

Ukrainian Case Law on IP Rights

Seminar for Judges on Current Issues in Intellectual Property Rights
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Judges from Ukraine:

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REVIEW OF THE COMMERCIAL CASSATION COURT'S CASE LAW ON THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN LIGHT OF THE CASE LAW OF THE COURT OF JUSTICE OF THE EUROPEAN UNION



Key Rulings of the Supreme Court Grand Chamber and the Commercial Cassation Court (2023–2025):

- Protection of rights in well-known trademarks;
- Early termination of a trademark registration for non-use;
- Registration of a colour as a trademark;
- Recognition of signs as customary designations;
- Supplementary protection for pharmaceutical inventions.

Case No. 1:
**Article 6septies of the Paris
Convention**



**Registration in the Name of the Agent or Representative
of the Proprietor Without the Latter's Authorization**



**sales
agreement**



Supreme Court Civil Cassation Court



Case No. 757/7508/22-ц
Ruling of 13.05.2026



“... In IPRs, the concepts of *good faith* and the prohibition of abuse of rights apply in the context of enforcement.

For example, a participant of an LLC who holds a 100% interest in its capital and simultaneously serves as its director, where the company has had dealings with the holder of rights in a trademark (or its representative), may acquire rights in the trademark to circumvent the rules of Article 6septies of the Paris Convention for the Protection of Industrial Property of 20 March 1883. *Such a participant of the company cannot be characterised as an ordinary purchaser or customer of the holder of rights in the trademark (or its representative).* The legal system cannot leave unaddressed conduct which, although it does not violate any specific mandatory rule, is manifestly in bad faith and constitutes an abuse of rights.”

Case No. 2: Using a Deceased Relative's Surname and Caricature in a Political Party's Trademark



The following designations shall not be registered as trademarks if they reproduce:

the surnames, given names, pseudonyms and derivatives thereof, portraits and facsimiles of individuals well known in Ukraine, without their consent.

Article 6(4) of the Trademarks Act

The symbols [of a political party] may not reproduce ... the name or image of an individual without the written consent of that individual or their heirs...

Article 9(8), Law of Ukraine "On Political Parties in Ukraine"

