

# LAW OF UKRAINE

## **On the Protection of Rights in Trademarks and Service Marks**

(Published in the Gazette of the Verkhovna Rada of Ukraine (GVR), 1994, N 7, Art. 36)

(Has entered into force as from July 1, 1994 by the Decree of the Verkhovna Rada N 3771-XII (3771-12) of December 23, 1993, GVR, 1994, N 7, Art. 37)

(Amended in accordance with the Laws N 751-XIV (751-14) of June 16, 1999, GVR, 1999, N 32, Art. 266 and N 2188-III (2188-14) of December 21, 2000)

(In the body text of the Law the word "Office" has been replaced by the word "Institution" in the relevant cases according to the Law N 2188-III (2188-14) of December 21, 2000)

The following Law is to regulate relations arising from acquisition and exercise of the property right in trademarks and service marks (hereinafter referred as "mark") in Ukraine.

## Chapter I

### GENERAL PROVISIONS

#### **Article 1. Definitions.**

In this Law the following terms used in the such meaning as:

“**Institution**” means the central body of executive power that is responsible for the legal protection of intellectual property; (the second paragraph of the Article 1 sets out in writing of the Law N 2188-III (2188-14) of December 21, 2000)  
“**person**” means a natural or legal person; “**mark**” means a sign enabling goods and services of one person to be distinguished from the same type of goods and services of another person;

“**Certificate**” means a certificate of Ukraine for a trademark or service mark;

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\* **Note:** *individual terms of “a charge” and “an official fee” have been used by the translator to designate payments due for actions connected with obtaining and maintaining of the legal protection of intellectual property rights in order to accentuate certain distinctions in their status and purposeful use.*

“**Registered mark**” means a mark for which a certificate has been issued;

“**Application**” means a set of documents required for issuing a certificate;

“**Applicant**” means a person who has filed an application;

“**Priority of application (priority)**” means the precedence of the filing of an application;

“**Priority date**” means the date of filing with the Institution or with a corresponding office of a State party to the Paris Convention for the Protection of Industrial Property of an application for which priority is claimed;

“**Register**” means the State Register of certificates of Ukraine for trademarks and service marks;

“**Board of Appeal**” means a collective body of the Institution intended for consideration of oppositions on the decisions made by the Institution about acquisition of rights in intellectual property subject matters; (Article 1 is amended by the paragraph in accordance with the Law N 2188-III (2188-14) of December 21, 2000)

“**Examining body**” means the governmental body (enterprise, organization) entrusted by the Institution for processing of applications and their examination;

(Article 1 is amended by the paragraph in accordance with the Law N 2188-III (2188-14) of December 21, 2000)

**“State system of the legal protection of intellectual property”** means the Institution and a set of examining, scientific, educational, informational and other governmental bodies of the relevant specialization that are supervised by the Institution. (Article 1 is amended by the paragraph in accordance with the Law N 2188-III (2188-14) of December 21, 2000)

## **Article 2. Responsibility of the Institution in the Field of the Protection of Rights in Trademarks and Service Marks**

1. The [Institution](#) shall be responsible for implementing the policies of the State in the field of the protection of rights in trademarks and service marks and for this purpose it shall :

- organize receiving of applications and carrying out of their examination, make decisions about them;
- issue [certificates](#) for trademarks and service marks, provide for their official registration;
- guarantee for publishing official notifications about trademarks and service marks;
- carry out international cooperation in the field of the legal protection of intellectual property and in accordance with the national legislation currently in force represent the interests of Ukraine concerning rights in trademarks and service marks before the international organizations;
- in accordance with the established procedure adopt normative and legislative acts within its competence;
- organize informational and publishing activities in the field of the legal protection of intellectual property;
- organize research and development works for improvement of the legislation and executive management in the field of the legal protection of intellectual property;
- organize activities intended for training of a personnel for the [State system of the legal protection of intellectual property](#);
- entrust bodies that are included into the State system of the legal protection of intellectual property with fulfillment accordingly to their specialization of individual tasks determined by this Law, Statute of the Institution and other normative and legislative acts in the field of the legal protection of intellectual property;
- carry out other functions accordingly to its Statute approved under the established procedure.

