

UKRAINE
Design Rules

as amended by Resolution of the Ministry of Education and Science No.
5 of January 11, 2006

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RULES ON DRAFTING AND FILING AN APPLICATION FOR AN INDUSTRIAL DESIGN

1. General provisions

1.1. These Rules have been developed pursuant to the Law of Ukraine "On the Protection of Rights to Industrial Designs" (hereinafter the Law), the Paris Convention for the Protection of Industrial Property, valid in Ukraine since 25 December, 1991, (hereinafter the Paris Convention), the Regulations on the State Department of Intellectual Property approved by the Decree No. 997 of the Cabinet of Ministers of Ukraine, and set forth the requirements to documents of an application for the grant of a patent of Ukraine for an industrial design.

The requirements of the Rules are compulsory to applicants.

1.2. Definition of the terms and abbreviations

Industrial design - a result of human creative activity in the field of artistic design;

application - a set of documents required for granting a patent;

applicant - a person who has filed an application or has acquired the rights through any other procedure provided for by the law;

(indent four of paragraph 1.2, section 1, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003)

patent - a patent of Ukraine for an industrial design;

representative - a representative in the matters of intellectual property registered under the provisions of the Regulations on Representatives in the Matters of Intellectual Property (Patent Attorneys), implemented by the Resolution No. 545 of the Cabinet of Ukraine of 10 August 1994, or another authorized person.

(indent six of paragraph 1.2, section 1, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003)

ICID - International Classification of Industrial Designs introduced under the Locarno Agreement signed during the Locarno diplomatic conference on 8 October, 1968;

State Department - the State Department of Intellectual Property within the Ministry of Education and Science of Ukraine;

Ukrpatent - the state enterprise "Ukrainian Institute of Industrial Property" of the Ministry of Education and Science of Ukraine, authorized competent body considering and examining applications;

Regulations - Regulations on the Procedure for Paying Official Fees for Acts Related to the Protection of Intellectual Property Objects,

implemented under the Resolution No. 1716 of the Cabinet of Ukraine of 23 December, 2004

(indent ten of paragraph 1.2, section 1, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

1.3. A subject matter of an industrial design may be constituted by a shape, drawing, colouring, or a combination thereof which determines an appearance of an industrial article and satisfies aesthetic and ergonomic requirements.

Indent two of paragraph 1.3, section 1, was deleted.

(under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

1.3.1. Subparagraph 1.3.1 of paragraph 1.3, section 1, was deleted.

(under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

1.3.2. Subparagraph 1.3.2 of paragraph 1.3, section 1, was deleted.

(under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

1.3.3. Subparagraph 1.3.3 of paragraph 1.3, section 1, was deleted.

(under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

1.4. Paragraph 1.4, section 1, was deleted.

(paragraph 1.4, section 1, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003, deleted under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

1.5. Paragraph 1.5, section 1, was deleted.

(paragraph 1.5, section 1, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003, deleted under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

2. General Requirements to Documents of an Application

2.1. The application shall be drawn up in the Ukrainian language.

2.2. Application papers which require further translation, may be submitted in the original language in one copy with their translation in one copy as well.

If a description of the industrial design is in a language other than Ukrainian, its translation in the Ukrainian language shall be submitted to Ukrpatent within two months following the filing date.

2.3. The application shall not comprise materials which are contrary to public order, principles of humanity and morality, derogatory remarks with regard to industrial designs and creative results obtained by other persons, as well as information and materials which obviously do not relate to or are not necessary for the recognition of the application documents as such that meet the requirements of these Rules.

(paragraph 2.3, section 2, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003)

2.4. A description of an industrial design and explanatory materials supplementing the description shall be drafted with the use of standard terms and abbreviations, and in cases where such terms are missing, with the use of general terms used in scientific and technical literature. If terms or abbreviations, which are not in general use, are implemented in the description, their meaning must be explained in their first occurrence in the text.

2.5. The requirement of unity of terms shall be met in the description, namely one and the same features must have the same names.

3. Unity requirement

3.1. Under paragraph 3, Article 11 of the Law, an application shall relate to one industrial design only, but may include its variants (the requirement of unity).

3.2. The term "industrial design" is used to mean both one article and a set of articles. A set of articles may constitute an industrial design if it includes articles performing different functions but serving the general purpose of the set as a whole. From the standpoint of an artistic design, all articles (in the set) must have common composition and style, for example a tea-set or dining set, a set of tools, suite of furniture, etc.

