

The Ukrainian Author's Rights Agency



UARA

protection with no limits



Est. in
2004

- UARA is a unique organization in Ukraine that provides a full range of services on protection of intellectual property rights, including trademarks, and fighting against smuggling, counterfeiting and parallel imports of goods of famous brands

Highly
experi
enced
staff

- Staff of highly experienced lawyers and professionals in the sphere of intellectual property

Deep
knowle
dge of
market

- wide experience of market monitoring in order to identify, track and stop the violation of intellectual property rights, including in the Internet, by confiscation and destruction of counterfeit goods, withdrawal of smuggled goods, parallel import restrictions, etc.

Main basic principles of UARA:

- ▶ Ensuring the maximum protection of the rights and interests of clients and partner companies of the agency through a flexible, constructive and innovative approach to the tasks, and to provide the highest level of services focused on results;
- ▶ Ensuring the permanent development of our own organization by providing the best quality and cutting-edge services for our partners, and motivation and opportunity for development and a modern working environment for the employees;
- ▶ Working in compliance with the recognized moral and ethical values.

We defend justice, combining initiative, flexibility and ingenuity with international standards.

We understand the business of our clients, provide maximum protection of their rights and interests and vigorously identify and solve their problems, being in constant contact with them. Being focused on the final result, we set goals and consistently achieve them.

The resources of our agency and its consultants and allied organizations are directed to be used entirely for the benefit of our clients and partners. We work as a team in which everyone realizes his potential.

UARA's IPR *Protection Services*

SINCE 2005 UARA successfully carries out full range of activities on elimination of IP violations closely cooperating with customs, law enforcement and other authorities providing maximum protection of our clients' rights and interests

brand/trademark protection; control of illegal and unauthorized use of specific trademark in Ukraine;

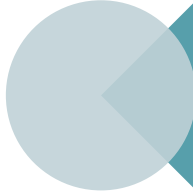

actions against counterfeit products (fakes): constant and severe market monitoring / market surveys on the whole territory of Ukraine; "pre-trial" settlement or further legislative actions, including confiscation and destruction of counterfeit products;

actions against smuggling and parallel ("grey") import of original products, including investigation of delivery and supply schemes, inspections of law enforcement authorities, seizures and withdrawals of "suspicious" products;

prosecution of infringers in order to obtain compensation for the trademark owner;

due diligence; legal support etc.

UARA's *Main Distinctive Features:*



significant experience in fighting against counterfeit and pirated products, smuggling and parallel (“grey”) import;



significant experience in dealing with IP rights protection;



highly qualified and well experienced staff;



tight cooperation with state control authorities.



Some of UARA's *Clients and Partners:*



Some of UARA's *Clients and Partners:*



***Legal and practical aspects
of UARA's activity on
trademarks protection***

- counterfeit products (fakes);
- contraband (illegal import) and distribution of original products;
- parallel (“grey”) import and distribution of original products;
- illicit (unauthorized) use of IPR objects.



Main Problems Which Trademark Owners Face in Ukraine:

- underpayments and deficiency of license fees;
- consumer preference loss (due to poor quality of counterfeit products, absence or inferior quality/absence of warranty services for contraband or “grey” products etc.);
- additional competition – sales decrease – profit loss.

**Mentioned problems
carry the next
consequences for
trademark owners and
licensees**

Possible Perpetrators:

- manufacturers of counterfeit (fake) products;
- importers of counterfeit (fake) or contraband products;
- “grey” importers;
- retailers of counterfeit, contraband or “grey” products.

Persons to Be Responsible for Mentioned Illegal Actions:

- a company acting as a legal person;
- natural person acting as an individual entrepreneur;
- company manager (director) or any other company executive, responsible for illegal actions.

Methods of Resistance and Actions to Be Taken Against Perpetrators:

I. Preventive measures and settlement:

- market surveys or constant and consecutive market monitoring in order to detect violations and perpetrators;
- investigation of routes and schemes of supply, delivery and distribution;
- warning actions against violators (sending warning or cease and desist letters, warning visits of trademark owner's authorized representatives, negotiations with violators aiming for peaceful settlement etc.);
- warning and explanatory campaign in mass media;
- pre-trial settlement.

2. Official actions:

- inspections of state law enforcement and other control authorities;
- “control purchase” procedures with further experts examinations of products;
- withdrawals, seizures or confiscations of counterfeit, contraband or “grey” products etc.

Methods of Resistance and Actions to Be Taken Against Perpetrators:

3. Prosecution of infringers:

- initiation of criminal proceedings;
- bringing to administrative or civil responsibility.

4. Initiation of civil proceedings in order to get compensation for trademark owner.

Results of the work

As our experience shows significant results of the work performed, for example, reduction of the number of online stores selling grey products by 40-70% is achieved during 3-5 months.

This indicator depends on many factors, in particular:

- possibility to identify grey products directly while monitoring website
- necessity and possibility of receiving additional information regarding identification of products
- possibility to receive confirmation from customs authorities regarding facts of importing certain (grey) products or absence of such facts

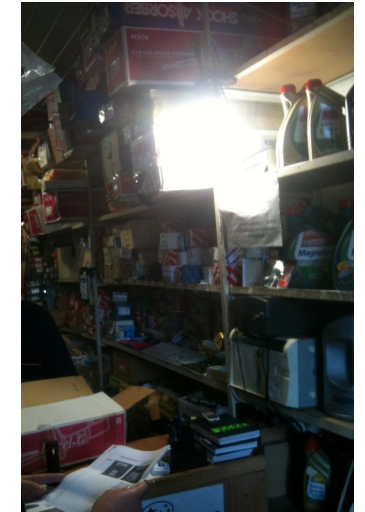
**Some practical
cases on the
prevention of IP
violations**



KYB Corporation

- Cooperation since 2012

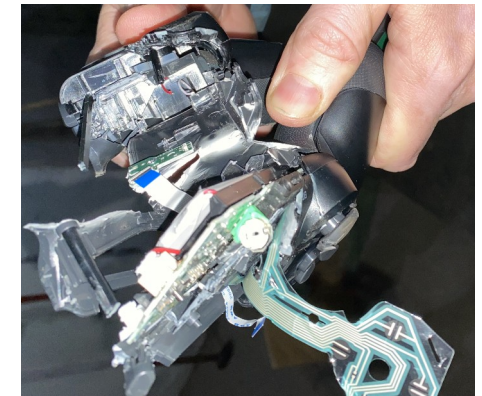
- During the period of cooperation, appropriate measures were taken in relation to 300 on line stores with subsequent elimination of violations
- On the initiative of UARA, 10 searches were conducted, as a result of which more than 1000 units of products were seized.



Sony Interactive Entertainment

- Cooperation since 2012
- During the period of cooperation, appropriate measures were taken in relation to more than 2000 on line stores with subsequent elimination of violations
- On the initiative of UARA, were performed more than 400 seizures of counterfeit goods from the customs post all over Ukraine with followed by its destruction , as a result fake goods did not got to the Ukrainian consumers.

Illegal products for total amount over UAH 300 million were seized



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