2. Financial supply of the Institution goes from the means of the State budget. (Article 2 sets out in writing of the Law N 2188-III (2188-14) of December 21, 2000)

**Article 3. International Treaties.**

Where an international treaty to which Ukraine is party contains provisions that differ from those laid down by the legislation of Ukraine on marks, the provisions of such international treaty shall be applied to.

**Article 4. Rights of Foreign and Other Persons**

1. Under the international treaties to which Ukraine is party or under the principle of reciprocity, foreigners and stateless persons may enjoy the rights afforded by this Law in the same way as natural and legal persons of Ukraine.

2. Foreign and other persons having their place of residence or their place of business outside Ukraine shall exercise their rights before the [Institution](#) through representatives registered in accordance with the Ordinance on Intellectual Property Representatives adopted by the Cabinet of Ministers of Ukraine.

## Chapter II

### LEGAL PROTECTION OF MARKS

#### **Article 5. Requirements for the Grant of Legal Protection**

1. Legal protection shall be afforded to any mark that is not contrary to the public interest, to human and moral principles, and which cannot be refused on the grounds laid down in this Law.

2. A mark can be constituted by a verbal, figurative, three-dimensional or other sign, or by a combination thereof executed in any color or combination of colors.

3. Property right in a mark shall be attested to by a [certificate](#). The validity term of a certificate shall be 10 years as from the date on which [application](#) is filed with the [Institution](#) and may be extended by the Institution at the request of the owner submitted during the final year of the validity term of the certificate for successive 10-years periods. The Institution shall establish the procedure for extension.

The validity of a certificate shall be terminated prematurely in the cases referred to in Article 18 of this Law.

4. The extent of legal protection shall be determined by the representation of the mark and the list of goods and services shown in the certificate.

5. Any person or association of persons or their successors in title may obtain a certificate in accordance with the procedure established by this Law.

6. The right to obtain a certificate shall belong to the [applicant](#) whose application enjoys the earliest filing date with the Institution or, where [priority](#) is claimed, [priority date](#), on condition that his application has been neither withdrawn nor refused nor has been deemed withdrawn.

#### **Article 6. Grounds for Refusal of Granting of the Legal Protection**

1. The following signs may not enjoy the legal protection under this Law:

- armorial bearings, flags and emblems of States;
- official names of States;
- emblems and full or abbreviated names of international intergovernmental organizations;
- official signs and hallmarks of control, warranty and assay;
- decorations and other honorary signs.

Signs of such type may be included in a mark as non-protected elements subject to authorization by the competent body or the owners of them.

2. Under this Law, the legal protection shall likewise not be afforded to signs that :

- are devoid of any distinctive character;
- constitute the usual designation for goods and services of a given type;
- designate the kind, quality, properties, intended purpose or the value of the goods and services, or the place and time of production or sale of the goods or of the rendering of the services;
- are false or deceptive as to the product, the service or the person who manufactures the product or provides the service;
- constitute symbols or everyday terms.

The signs referred to in the second, third, fourth and sixth indents of this paragraph may be included in a mark as non-protected elements on condition that they are not predominant in the representation of a mark.

3. Signs may not be registered as marks if they are identical with or misleadingly similar to :

- marks that have been registered or for which an application for registration has already been filed in Ukraine on behalf of another person for goods and services of the same kind;
- marks belonging to other persons where such marks are protected without registration under international treaties to which Ukraine is party;
- trade names known in Ukraine belonging to other persons whose right in such names has been granted at a date earlier than the filing of the [application](#) with the [Institution](#) for goods and services of the same kind;
- appellations of origin, except where they are included in the mark as non-protected element registered in the name of a person authorized to use such appellation;
- certification signs registered under the established procedure.