(paragraph 3.2, section 3, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

3.3. The term "one article " is used to designate both an article as a whole, for example a car, and its part, for example a bumper, headlight, etc.

3.4. A variant of an industrial design may be constituted by appearance of articles which belong to the same functional group, the same ICID class, and which are similar in their substantial features but are different in insignificant features and may be visually perceived, for example several chairs which differ in texture or colour of decorative upholstery fabric, etc.

4. Preparation of application documents

4.1. Application documents must be of a quality which allows to keep them over a long period of time and to directly reproduce them.

4.2. The application documents shall be printed on white paper sheets of A4 format. Each document shall commence from a new page, the second and subsequent pages of each document being numbered in Arabic numerals. Each sheet shall contain print on one side only, and the lines on it shall be placed in parallel to the shorter side of the sheet.

The minimum margins of the sheets containing the description shall be, mm:

Left side - 25;

Top - 20;

Right side and bottom - 20.

Drawings, schemes, charts shall be made on white paper sheets of A4 format.

The minimum margins of the sheets shall be as follows, mm:

Left side - 25;

Top - 25;

Right side - 10;

Bottom - 15.

4.3. Documents shall be printed in black. The typing in the text of the description shall be 2-spaced.

4.4. Bibliographic particulars of information sources in the application documents shall be referred to so that these information sources might be readily found.

5. Content of the application

An application shall include:

a request for the grant of a patent (one copy);

(paragraph two of section 5 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

a set of pictures with representations of the article (the article itself or its model or drawing), which create full image of the appearance of the article, in duplicate;

(paragraph three of section 5 as revised under the Resolutions of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003 and No. 5 dated 11 January, 2006)

one copy of the description;

(paragraph four of section 5 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

one copy of drawings, scheme, chart (if necessary as provided for by paragraph 9.1 of these Rules).

(paragraph five of section 5 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

6. Request for the grant of a patent

6.1. A request for the grant of a patent (hereinafter the request) shall be made according to the form presented in the Appendix to these Rules. (indent one of paragraph 6.1, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

Where the particulars cannot completely fit in the corresponding boxes for the lack of space, they may be presented on separate sheets according to the same form and the note "see on the separate sheet" must be made in the corresponding box.

6.2. In the box "Applicant's reference number" the applicant indicates his reference number of the application assigned to this case upon filing. (section 6 was supplemented with a new paragraph 6.2 under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

6.3. The box "Filing date" is filled in by Ukrpatent upon the receipt of the application.

(section 6 was supplemented with a new paragraph 6.3 under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006; therefore paragraphs 6.2 - 6.13 shall respectively be treated as paragraphs 6.4 - 6.14)

6.4. Boxes under codes (21), (22) and (51) placed at the top of the request form are not filled in by the applicant and are meant to include particulars of the application after it has been filed to the State Department.

6.5. Under the code (71) the following shall be mentioned:

(indent one of paragraph 6.5, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

for an individual:

(indent two of paragraph 6.5, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

name (family name, given name and father's name of an individual citizen of Ukraine) and domicile (street name, house number, apartment, name of settlement, region, district, postal code);

(indent three of paragraph 6.5, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January,

2006)

for a legal entity:

(indent four of paragraph 6.5, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

full name (according to the statutory documents);

(indent five of paragraph 6.5, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

domicile (address of a body or a person who, according to the statutory documents or the law, act on its behalf. The address shall be provided in the format mentioned in the present paragraph for an individual).

(indent six of paragraph 6.5, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

Residence or domicile of a foreign applicant shall be provided with all details in the format provided by the applicant. Names of streets, squares, etc., as well as symbols used next to numbers shall be transliterated in the letters of the Ukrainian alphabet. Next to the transliterated text, the residence or domicile must be provided in brackets in the original language.

(indent seven of paragraph 6.5, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

If the author, several authors or all authors act as the applicant, their domicile shall be indicated on the reverse side of the request form under code (72).

(indent eight of paragraph 6.5, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

The name or full denomination of a foreign applicant shall be transliterated. After the Ukrainian transliteration, the name shall be given in the original language in brackets. The place of residence or domicile of the applicant (if necessary) shall be indicated in the original language with indication of the state code in accordance with the WIPO Standard ST.3.

