

**Information prepared by the Ukrainian side  
pursuant to the WIPO Circular C. 8261**

Exceptions and Limitation to Patent Rights

The Questionnaire on Exceptions and Limitations to Patent Rights completed by the Ukrainian side is available at the following link:

<http://www.wipo.int/export/sites/www/scp/en/exceptions/submissions/ukraine.pdf>.

Quality of patents

Ukraine is not an official participant of any allocation program of workload or data exchange between patent offices, such as, in particular, the Patent Prosecution Highway (PPH) application program.

Regarding the use of external information with the purpose of search and examination – in accordance with Paragraph 6.3.2 of the Rules of the Application for Invention and Utility Model Processing approved by the Order of the Ministry of Education and Science of Ukraine of March 15, 2002, № 197, if the applicant provides with a search report, carried out by the competent International Searching Authority, the search is performed only for those data that could not be detected by the International Searching Authority (including, in particular, applications filed to the State Intellectual Property Service of Ukraine).

Thus, during examination of the PCT applications, the experts use an external searches and examination reports.

Besides, in order to obtain information relating to the search and examination, in particular, to the prior art, the external database according to the list of sources of patent information in electronic media and foreign database (of free online resources and commercial databases under contracts) are used to improve, enhance quality and to comply with common methodological approaches when carrying out patent search. These include: search system EPOQUE Net, database REAXYS, WIPO ARDI program, DB “Chemical Abstracts Service” (CAS, USA), STN, Database Derwent World Patent Index, ESPACE, CISPATENT etc.

As of June 1, 2013, 10 foreign commercial databases, access to which is provided on the basis of concluded contracts and agreements, as well as funds of 59 largest national and specialized libraries and more than 20 sources of patent information in electronic form, are used for the purposes of examination.

Confidentiality of Communications Between Clients and their Patent Advisors

According to the Paragraph 12 of the Regulations on Intellectual Property Representatives (Patent Attorneys), approved by the Order of the Cabinet of Ministers of Ukraine of August 10, 1994, № 545 (as amended by Decree of the Cabinet of Ministers of Ukraine of August 27, 1997, № 938) (hereinafter – the

Regulations), a patent attorney has the right to determine an order of acquaintance with the information that is subject of his professional, business and other interests, including its belonging to the category of confidential, and to establish a system for its protection, unless otherwise is stipulated by the law and instructions of the person whom he represents.

Furthermore, according to paragraph 16 of the Regulations, a patent attorney must keep confidential information obtained by him in the course of his professional duties, in particular, matters raised by the person he represents, content of consultations, advice, explanations, etc.

In accordance with Paragraph 9 of the Article 23 of the Law of Ukraine “On Advocacy and Legal Practice” of July 05, 2012, № 5076-VI, any intrusion in private communication of lawyer with his client is prohibited.

According to Article 23 of the Criminal Code of Ukraine, any intentional disclosure of trade secrets without the owner’s consent by a person who knows this secret due to his professional or official duties, if it is committed for mercenary or other personal reasons and causes substantial damage to an entity of economic activities, – it shall be punished by fine from one thousand to three thousand untaxed minimum incomes with deprivation of the right to occupy certain positions or be engaged in certain activities for a term up to three years.

#### Transfer of Technology

The issues of transfer of technology are not covered by the terms of reference of the State intellectual Property Service of Ukraine.