4. Under this Law, the sign may not be registered as a mark if earlier than January 1, 1992 that has been used in good faith by two and more legal persons for indication of the goods of the same type. (Article 6 has been amended by item 4 in accordance with the Law N 751-XIV (751-14) of June 16, 1999)

5. Signs may not be registered as marks if they constitute a reproduction:

- of industrial design in which rights belong to other person in Ukraine;
- of the names of scientific, literary and artistic works known in Ukraine, or quotations or characters from such works, of works of art or parts of such works without the consent of the copyright holders or their successors in title;
- of surnames, forenames, pseudonyms and names derived therefrom, of portraits or facsimiles of persons known in Ukraine, without the consent of those persons.

## Chapter III

### PROCEDURE FOR OBTAINMENT OF CERTIFICATE

#### **Article 7. Application**

1. A person who wishes to obtain a [certificate](#) may file an [application](#) with the [Institution](#).

2. An [applicant](#) may instruct an intellectual property agent or other representative to file his application.

3. The application shall relate to one mark only.

4. The application shall be drawn up in the Ukrainian language and shall contain:

- a request for registration of the mark;
- a representation of the sign for which the application is filed;
- a list of the goods and services for which the applicant seeks registration of the mark, grouped in accordance with the International Classification of Goods and Services for the Purposes of the Registration of Marks.

5. The request for registration shall state the name and address of the applicant or applicants.

6. If the applicant requests protection for a color or combination of colors as a distinctive feature of his mark, he has to:

- make a declaration to this effect in the request by stating the color or combination of colors for which he requests protection;
  - attach to the application representations in color of the mark concerned.
- The Institution shall lay down the number of copies of such representation.

7. Any other requirements to be satisfied by the documents making up the application shall be laid down by the Institution.

8. Filing of an application shall be subject to payment of a charge. A document providing payment of the charge shall be submitted to the Institution at the same time with the application or within two months of the filing date of the application.

#### **Article 8. Filing Date of Application**

1. The filing date of an [application](#) shall be the date on which the [Institution](#) has received the following at least:

- a statement drawn up in any form, in Ukrainian language, that the registration of a mark is requested;

- information identifying the [applicant](#) together with his address, drafted in Ukrainian;
- a part which would appear to be a sign that may constitute a mark;
- data on the list of goods and services for which registration of the mark is requested.

2. If the Institution considers that, at the time of receipt, the contents of the application do not fulfill the conditions set out in item one of this Article, it shall notify the applicant accordingly.

The applicant shall have two months as from the date of receiving the notification from the Institution to make amendments to the application. If the defect is corrected within that time limit, the filing date of the application shall be the date on which the Institution receives the corrected materials. If such is not the case, the application shall be deemed not to have been filed and the applicant shall be notified accordingly.

3. The Institution shall notify to the applicant its decision on the filing date of the application after having received, in accordance with item 8 of Article 7 of this Law, proof of payment of the filing charge for the application. If the conditions set out in paragraph 8 of Article 7 of this Law are not met, there shall be no notification of decision and the application shall be deemed to have been withdrawn.

### **Article 9. Priority**

1. An [applicant](#) may claim the [priority](#) of an earlier [application](#) relating to the same mark within the six months that follow the filing date of the earlier application with the [Institution](#) or with the competent office of a State party to the Paris Convention for the Protection of Industrial Property, subject to no other priority being claimed in the earlier application.

2. The priority of a mark presented at an official or officially recognized international exhibitions held on the territory of a State party to the Paris Convention for the Protection of Industrial Property may be established in accordance with the opening date of the exhibition if the Institution receives the application within six months of that date.