(indent nine of paragraph 6.5, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

If the applicant is a Ukrainian legal entity, one shall indicate the code according to the Common State Register of Enterprises and Organisations of Ukraine (CSREOU). If the applicant resides or domiciles outside Ukraine,

the state codes shall be indicated according to the WIPO Standard ST. 3.

If there are several applicants in the application, the said particulars shall be indicated for each person individually.

6.6. If the applicant is entitled to benefit from the right of priority from a previous application under Article 13 of the Law, the corresponding box shall be marked by "X" and the number and filing date of the previous application shall be indicated. The particulars of the previous application filed in the state, party to the Paris Convention, shall be given under codes (31), (32), (33). Under code (33), the code of the state where the previous application was filed shall be indicated as provided for by the WIPO Standard ST. 3. The particulars of the previous application from which the present application has been divided shall be mentioned under code (62). If there are several previous applications, the particulars of each application shall be mentioned.

Particulars of the application or registration of an industrial design which is a variant of the present design shall be provided under code (66).

Particulars of the application supplementary documents of which are made under the provisions of paragraph 7, Article 14 of the Law as the present application, shall be provided under code (62).

(paragraph 6.6 of section 6 was supplemented with the new third indent under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003; therefore paragraph three must be considered as paragraph four)

If the applicant has grounds to benefit from the right of priority based on an industrial design used in an exhibit shown at official or officially recognized international exhibitions held in the territory of a state party to the Paris Convention, a respective box of the request form must be marked by "X" and the opening date of such exhibition must be provided under code (23).

6.7. Under code (54), the full title of the industrial design shall be the same as the title mentioned in the description.

(paragraph 6.7, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003)

6.8. Under code (98), the address for correspondence between the applicant and Ukrpatent and full name or denomination of the addressee shall be indicated. Any address in the territory of Ukraine which is convenient

for the applicant may be used for correspondence. Telephone, facsimile or other means of communication (if available) shall be indicated.

6.9. If the applicant uses services of an agent, under code (74) full name and registration number of the agent or another authorised person shall be indicated.

(paragraph 6.9, section 6, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003)

6.10. The section "The list of enclosed documents" is filled in by marking corresponding boxes with X, indicating the number of copies and sheets in each document. In the box "Other documents" (if any), the names of the documents must be provided.

6.11. If the right to file an application is transferred by the author or employer to an assignee, the corresponding ground shall be marked by X in the box "Grounds for acquisition of the right to file an application and obtain a patent". If the applicant (s) is a sole author or all authors, this box shall not be filled in.

6.12. Under code (72), the particulars of the author (authors), i.e. name and domicile, shall be provided. For foreign authors, their full name must be transliterated with the original name spelling given in brackets. Instead of domicile, the name of the state and its two-letter code must be indicated according to the WIPO Standard ST.3. If the authors are the applicants, they shall put their signatures in the right box.

(paragraph 6.12 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

6.13. If the author (authors) does/do not wish to be mentioned in the publication of the particulars of the application or mention of grant of a patent, the corresponding box of the request form shall contain the statement which must be signed by the author (authors) who does/do not wish to be mentioned.

6.14. The last box of the request form "Signature(s) of the applicant(s)" is compulsory, except for the case where all applicants are the authors and their signatures have been put in the box under code (72).

If the applicant is a legal entity, the request shall be signed by an authorised person. The signature shall include full name of the position held by the person who signs the request, personal signature, his/her

initials and family name. The signature shall be sealed.

If the applicant has authorised his representative to prosecute the case, the authorised person may sign the application instead of the applicant.

The same box shall include the date of signing.

If supplementary data are given on a separate sheet, this sheet shall be signed in the same way.

7. Set of representations of the article

7.1. A set of representations of the article (the article itself or its model or drawing) shall create full image of the appearance of the article. In particular, a set of representation of a three-dimensional article may include a general view of the article, a front view, a left view, a right view, a back view, a top view, a bottom view and representations of fragments of the article, etc.

For a two-dimensional article, it is sufficient if only one representation is provided.

A set of representations of the article with a reiterated image must include a representation of this image.

7.2. A set of representations of the article which may be transformed (open, fold, etc.), such as a refrigerator, vacuum cleaner, food processor, etc., must include a separate representation of this article in a transformed state.

