT FOR IP ENFORCEMENT

89. Ukraine has been an Authorized Contributor to the WIPO ALERT platform since September 23, 2020. Parallel to the enhanced legislative activity related to enacting a new Law on Copyright and Related Rights and a new Law on Media (on March 31, 2023), the Ukrainian Parliament introduced an amendment in Article 8, Part 11, of the Law on Advertising to include an implicit reference to WIPO ALERT in the following terms:

“Placing advertisements on the Internet on websites included by the World Intellectual Property Organization in the relevant list (database) of websites to which copyright holders have submitted claims regarding the observance of intellectual property rights is prohibited.”

90. The Ukrainian Parliament adopted further amendments to the Law on Advertising on May 30, 2023, under which the procedures necessary for Ukraine's full participation in WIPO ALERT will be established. With these amendments, WIPO ALERT enters for the first time into national legislation. As a result, the WIPO Building Respect for IP Division is receiving and processing several membership applications from Ukrainian advertising stakeholders to become Authorized Users to comply with the new law, with more applications expected in the coming weeks.

4.7. SUPPORT FOR ALTERNATIVE DISPUTE RESOLUTIONS POLICY AND OUTREACH

91. In 2018, WIPO and the Ministry of Economic Development and Trade of Ukraine (MEDT) concluded an MoU, upon which the WIPO Arbitration and Mediation Center has been engaging with Ukrainian stakeholders on IP alternative dispute resolution (ADR) and domain name dispute resolution, in collaboration with MEDT, IP, and ADR associations and Ukrainian law firms. This engagement so far has consisted of webinar outreach, training to IP and dispute resolution practitioners based in Ukraine, and invitations to experts to join the WIPO List of Mediators and/or Arbitrators.

4.8. SUPPORT AND ASSISTANCE TO GOVERNMENT INSTITUTIONS, SMES, CREATORS, AND INVENTORS IN IDENTIFICATION, VALUATION, AND BENEFIT FROM THEIR IP

4.8.1. Translation and Customization of Support Tools for SMEs and Startups

92. The International Bureau and UANIPIO agreed on proceeding with the translation into Ukrainian and customization of relevant WIPO materials and support tools for SMEs and startups, including the IP Diagnostic Tool and the Guide to IP for startups. Translation and customization activities are set to commence upon the identification of experts involved in the customization of the resources.

4.8.2. Projects on Access to and Use of Government-Generated/Funded IP Assets

93. In February 2020 a project on Access to and Use of Government Generated/Funded IP Assets in Ukraine was initiated by the International Bureau. The objective of the project was to identify challenges and recommend potential measures in order to enhance the existing management practices of the IP assets funded/generated by the governmental sector and ensure the transparency of management of such IP assets financed by the Government of Ukraine, as well as bringing them to market where appropriate.

94. The assessment was carried out on the ground by WIPO-engaged experts during an expert mission to Ukraine. Data was collected *via* pre-mission questionnaires, bilateral meetings with stakeholders, and desk research. Relevant observations and recommendations with respect to the enhancement of the management of intellectual assets by government institutions were consolidated in the mission report of the WIPO experts.

95. Having analyzed the recommendations and conclusions, in a letter to the International Bureau the Ministry of Economy of Ukraine expressed interest in engaging in the continuation of the project in the field of IP audit in the governmental sector, to include the following directions:

- Arranging awareness raising campaign;
- Promoting better implementation and monitoring of IP management activities with respect to publicly funded IP and Innovation assets;
- Setting up the framework for the IP Audit (Stocktaking) and building up the human capacity on IP Management within the key authorized entities.

96. The IP Audit, which is the first milestone in this project, aims at achieving outcomes that will enhance the use of IP assets in the governmental sector to support the growth of the wider economy, *via* the establishment of specific tools and mechanisms for the management and commercialization of IP assets, including the following:

- The performance of IP Audit in one of the selected institutions;

- The development of a Guide on IP Audit;
- The training on IP Audit for selected local specialists.

97. While the project was put on hold in February 2022, in an April 2023 meeting the International Bureau arranged with representatives of UANIPIO and the Ministry of Economy, it was confirmed that the project was still needed. The International Bureau remains ready to engage an international IP expert, and UANIPIO will provide the list of institutions that could participate in the project.

98. The Project, which will be led by the IP for Business Division, is expected to be implemented throughout 2023-2024.

4.8.3. Inventors Assistance Program

99. In May 2023, the International Bureau provided UANIPIO with information on the aim, roles, conditions, and partnerships related to the Inventor Assistance Program. Further discussions regarding development of the program in Ukraine are anticipated and will be coordinated upon the finalization of domestic consultations ongoing in Ukraine concerning human resources, the scope of beneficiaries, and the potential for extended training organized for the IP practitioners and experts involved.