Supreme Court Civil Cassation Court



Case No. 757/18348/23-ц
Ruling of 20.05.2026

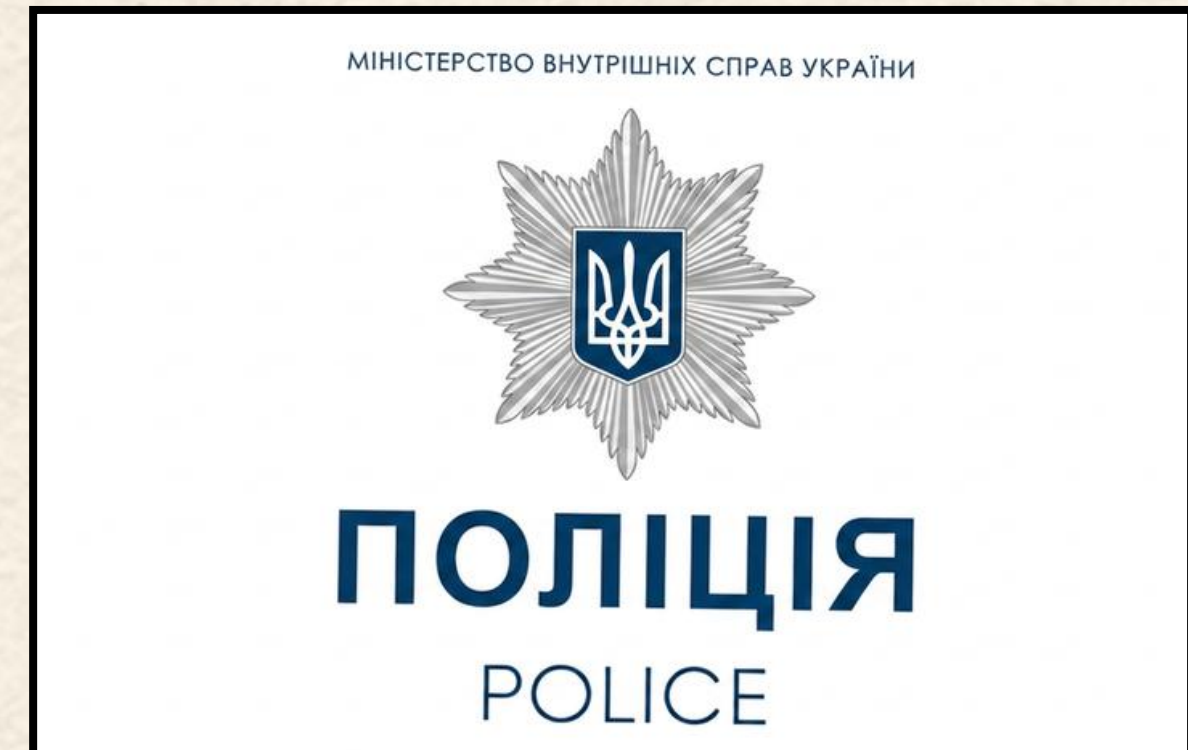


“... where a registered trademark is derived from the political party’s symbols and reproduces one or more words forming part of the party’s officially registered name, as well as an image of its distinctive symbol, **it is necessary to determine whether the individual** whose surname and portrait have been used in registering the trademark **consented to the use of that surname and image in the party’s symbols**”

The compliance of the registered trademarks with the requirements for their registration (insofar as they reproduce the surname and portrait (caricature) of a person X well known in Ukraine) is to be assessed by the courts upon reconsideration of the case, in the context of whether X consented to the reproduction of his surname and image in the course of the relevant party’s statutory activities.

Case No. 3:

Copyright in an Official Service ID



A printing company whose employees created the design of an official ID card seeks to prevent another printing company from using it.



Not protected by copyright:

official documents of a political, legislative or administrative character issued by public authorities in the exercise of their powers (laws, decrees, resolutions, court decisions, state standards, etc.)

Article 10 of the Copyright Act 1993

"... the circumstances of the creation of the work, its copyright protection for a certain period of time, and the legal regime governing its use are irrelevant to the legal relations at issue, because ***once a work acquires the status of an object not protected by copyright*** (as is the case in the legal relations at issue due to the official approval by the Ministry of Internal Affairs of the design of the service ID — the graphic image), ***its legal protection as a copyright-protected work ceases.***"

The Supreme Court proceeds from the fact that it is self-evident that, in a state governed by the rule of law, a design of a service ID — a graphic image — approved by an authorised body in accordance with the procedure, manner and within the limits prescribed by law, cannot be the subject of private ownership or commercial rights in a manner that restricts state institutions in using it to perform their functions.

Supreme Court

Commercial Cassation Court

Case No. 910/19775/23
Ruling of 23.06.2026



Case No. 4:

Use of a Trade Mark in a Phrase in an Online Article



The claimant, owner of the “Universal Yoga” trade mark, seeks an order requiring the defendant to cease using the sign on their website.



Supreme Court

Commercial Cassation Court

"... the mere fact that a word combination appears in an informational article cannot, in itself, constitute use of a trade mark within the meaning of the applicable legislation, either in form or in substance.

The claimant, in turn, must establish that the word combination is used as a means of distinguishing the defendant's services and gives rise to a likelihood of confusion." (§ 8.37)

Case No. 910/19775/23

Ruling of 23.06.2026



Key trends in the Supreme Court's case law concerning IPRs:

- Greater emphasis on good faith in the acquisition and exercise of IPRs;**
- A reduced role for expert opinions and narrower limits on the questions that may be put to experts;**
- Ex officio assessment by the court of the effectiveness of the remedy sought by the claimant;**
- Increasing reliance on judgments of the Court of Justice of the European Union.**

Thank you!

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