3. An applicant who wishes to claim a priority right shall file with the Institution, within three months of the filing date of the application, a statement claiming priority of an earlier application which shall state its filing date and number, as also a copy and a translation into Ukrainian of an earlier application if such application has been filed in another country party to the Paris Convention for the Protection of Industrial Property or a document attesting to the fact that the mark has been presented at an exhibition held on the territory of a country party to that Convention. During that period, the above-mentioned elements may be amended. If that time limit is not complied with, the right to claim priority shall be deemed to have lapsed and the applicant shall be notified accordingly.



## **Article 10. Examination of Application**

1. Examination of an application is carrying out by the examining body in accordance with this Law and the rules established on that basis. In the course of the examination, the examining body sends notifications, requests and conclusions to the applicant. In any case conclusions made by the examining body get the status of the decision of the Institution on its approval by the Institution.

2. In matters raised during the examination, the applicant shall have the right, of his own initiative or at the invitation of the examining body, to act personally or through his representative.

3. The applicant shall have the right to correct or amend the application of his own initiative. Such corrections or amendments shall not be taken into account if they reach the examining body after the date of receipt by the applicant of the decision made by the Institution to register his mark or to refuse his application. Filing of a request for correction or amendment of the application of the applicant's own initiative shall be subject to payment of a charge after his receipt of the decision on determination of the filing date of the application.

4. Where additional elements are submitted by the applicant, the examination shall determine whether they go beyond the subject matter of the mark as set out in the application as filed or the list of goods and services stated in the application.

The additional elements shall be deemed to go beyond the subject matter of the sign set out in the application as filed if they contain features that it is necessary to incorporate in the sign for which registration as a mark is requested.

The additional elements that go beyond the subject matter of the sign set out in the application as filed or amend the list of goods and services stated in the application shall not be taken into consideration in examining of the application and the applicant may submit them in the form of a separate application.

5. After having determined the filing date of the application, subject to receiving proof of payment of the filing charge for the application, the examination on formalities of the application shall take effect, in order to check:

- that the application meets the requirements of Article 7 of this Law;
- that the proof of payment of the filing charge for the application meets the prescribed requirements.

6. If the application does not meet the requirements of Article 7 of this Law or the proof of payment of the filing charge for the application does not meet the prescribed requirements, the applicant shall be notified accordingly.

The applicant shall have a period of two months as from the date of receiving the said notification to amend the application. If, on expiry of that period, the applicant has not remedied the defects or has not filed a reasoned request for extension of the time limit, the applicant shall be notified of the refusal of his application.

7. If the application meets the requirements of Article 7 of this Law and the proof of payment of the filing charge for the application satisfied the prescribed

requirements, the examining body shall effect a substantive examination of the application to determine whether the sign applied for satisfies the requirements for granting of legal protection.

8. In the course of the substantive examination of the application the examining body shall have the right to invite the applicant to furnish the additional documents if it cannot carry out the examination without those documents.

The applicant may request from the examining body within two months of the date on which he received the invitation a copy of the documents cited in opposition.

The applicant shall be required to furnish the additional documents within the period of two months as from the date on which he has received the invitation or a copy of the documents cited in opposition.

If the applicant does not furnish the documents requested by the examining body or does not submit a reasoned request for extension of the time limit, within the period laid down, the application shall be deemed to have been withdrawn.

9. The provisions of item 4 of this Article shall apply to additional documents that go beyond the subject matter of the sign set out in the application as filed.

10. If the results of the substantive examination of the application show that the sign meets the requirements for the grant of legal protection, the decision on registration of the mark shall be notified to the applicant. If not, the applicant shall be notified by the decision of refusal of his application.

11. The applicant shall be entitled to inspect all the documents referred to in the invitation issued by the examining body or in the decision made by the Institution. Copies of the documents requested by the applicant shall be supplied to him within a period of one month.

12. An applicant who has not complied with the time limits laid down in this Article (except those referred to in item 8) may be reinstated in his rights by the examining body if he can give a legitimate reasons.