4.9. CAPACITY BUILDING THROUGH PROJECTS, TRAINING PROGRAMS, AND WORKSHOPS

100. The International Bureau provided support to various Ukrainian stakeholders through the implementation of several regional, cross-regional, and international projects, training programs, and workshops. Representatives from Ukraine participated, or are participating, among others, in the following:

- Three women entrepreneurs from Ukraine, representing local communities working on producing and designing traditional textiles, were selected to participate in the CEBS Regional Edition of the Global WIPO Training, Mentoring, and Matchmaking Program on Intellectual Property for Women Entrepreneurs (WEP). The participants, together with 19 other women entrepreneurs from 16 countries in the Central European and the Baltic States (CEBS) region, benefited from an on-site practical workshop during March 6 to 10, 2023, and are currently in their mentoring and matchmaking phase for 2023. The project aims to build their knowledge and capacities in IP and related entrepreneurial skills to better leverage and grow their tradition-based community-led businesses and projects.
- Videogame developers from Ukraine were invited to participate in the WIPO project on Videogame Development: A Quest for IP and are eligible to benefit from free IP information clinics. The project started in March 2023 and is expected to last for several months.
- In March 2023, a Ukrainian team from the Antimonopoly Committee participated in a three-day workshop on IP and Competition in Budapest, organized by the WIPO IP and Competition Policy Division in cooperation with the OECD Hungarian Regional Centre. The workshop included presentations on various aspects of the IP and Competition interface and parallel sessions to discuss hypothetical cases and investigations.
- A Ukrainian designer participated as a panelist at the Cross-Regional Experience-Sharing Online Workshop on IP for Women Entrepreneurs in the Industrial Design Sector on April 12, 2023, where she presented her success story and participated in a round table discussion on empowering women in industrial design.

- Around 30 Ukrainian women, art creators, and photographers are participating in the IP Capacity-Building Project for Women in the Visual Arts in Ukraine, organized by the WIPO Academy from April 2023 until October 2023.
- WIPO provided a scholarship to a Ukrainian participant for the 2022-23 Edition of the Joint Master's Degree Program at the Jagiellonian University in Poland.

5. ALLOCATION OF ADEQUATE FINANCIAL AND HUMAN RESOURCES

101. The International Bureau ensured adequate financial and human resources, through reallocation within the approved Program of Work and Budget, for the implementation of technical and legal assistance, capacity building, and other impactful assistance for Ukraine, as appropriate and required, for the restoration and rebuilding of Ukraine's IP sector and ecosystem. These latter activities aimed at building a stronger IP ecosystem that benefits all stakeholders (through the development of a comprehensive and impactful national IP strategy), provide financial relief to IP ecosystem users in Ukraine (through free access to specialized patent information programs), and strengthening the potential for government institutions in Ukraine to benefit financially, through enhanced future management of government-owned IP rights (through IP audit project).

102. Financial and/or human resources were made available in all relevant areas of work of the Organization, including primarily in the Regional and National Development Sector, as well as the Patents and Technology Sector, Infrastructure and Platforms Sector, Global Challenges and Partnerships Sector, IP and Innovation Ecosystems Sector, Brands and Design Sector and the Copyright, and Creative Industries Sector.

6. MEASURES TAKEN TO ENSURE THAT INTELLECTUAL PROPERTY APPLICANTS FROM UKRAINE, AS WELL AS THE UKRAINIAN INTELLECTUAL PROPERTY INSTITUTE, HAVE ACCESS TO THE FULL RANGE OF WIPO'S INTELLECTUAL PROPERTY SERVICES AND ARE GRANTED APPROPRIATE EXTENSIONS, EXEMPTIONS, AND OTHER REMEDIES

6.1. SUMMARY

103. As previously noted, the International Bureau took appropriate measures to ensure that IP applicants from Ukraine, as well as the IP Office in Ukraine, continue to have access to the full range of WIPO IP services, including those provided by WIPO Arbitration and Mediation Center and are granted appropriate extensions, exemptions and other remedies as provided for in relevant WIPO treaties, rules and regulations, in connection with the current circumstances.

104. WIPO's Global Services published a joint statement in March 2022, which included information on relevant extensions, exemptions, and other remedies available to applicants from Ukraine. Appropriate measures have been undertaken regarding Ukraine and the International Searching and Preliminary Examining Authority under the PCT and deployment of online filing (ePCT-filing).

105. The International Bureau also helped to facilitate the business continuity of the UANIPIO, and support the deployment of online filing by the preservation of Office users' accounts and access to WIPO Services, such as ePCT, the PCT Electronic Data Interchange (PCT-EDI) system and the Madrid Office Portal. The International Bureau also supported updating of relevant information on the WIPO IP Portal, such as Hague and Madrid Member Profile information.

