

**2010 Ukraine**  
**Recommendations for an IPR Action Plan**  
**October 2010**

**Increase Public Awareness**

- Undertake public awareness initiatives to provide information about illegal downloading of copyright pirated works, end-user software piracy, the distribution of counterfeit pharmaceuticals and pesticides, and sales of IPR infringing goods at markets.

**Address Government Use of Illegal Software**

- Commit budgetary funds in 2011, and subsequent yearly draft budgets as necessary, for the purchase and proper licensing of legitimate software used by government agencies, to include training for inspectors, as well as ongoing technical assistance to each Ministry in setting up an internal monitoring and compliance system.
- Identify points of contact within each Ministry who will be made responsible for ensuring compliance by a set deadline, and develop a schedule for completion.

**Legislation**

- Take steps to ensure passage of Copyright Amendment (Bill No. 6523).
- Take steps to ensure passage of amendments to legislation on distribution of audiovisual works, phonograms, videogames, computer programs, data bases, which is intended to address the illegal use of hologram stickers.

**Increase the Level of Enforcement**

- Increase criminal prosecutions in key areas such as Internet piracy and counterfeit pesticides, among others, that include the issuance of deterrent level penalties.
- Implement stronger interagency coordination to address Internet piracy and act in a timely manner against infringing Internet websites identified by right holders as allofmp3.com clones, such as mp3fiesta.com, one of the 6 largest pirate sites in the world.
- Conduct regular inspections of cable service providers and public venues to ensure that only licensed materials are being shown, and report on deterrent actions taken against unlicensed distribution/viewings.
- Increase the frequency of open-air market inspections and take action against the sale of counterfeit and pirated goods.
- Monitor movie theaters to detect illegal cam-cording, and report on deterrent actions taken.
- Modify the portfolios of a number of Interior Ministry officers to include IPR enforcement and inspection and provide training for the designated officers.

**Improve Border Enforcement**

- Work with rights holders to increase seizures of IPR infringing goods at the border.

### **Ensure Adequate Staffing in IPR Enforcement Sections**

- Allocate and train additional officers to the IPR units of the Economic Police Departments and increase the number of IP inspectors in the State Department of Intellectual Property (SDIP), so that each of the 25 regions has at least one dedicated IPR inspector.

### **Address Illegal Collecting Societies**

- Create and maintain a database of entities that are not current in payments to authorized collecting societies, and share information on the database with right holders.
- Continue efforts toward reforming the collecting society system to ensure that rogue collecting societies cannot continue their illegal practices.
- Increase the transparency in the current system.

### **Ensure Plant Variety Protection consistent with International Norms**

- Address illegal planting of biotech crops from seeds obtained and used without authorization.

### **Address Pharmaceutical Patent and Data Protection Violations**

- Address irregularities in the registration and permit-issuance process for products entering the Ukrainian market.