The request for reinstatement of a right relating to a time limit must reach the examining body within six months following the expiry of the time limit concerned. Filing of the said request shall be subject to payment of a charge. (Article 10 sets out in writing of the Law N 2188-III (2188-14) of December 21, 2000)

### **Article 11. Withdrawal of Application**

An [applicant](#) may withdraw his [application](#) at any time prior to receiving notification of the decision to register the mark.

### **Article 12. Publication of Issue of Certificate**

1. On the basis of the decision to register a mark and if proof of payment of the official fee for issuing a [certificate](#) has been already received by the [examining body](#), the publication of the data, determined under the established procedure,

about issuing the certificate shall have effect in the Official Gazette of the Institution.

If the examining body has not received the proof of the payment of the official fee for issuing a certificate within three month following the date on which the [applicant](#) has received notification of the decision to issue a certificate, publication shall not be effected and the [application](#) shall be deemed to have been withdrawn.

2. Once the data on the issue of the certificate has been published, any person shall be entitled to inspect the contents of the application subject to the conditions laid down under the established procedure. (Article 12 sets out in writing of the Law N 2188-III (2188-14) of December 21, 2000)

### **Article 13. Registration of Mark**

1. When publishing the data of the issue a [certificate](#), the [Institution](#) shall effect the official registration of the mark by entering the relevant particulars in the [Register](#). The form of the Register and the rules for keeping it shall be established by the Institution.

2. After registration, any person shall be entitled to inspect the particulars entered in the Register subject to the conditions laid down by the Institution.

3. The data entered in the Register may be corrected and/or made more accurate of the certificate owner's own initiative or of the initiative of the Institution.

An owner of the certificate shall have the right, of his own initiative, to amend the data entered in the Register in accordance with the prescribed list of possible amendments. Entering of the said amendments to the certificate in the Register shall be subject to payment of a charge. (Article 13 has been amended by item 3 in accordance with the Law N 2188-III (2188-14) of December 21, 2000)

### **Article 14. Issue of Certificate**

1. The [Institution](#) shall issue a [certificate](#) within one month following the official registration of a mark. The certificate shall be issued to the owner of the right to the mark. If that right belongs to more than one person, a single certificate shall be issued to them.

2. The form of the certificate and the particulars it contains shall be determined by the Institution.

3. At the request of the owner, the Institution shall correct any manifest errors in the issued certificate and shall subsequently publish a corresponding notice in the Official Gazette.

**Article 15. Appeal from Decision on Application**

An applicant may lodge an appeal from any decision of the Institution concerning his application with the Board of Appeal within a period of three months as from the date of receipt of the decision concerned or of copies of the documents he has requested.

The Board of Appeal shall examine an appeal from the decision of the Institution within four months following the date of receipt of the appeal and within the scope of the grounds invoked in the appeal.

The Board of Appeal shall take a decision on the basis of results of its examination the appeal; the decision is subject to confirmation by an order of the Institution and shall be notified to the applicant.

Within a period of one month as from the date of making the decision of the Board of Appeal and before it is confirmed, the head of the Institution may oppose the decision concerned by lodging a protest that have to be considered within a month followed by. The decision of the Board of Appeal made on that protest shall be the final one and may be cancelled by the courts only.

The applicant may appeal from the decision of the Board of Appeal to the courts within six months as from the date of receiving the decision. (Article 15 sets out in writing of the Law N 2188-III (2188-14) of December 21, 2000)

## Chapter IV

### RIGHTS AND OBLIGATIONS DERIVING FROM A CERTIFICATE

#### **Article 16. Rights Deriving from a Certificate**

1. The rights deriving from a [certificate](#) shall have effect as from the filing date of the [application](#). Validity term of the certificate may be extended, subject to payment of the appropriate charge. (Paragraph 1 of Article 16 sets out in writing of the Law N 2188-III (2188-14) of December 21, 2000)

2. A certificate shall afford its owner the exclusive right to exploit and dispose of his mark at his own discretion.

Where more than one person is the owner of the same certificate, their relationship with regard to the exploitation of the mark that is the subject of the certificate shall be determined by the common accord. Failing such agreement, each certificate owner may exploit or dispose of the mark at his own discretion, but any of them shall be entitled neither to give authorization (or grant a license) for the exploitation of the mark nor to assign property in the mark to another person without the consent of the other owners of the certificate.

