

UK DFID/FCO technical assistance Project

To support the establishment and operation of a specialised IP Court in Ukraine

Centre for Commercial Law Studies (CCLS) was contracted by the UK Joint Department for International Development (DFID) and the Foreign Commonwealth Office (FCO) Good Governance Fund to deliver a project of technical assistance to the Government of Ukraine to support the establishment and operation of a specialised IP Court as part of broader efforts to implement judicial reform in Ukraine.

The Project involves leading international IP judges, practitioners and academics to deliver recommendations on the establishment of Ukraine's new IP Court using best international practice and provide training for newly elected judges to the Court.

Project Team

The CCLS Project team is being jointly led by Professor Ioannis Kokkoris, Chair in Law and Economics and Dr Noam Shemtov, Director of the Queen Mary Intellectual Property Research Institute, and Maria Tymofienko, Project Manager. The research element of the Project is coordinated by Olga Gurgula.

Beneficiaries (*TBC*)

Project Beneficiaries include: the Judicial Reform Council at the Presidential Administration, the High Qualification Commission of Judges, the National School of Judges, the High Council of Justice, the Supreme Court.

International Advisory Board

The Project will also benefit from guidance from the International Advisory Board of eminent IP judges, practitioners and academics (*TBC*):

- 1) **Professor Spyros Maniatis**, Executive IAB Member, Director of the Centre of Commercial Law Studies (CCLS) and British Institute of International and Comparative Law (BIICL), UK;
- 2) **His Hon. Judge Hacon**, Presiding Judge of the Intellectual Property and Enterprise Court, UK;
- 3) **Professor William Blair**, formerly presiding Judge of the Commercial Court, currently Professor of Financial Law and Ethics at CCLS, UK;
- 4) **His Hon. Michael Fysh QC SC**, Arbitrator, Mediator and an Expert in IP in various jurisdictions at the Intellectual Property chambers at 8 New Square, Lincoln's Inn, UK;
- 5) **Judge Bogdan Lvov**, Deputy Head of the Supreme Court of Ukraine, Head of the IP Chamber at the Cassation IP Court at the Supreme Court, Ukraine;
- 6) **Mr Igor Benedysyuk**, Head of the High Council of Justice, Ukraine;
- 7) **Dr Olena Orliuk**, Director of the IP Institute of the Academies of Science of Ukraine;
- 8) **Pierre Véron**, Member of the Paris Bar, Véron & Associates, France;
- 9) **William Chandler**, Member, Technical Board of Appeal, European Patent Office, Munich, Germany;
- 10) **Prof. Dr.iur. J.D., LL.M. Alexander Von Muhlendahl**, Attorney-at-Law at Bardehle Pagenberg in Munich, Germany.

Project Activities/Deliverables

The key Project activities are as follows:

Activity I “Recommendations on the establishment and functioning of the IP Court in Ukraine”

An assessment of the legislative framework that underpins the set-up of the IP court in Ukraine, focussing on gaps that may undermine the effective functioning of the Court and looking at ways of how to address them, and a comparative study of best international

practices of IP adjudication in different jurisdictions leading to recommendations as to how these practices could be applied in Ukraine;

Activity II “Enabling adoption of legislative instruments on the establishment and functioning of the IP Court”

Develop recommendations as to adoption/amendments of legislative instruments to ensure the effective functioning of the Court;

Activity III “Judicial training”

Provide training for newly elected judges to the Court in Ukraine, followed by a study trip to London to learn about how the courts, IP office and law firms operate in the UK;

Activity IV “Government relations and public engagement”

Communication with the Project’s stakeholders, including the Government and judicial institutions, associations of lawyers and businesses, academics as well as other users of the system;

Activity V “Post Project Impact Assessment”

After the Project has been completed, the team will undertake an assessment of the effectiveness of the Court and whether the Project’s recommendations have been implemented and are contributing to effective IP adjudication

Project Goal

The goal of the Project is to support the creation of a world class IP Court in Ukraine and ensure a consistently high level of qualification of future judges. The long-term impact of the Project will be the creation of a uniform and predictable IP enforcement system as part of a broader initiative to achieve better governance and policy coherence in Ukraine leading to improved levels of business confidence, more attractive investment conditions and a commercial environment that incentivises innovation and creativity, stimulating economic growth and prosperity.