7.3. A set of representations of a set (assortment, kit) of articles must include a representation of the general view of such set (kit) and representations of significant views of each article included in the set (kit). If the general view of the set (kit) cannot be technically represented on a single representation, the set of representations of the set (kit) of the articles must include representations of fragments of the set (kit) which provide a full image of the general view of the set (kit).

7.4. If colour is one of the significant features of the article, its representations shall be made in colour. Otherwise, representations of the articles are made only in black-and-white.

7.5. Representation of the article must be sharp and clear.

The article shall be represented as a whole at uniform lighting and at a neutral background, as a rule, without any restrictions. Separate parts of the article must be clearly viewed not only on its light side but also at the shadowed side.

7.6. Representations of the article shall be made in form of photographs and/or other reproductions made with the use of any means, in particular with the use of computer graphics. Their size may be within the limits of 30 x 30 mm to 160 x 160 mm.

7.7. Photographs and other reproductions are glued or in any other way

applied on sheets of white paper of A4 format. One sheet of paper may include not more than 25 representations of the article.

7.8. Each sheet in the set of representations of the article must have the title of the industrial design indicated on the top of each sheet. If the industrial design relates to a set (kit) of article, under the title of the industrial design the name of the article which is represented on the respective page must also be indicated.

7.9. Under each representation of the article the number of the representation and the kind of view ("general view", "front view", etc.), name of the fragment, etc. must be provided.

The number of the representation of the article consists of two numbers separated with a dot. The first number corresponds to the number of the variant of the article and the second number corresponds to the sequence number of the view of the article. For example, representations of the first variant are respectively numbered as 1.1, 1.2, 1.3 etc, representations of the tenth variant of the article are respectively numbered as 10.1, 10.2, 10.3 etc.

Representation of the general view of the article is numbered as first followed by the other views.

Representation of the general view of a set (kit) of articles or its fragments must be numbered in the order provided for by this paragraph for the designation of the representations of the article.

(paragraph 7 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003, and Resolution No. 5 of 11 January, 2006)

8. Description of an industrial design

8.1. A description shall include the followings:

- title of the industrial design;
- family name, initials of the author of the industrial design;
- purpose and the field of use of the industrial design;

- the list of representations, drawings, schemes and charts;

(indent five of paragraph 8.1, section 8, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003, and Resolution No. 5 of 11 January, 2006)

- substance and substantial features of the industrial design.

Indent seven of paragraph 8.1, section 8, was deleted.

(under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003)

8.1.1. The title of the industrial design shall illustrate it's application, reflect its substance and, if possible, it shall correspond to the respective heading of the ICID.

The title of an industrial design, whose indication is not well-known or is new, must include reference to the field of its use, for example: "Equalizer for sound reproduction equipment".

If the industrial design includes variants as provided for in paragraph 3.4 of these Rules, the title shall be followed with an indication of the number of variants mentioned in brackets. In particular, if a colour is a substantial feature of the article, then its variants may be constituted by the implementations of this article in different colours, for example "Tea-set (three variants)".

8.1.2. The section "Purpose and the field of use of the industrial design" is advisable to begin with the words: "Applied is an appearance of the article meant/used for...". The text further discloses in which industrial field or other field of activity the applied article will be used and indicates its functions.

If necessary, this field also indicates objects (systems) with which the article is used.

8.1.3. The section "List of representations, drawings and schemes" provides the list of representations present in the application, as well as drawings and schemes as they are numbered.

(subparagraph 8.1.3 of paragraph 8.1, section 8, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003)

8.1.4. The section "Substance and substantial features of an industrial design" must include a description of all substantial features which create a visual image of the applied article.

8.1.4.1. A substance of an industrial design is characterized by its substantial features present on its representations, which determine an appearance of an article and its esthetic and ergonomic nature.

(indent one of subparagraph 8.1.4.1 of paragraph 8.1, section 8, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003)

An individual features is considered substantial if it influences the overall appearance of the article.

A disclosure of the substance of the industrial design consists of the description of its substantial features shown on the representations with reference to the latter (as well as on the drawings of the general view, ergonomic scheme, chart, if available).

(indent three of subparagraph 8.1.4.1 of paragraph 8.1, section 8, as revised under the Resolutions of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003 and No. 5 dated 11 January, 2006)

8.1.4.2. In the description of an industrial design constituted by a set (kit) of articles, mention shall be made of all articles included therein.

