

## Important Notice Concerning Deadlines in IP Matters before the Ukrainian IPO

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At this point in time, it is not yet 100% clear how missing a deadline before the Ukrainian IPO will be treated while martial law is in effect. While waiting for the new Law on Protection of Interests of IP Owners (in Ukraine) during Martial Law to enter into force (the law was recently approved and should soon be signed and published), we wanted to draw your attention to a few relevant points.

Martial law was introduced in Ukraine on February 24, 2022, for the term of 30 days. On March 14, 2022, martial law was extended for a further 30 days.

According to the [notice](#) posted on March 1, 2022 on its official website, the Ukrainian IPO continues to operate on a full-time basis to ensure uninterrupted functioning of the intellectual property system in the country.

On March 21, the Ukrainian IPO published an [update](#) on the peculiarities of IP protection under martial law. As mentioned in this update, according to Section 2, Article 14-1 of the Ukrainian Law "On Chambers of Commerce and Industry of Ukraine", force majeure circumstances are the extraordinary and unavoidable circumstances that objectively prevent one from fulfilling the obligations arising from provisions of legislative and other regulatory acts, and include the threat of war, armed conflict or a serious threat of such conflict, including but not limited to enemy attacks, blockades, military embargoes, actions of a foreign enemy, general military mobilization, military actions, declared and undeclared war, etc.

Given the aforesaid, the Ukrainian IPO stated that, as far as missed deadlines are concerned, under the martial law introduced in Ukraine, the provisions of the above mentioned law may apply to applicants and holders **residing or domiciled in Ukraine**.

Whereas the Ukrainian IPO confirms that martial law will qualify as force majeure, it does so only in respect of **"applicants and right holders residing or domiciled in Ukraine"**. Therefore, while it is relatively safe to assume that a deadline missed during war time can be reinstated later, applicants and IP owners are advised to follow the "normal" course of action when it comes to Ukraine, because the IPO is operational and foreign IP owners are not explicitly mentioned in the most recent Ukrainian IPO announcement. In addition, it is understood that all deadlines will continue (presumably counting from the moment of interruption, on February 24, 2022) once the martial law regime is lifted.

The new law (mentioned above and expected to enter into force within the next 10 days or so) will resolve this issue and will clarify the question of validity of IP rights during the martial law. It is expected that a period of 90 days following the cessation of martial law regime will be allowed to regulate the situation IP owners find themselves in at the moment of the mentioned cessation.

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