



ukrainian legal group

www.rulg.com

Legal Services in Ukraine and the CIS

Olimpiysky Center  
72, Velyka Vasylkivska Street, Suite14  
Kiev 03150 Ukraine

4056 Mansion Dr., N.W.  
Washington, D.C. 20007

## **Legal Alert - 19 November 2010**

### **New Rules Applicable to Use of "Ukraine" as a Trademark Element**

New Rules\* came into effect on November 5, 2010, governing use of the official state name of the State - "Ukraine" - as a trademark element. For the purposes of these Rules, the word "Ukraine" refers to the following designations:

- the official name of the State "Україна" written in letters of any alphabet;
- the international code "UA"; or
- imitation of the name "Україна" written in letters of any alphabet.

The use of these designations is granted only if the following exhaustive list of pre-requisites is met:

- use of the State's official name "Україна" as a trademark element is not in conflict with public policy, principles of humanity and morality, favors the State's interests and will not mislead the public as to the manufacturer's or service provider's identity;
- the goods and services to be sold under the respective trademark are of industrial, educational, scientific, cultural or artistic value;
- the types of goods/services manufactured or performed by the applicant are unique to Ukraine;
- the applicant dominates on the Ukrainian market of goods/services with respect to which the trademark is to be used;
- the applicant performs foreign economic activities and dominates in this type of goods and/or services; and
- the period of the applicant's activity related to such goods/services on the Ukrainian or foreign markets is not less than 5 years.

The Rules establish a full scheme for filing, considering and making decisions on the said use of this designation. Such permissions can only be granted to legal entities set up under the Ukrainian legislation and individual entrepreneurs registered under the Ukrainian legislation.

\*The Rules (which supersede previous Rules cancelled by Ministry of Education and Science Order No. 307 dated 12 April 2010) were registered with the Ministry of Justice on 19 October 2010 and took effect on 5 November 2010, the date of their official publication (Official Bulletin of Ukraine, No. 82/2010). These Rules are legally known as Order No. 790 *On Approving the Rules for Sanctioning Inclusion of Designations Containing the Official Name of the State "Ukraine" in Trademarks* dated 4 August 2010, and issued under formal authority of Clause 1 of Article 6 of the Law of Ukraine "On Trademark Rights Protection" administered by the Ministry of Education and Science.

#### **Disclaimer**

The content of this Legal Alert is of general nature and is intended to be a descriptive introduction to relevant laws. The particular application of the law to a fact situation can differ substantially from the general rules of law illustrated in this Legal Alert. It cannot be viewed, interpreted or used as legal advice, and the authors have no responsibility in case anybody uses the contents of this Legal Alert as legal advice.