(subparagraph 8.1.4.2 of paragraph 8.1, section 8, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

8.1.4.3. If the industrial design has variants, then all substantial features of the main variant must be described, while the disclosure of other variants is made through the description of features which differentiate each variant from the main one.

8.1.4.4. In case of articles which can transform, such as refrigerators, chests/cabinets, devices enclosed in a housing, telephone booth, etc., substantial features may include those which determine their appearance and the internal view of such articles.

8.1.4.5. If a colour is a substantial feature of the industrial design, such colour must be clearly designated in the description.

(subparagraph 8.1.4.5 of paragraph 8.1, section 8, as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

8.1.4.6. Subparagraph 8.1.4.6 of paragraph 8.1, section 8, was deleted.

(under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

8.1.5. Subparagraph 8.1.5 of paragraph 8.1, section 8, was deleted.

(under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003)

(8.2. Paragraph 8.2 of section 8 was deleted under the Resolution of the

Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006;
therefore paragraph 8.3 must be considered to be paragraph 8.2)

8.2. The description shall be signed by the applicant in the same form
as the request for the grant of a patent.

9. Drawings, schemes and charts

9.1. Drawings, schemes and charts are included in the application if it is necessary to explain substance of the industrial design, to determine overall dimensions and ratio of dimensions on the general view of the article or its elements, or if it is necessary to expound on ergonomic features of the article appearance, etc.

(paragraph 9.1, section 9, amended under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003, and revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 of 11 January, 2006)

9.2. Drawings, schemes and charts must be explained in the description of the industrial design and must conform with the representations of the article.

(paragraph 9.2, section 9 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

9.3. Drawings and schemes are designated by the word "Figure" followed by the respective sequential number, i.e.: "Figure 1", "Figure 2", etc. Each sheet of drawings shall bear the title of the industrial design.

(paragraph 9.3, section 9 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

9.4. Drawings and schemes must be made according to the requirements to drawings, i.e. on dense, white and smooth paper and applied in black clear lines and dashed lines which can not be erased, and should not have any shading and painting.

(paragraph 9.4, section 9 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

9.5. A building chart of an articles (a sample of fabric, leather, accessories, working, etc. recommended for the manufacture of the article) shall be submitted if the industrial design relates to an article of light and textile industry. A building chart for an article having reiterated pattern (carpets, fabrics, etc.) shall be sized equivalent to this pattern.

(paragraph 9.5, section 9 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

10. Filing an application

10.1. Under paragraph 1 of Article 11 of the Law, an application is filed with the State Department. The application is directly submitted or forwarded to the address of Ukrpatent, mentioned in the request form. An application which does not include a colour representation of the article may be submitted by facsimile with the subsequent filing of the original as set forth in paragraph 10.10 of the Rules.

10.2. The application may be filed by the person willing to obtain a patent and having the respective right, who was mentioned in the application as the applicant, or through his/her/their representative. There is no requirement for confirmation of the right to obtain a patent by any document.

10.3. An application on behalf of a foreign national or a person residing or having domicile outside Ukraine shall be filed through an intellectual property agent if otherwise is not provided for by an international treaty to which Ukraine is a party.

10.4. An application having two or more applicants shall be filed through their common representative. Such representative may, in particular, be one of the applicants duly appointed by the other applicants.

10.5. An agent, other than representatives in the matters of intellectual property, may be an individual or a legal entity.

10.6. An agent shall take actions related to the filing of an application based on powers granted to him/her. He/she may transfer his/her powers to another person/substitute according to an agreement with the applicant or under the law.

10.7. If the application is filed through an agent/substitute, it shall comprise a Power of Attorney, as well as its translation in the Ukrainian language if it was issued in another language.

A Power of Attorney may relate to one or several applications. If the Power of Attorney relates to more than one application, each subsequent application shall include a copy of this Power of Attorney bearing a note "the original Power of Attorney is included in the application no... (relevant number of the application)".

The Power of Attorney shall designate:

- the name of the person who issued this Power of Attorney;
- name (denomination) of the person who is being represented;

- name (denomination) of the person to whom this Power was granted;
- actions which the person to whom the Power was granted must or is entitled to perform;
- date of execution.

The Power of Attorney shall be signed by the person who granted such Power. A Power of Attorney from a legal entity incorporated in Ukraine shall be sealed.

A Power of Attorney issued based on the right of substitution shall be notarized, except for the cases provided for by section 4 of Article 245 of the Civil Code of Ukraine.