6.2. PATENT COOPERATION TREATY (PCT)

6.2.1. PCT Extensions, Exemptions, and Other Remedies

106. The above-noted March 2022 joint statement included an outline of appropriate remedies for applicants and inventors from Ukraine seeking to file international applications under the PCT or to interact with already filed PCT applications; the following may apply:

- Where an applicant cannot file a PCT application within the Paris Convention (12 months) time limit, PCT Rule 26*bis*.3 (concerning the restoration of the right of priority before the receiving Office) may be applicable;
- PCT Rules 49*ter*.1 and 49*ter*.2 deal with the effect in the national phase of a receiving Office decision on restoration of priority and requesting restoration of priority directly before the designated Office;
- Where an applicant is unable to meet a PCT international phase time limit, PCT Rule 82*quater*.1 may be applicable;
- Where an applicant has been unable to comply with the time limit for national phase entry, PCT Rule 49.6 may be applicable;
- Where an applicant has experienced delay or loss in the mail service, PCT Rule 82 may be applicable; and
- Where an applicant seeks an excuse for delay in meeting PCT time limits before designated or elected Offices, PCT Article 48 and PCT Rule 82*bis* may be applicable.

6.2.2. International Searching and Preliminary Examining Authority (ISA/IPEA)

107. Following the transfer of functions as NIPA from Ukrpatent to UANIPIO, the International Bureau has published a document for the fifty-fifth session of the PCT Assembly (document PCT/A/55/3) to propose amendments to the Agreement between the International Bureau and the Ministry of Economic Development and Trade of Ukraine in relation to the functioning of the State Enterprise “Ukrainian Intellectual Property Institute” (Ukrpatent) as an International Searching Authority and Preliminary Examining Authority under the PCT.

6.2.3. Additional Issues

108. There is an ongoing discussion and collaboration with UANIPIO regarding deploying online filing (ePCT-filing). UANIPIO is currently using ePCT as a PCT receiving Office but is yet to enable the online filing facility in the system, so all PCT applications are still received in paper format. The Office expressed interest in e-PCT filing and is assessing the various deployment models for compliance with national and technical law requirements. The Office was furthermore introduced to basic information and possible roles of the Office concerning the retrieval of priority applications through the Digital Access Service (DAS) in ePCT.

109. The provision of national phase entry data, as one of the general PCT requirements, has been conducted regularly by UANIPIO without delays.

6.3. MADRID SYSTEM

110. The above-noted March 2022 joint statement also included an outline of appropriate remedies that applicants and holders of international registrations under the Madrid System can potentially apply. The following was included:

- Where an applicant or a holder fails to meet a time limit specified in the Regulations to act as the International Bureau due to *force majeure* reasons, Rule 5 of the Regulations may apply (i.e., such failure may be excused provided sufficient

evidence is received by and the action is performed before the International Bureau as soon as reasonably possible and not later than six months after the expiry of the time limit concerned);

- Where an applicant or a holder fails to meet a time limit specified in Rule 5*bis*(1) of the Regulations due to any reason, this Rule may apply (i.e., the applicant or holder may request the continued processing of the application or request for recording, as the case may be, within two months from the expiry of the time limit concerned); and,
- Where a holder fails to meet a time limit before the Office of a designated Contracting Party due to exceptional circumstances, the laws of that Contracting Party may provide for possible applicable safeguards to prevent the loss of rights.

6.4. HAGUE SYSTEM

111. Similarly, the joint statement included an outline of relevant remedies that applicants and holders of international registrations under the Hague System may potentially apply. The following was included:

- Where an applicant or a holder fails to meet a time limit specified in the Common Regulations to act as the International Bureau due to force majeure reasons, Rule 5 of the Common Regulations may apply (i.e., such failure may be excused provided sufficient evidence is received by and the action is performed before the International Bureau as soon as reasonably possible and not later than six months after the expiry of the time limit concerned); and,
- Where a holder fails to meet a time limit before the Office of a designated Contracting Party due to exceptional circumstances, the laws of that Contracting Party may provide for possible applicable safeguards to prevent the loss of rights.

6.5. ARBITRATION AND MEDIATION

112. Finally, regarding Arbitration and Mediation Services, the March 2022 joint statement included that to the extent that parties (or potential parties) in WIPO Mediation, Arbitration, or Domain Name Disputes are unable, or anticipate being unable, to perform an action within the prescribed time limits, they should, if possible, contact the WIPO Arbitration and Mediation Center.

113. Ukrainian stakeholders can also file cases electronically, including through electronic forms, and proceedings can be conducted remotely through WIPO online case administration tools.

114. In the area of Internet domain names, the WIPO Arbitration and Mediation Center has been the dispute resolution provider for the nation .UA domains since 2019, for which it has administered 66 cases so far. The WIPO Center maintains appropriate consultation with the .UA registry concerning implementing the .UA Policy in the current circumstances. The WIPO Arbitration and Mediation Center has also administered 548 UDRP-based cases involving parties from Ukraine.

7. CONCLUSION

115. Following the assessment undertaken, through empirical, statistical, and anecdotal evidence from respondents, the war has significantly impacted the innovation and creativity sector and ecosystem in Ukraine.

116. The International Bureau remains committed to continuing its close cooperation with Ukraine to ensure its ongoing support and assistance provide concrete benefits and impact to

the creators, innovators, and members of the IP community, focusing on mitigating the adverse effects of the war and rebuilding an innovative and creative ecosystem in Ukraine that benefits all stakeholders and strengthens the country's economy.

117. The International Bureau also remains ready to provide any additional information requested by Member States.

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