Exploitation of a mark shall be constituted by its use on the goods or for the provision of the services, for which it has been registered, on packaging of goods, in advertising, at printed publications, on signboards, in connection with the showing of the displays at fairs and exhibitions held in Ukraine, on brochures, invoices, letter headings or any other document related to the placing on the market of those goods and services.

3. A certificate shall afford its owner the right to prohibit others from exploiting the [registered mark](#) without his authorization, except where such exploitation is not held under this Law to infringe the rights of the owner of the certificate.

Where the same sign has been used in good faith by other persons starting as from the date earlier than January 1, 1992, such exploitation is not held under this Law to infringe the rights of the owner of the certificate obtained before item 4 of Article 6 of this Law has entered into force. (Article 16 has been amended by the second paragraph of item 3 in accordance with the Law N 751-XIV (751-14) of June 16, 1999)

4. An owner of a certificate may assign by contract property in his mark to any person, who shall then be his successor in title.

Assignment of property in mark shall be prohibited if it is likely to mislead consumers with respect to the product or the service that is referred to or the person who manufactures the product or provides the service.

5. An owner of a certificate shall have the right to give authorization (or grant a license) to any person to exploit the mark under a licensing contract.

The licensing contract shall contain a clause under which the quality of the goods manufactured or the services provided under the licensing contract may not be lower than that of the goods manufactured or the services provided by the owner of the certificate and under which the latter shall ensure that the condition is complied with.

6. A contract assigning property in a mark or a licensing contract shall be deemed valid if concluded in writing and signed by the parties.

Assignment of property in a mark or grant a license to exploit the mark shall be deemed valid in respect with any other person as from the date of publication of the relevant particulars in the Official Gazette and entering them in the [Register](#) as well. Enter the said particulars and amendments to them in the Register of the initiative of the contracting parties subjects to payment of charges. (Item 6 of Article 16 sets out in writing of the Law N 2188-III (2188-14) of December 21, 2000)

7. The owner of a certificate may accompany his mark by a notice that the mark is registered in Ukraine.

8. Where the owner of a certificate carries on intermediary activities, he may, on the basis of a contract concluded with the manufacturer of the goods or a supplier of the services, use his own mark in conjunction with the mark of those persons or in place of their mark.

### **Article 17. Obligations Deriving from Certificate**

The owner of a [certificate](#) shall be required to exercise in good faith the exclusive right afforded him by the certificate.

Where a mark is not exploited in Ukraine or is exploited insufficiently during a period of three years following the date of publication of the data on the issue of the certificate or the date on which the exploitation of the mark has ceased, any person may request a court (or arbitration tribunal) to prematurely terminate the effects of the certificate.

In the course of examination of such request, the court (or arbitration tribunal) may take into consideration the evidence furnished by the owner of the certificate to show that failure to exploit results from reasons beyond his control.

## Chapter V

### TERMINATION AND CANCELLATION OF CERTIFICATE

#### **Article 18. Termination of Certificate**

1. The owner of a [certificate](#) may at any time renounce completely or in part his certificate by filing a relevant statement with the [Institution](#). Renunciation shall have effect as from the date of publication of the relevant data in the Official Gazette of the Institution.

2. The validity of the certificate shall terminate in the event of failure to pay the applicable charge for extension of its term of validity. The document proving payment of the charge for each extension of the term of validity of a certificate shall reach the Institution before the end of the current term of validity and payment shall be made during the final two months of that term.

The charge for extension of the term of validity of the certificate may be paid and the document proving payment reaches the Institution during the six months following the due date. In such cases, the amount of the charge shall be increased by 50 percent.

The validity of a certificate shall terminate on the first day of the term for which no charge has been paid.