The term of the Power of Attorney is set forth therein. If the term of the Power of Attorney is not specifically determined, it shall be valid unless revoked.

A Power of Attorney without the date of execution shall be deemed to be void, and thus shall not be accepted.

The procedure of execution of the Power of Attorney issued outside Ukraine shall be based on the provisions of the laws of the state in which such Power of Attorney was issued.

10.8. The person who issued the Power of Attorney and revoked it afterwards, shall immediately inform Ukrpatent about this. The date of such notification shall be the date of receipt of the said written notification by Ukrpatent, including the notification transmitted by facsimile, provided that the provisions of paragraph 10.10 of these Rules are met. The cessation of representation under a Power of Attorney shall automatically cease substitutions.

In case of the cessation of the representation under the Power of Attorney, Ukrpatent shall return the original Power of Attorney to the representative.

10.9. If the application that must include a Power of Attorney is not accompanied by this document, the representative shall send the Power of Attorney on his/her initiative or in response to a notification of Ukrpatent. At the same time, if the application filing date is earlier than the date of execution of the Power of Attorney, a representative shall, along with the Power of Attorney, submit a statement or any other document (a letter, telex, etc.) from the applicant confirming the approval of filing the application by the representative.

10.10. In case the application, not including a colour representation, is filed by facsimile, the filing date shall be the date of receipt of

the facsimile copy of this application by Ukrpatent (its last part in case if the application was transmitted at the moment of transition from one day to another). The original of such application along with an accompanying letter with the mention of the previous facsimile transmission of the application shall be received by Ukrpatent within one month from the date of receipt of the facsimile copy.

If the facsimile copy of the application or its part can not be read, it shall be deemed not filed in the part which is not legible.

In case if the application is filed by facsimile on a weekend, holiday or any other nonbusiness day provided for by the law, or after the close of business hours at Ukrpatent, the filing date shall be the first business day following the date of transmission.

10.11. An application may be filed along with its electronic copy by a floppy disk or a CD-R, formatted with the use of the approved software available at the official website of the State Department of Intellectual Property of Ukraine.

10.12. Filing an application is subject to payment of the official fee under the provisions of the Regulations. A document confirming payment of the fee shall be submitted with Ukrpatent together with the application or within two months from the application filing date. This term may be extended but not more than by six months, provided that a relevant request is filed before the expiration of this term and the relevant fee is paid. If the filing fee is paid before filing, the application shall be submitted with Ukrpatent:

- before the expiration of three months following the date of receipt of the fees on the account of - Ukrpatent, provided that the amount of fees does not change on the date on which the application is filed;
- within one month from the date of implementation of the amended fees.

A document confirming the payment of the fee may be an extract from the banking account of Ukrpatent, which allows to identify the application. If the applicant's reference number is missing in the extract from the Ukrpatent banking account, and if the fees were credited on the account of Ukrpatent after the due date provided for by the law, as well as if the fees were paid in a currency other than that provided for by sections 3 or 4 of the annex to the Regulations, the application shall be supplemented with a hard copy of fees calculation sheet (payment order, cash voucher, receipt etc.). This document shall meet the requirements of the Regulations.

If the applicant has benefits for payment of the filing fees or is exempt

from such payment, the application shall be accompanied with a notarized copy of the document confirming these rights.

10.13. The applicant willing to benefit from the right of priority under paragraphs 1-4 of Article 13 of the Law, shall, within three months from the application filing date, submit with Ukrpatent a relevant request including a reference to the number and filing date of the previous application, and a copy of such application provided that this application was filed in a foreign state, party to the Paris Convention for the Protection of Industrial Property, along with its Ukrainian translation, or a document confirming display of the industrial design at official or officially recognized international exhibitions held in the territory of a state party to the Paris Convention for the Protection of Industrial Property. Such document may be a certificate about the display at an exhibition, issued by the administration of this exhibition and indicating the opening date of the exhibition, accompanied with one photograph of the general view of the article, verified by the signature and seal of the administrator of the exhibition on the back of this photograph.

(section 10 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)

11. Section 11 was deleted

(section 11 as revised under the Resolution of the Ministry of Education and Science of Ukraine No. 750 dated 11 November, 2003, deleted under the Resolution of the Ministry of Education and Science of Ukraine No. 5 dated 11 January, 2006)