3. The validity of a certificate shall terminate by decision of a court (or arbitration tribunal) if the mark has become, subsequent to the filing date of the [application](#), the usual designation for goods or services of a given kind.

#### **Article 19. Cancellation of Certificate**

1. A [certificate](#) may be cancelled under the court procedure in whole or in part in the following cases:

-the [registered mark](#) does not meet the requirement for the grant of legal protection;

- the certificate contains elements relating to the representation of the mark or to the list of goods and services that were not shown in the application as filed.

2. Once a certificate, or a part thereof, has been cancelled the [Institution](#) shall publish an appropriate notification in its Official Gazette.

3. A certificate, or a part thereof, that has been cancelled, shall be deemed to have been invalid as from the filing date of the [application](#). (Article 19 sets out in writing of the Law N 2188-III (2188-14) of December 21, 2000)

## Chapter VI

### ENFORCEMENT OF RIGHTS

#### **Article 20. Infringement of Right of Owner of Certificate**

1. Any infringement of the rights of the owner of a [certificate](#) referred to in Article 16 of this law shall be considered a violation of those rights and the infringer shall be liable in accordance with the statutory instruments of Ukraine currently in force.

2. The infringement shall cease at the request of the owner of the certificate; the infringer shall be required to compensate the owner of the certificate for the prejudice he has suffered.

The owner of the certificate may also require that his mark used in an unlawful manner or any sign misleadingly similar to his mark be removed from a product or from its packaging or that representations of his mark or of a sign misleadingly similar to his mark be destroyed.

A licensee may also require, unless otherwise provided in the licensing contract, that the owner of the certificate be reinstated in his rights.

#### **Article 21. Disputes Heard by the Courts**

1. Disputes arising from application of this Law shall be heard by the courts, or arbitration tribunals, acting under the procedure established by the statutory instruments of Ukraine currently in force.

2. The courts shall hear, as appropriate, disputes concerning:

- determination of the owner of the [certificate](#);
- conclusion and implementation of licensing contracts;
- infringement of the economic rights of the owner of the certificate.

The courts shall also hear other disputes related to the protection of the rights afforded by this Law.

#### **Article 22. Right to New Registration**

The former owner of a [certificate](#) alone shall be entitled to effect a new registration of the mark during the three years that follow the end of the validity term of the certificate under Article 18 of this Law.



## Chapter VII

### FINAL PROVISIONS

#### **Article 23. Official Fees and Charges**

The schedule and conditions of payment of the official fees for issuing [certificates](#) for trademarks or service marks shall be determined by the current statutory instruments.

The resources obtained from the official fees for issuing certificates for trademarks and service marks goes to the State budget of Ukraine.

The schedule of the charges provided for this Law together with the corresponding time limits and conditions of payment, shall be determined by the Cabinet of Ministers of Ukraine.

Charges prescribed by this Law shall be paid to the banking accounts of the bodies that has been entrusted for it by the [Institution](#) and are included into the [State system of the legal protection of intellectual property](#) and, according to their specialization, carry out individual tasks determined by this Law.

The resources obtained from the charges prescribed by this Law shall be assigned to a given commission and, in conformity with the instructions of the Institution shall be used to ensure for the development and functioning of the State system of the legal protection of intellectual property only, and to fulfill the tasks determined by this Law and the other normative and legislative acts in the field of intellectual property in particular. (Article 23 sets out in writing of the Law N 2188-III (2188-14) of December 21, 2000)

#### **Article 24. Registration of Marks Abroad**

1. Any person shall have the right to register a mark abroad.

2. In order to register a mark abroad in conformity with the Madrid Agreement Concerning the International Registration of Marks, the [application](#) shall be filed through the [Institution](#).

3. The costs involved in registering a mark abroad shall be borne by the [applicant](#) or, in agreement with him, by any other person.

President of Ukraine

L. KRAVCHUK

Kyiv, December 15, 1993  
N 3689-XII