New IP Court in Ukraine

CCLS wins £858,000 Department for International Development project to help establish new Intellectual Property Court



Left to right: Dr Olena Orliuk, Director of the Scientific Research Institute of Intellectual Property of the National Academy of Law Sciences, Maria Tymofienko, Mr Bogdan Lvov, Vice-President of the Supreme Court and President of the Economic Cassation Court, Ms Valentyna Danishevska, President of Ukraine's Supreme Court, Professor Ioannis Kokkoris, Dr Noam Shemtov.

The Centre for Commercial Law Studies has recently launched an ambitious two-year project to assist the Government of Ukraine with the establishment of a new specialised IP Court. The project will support the creation and operation of a successful and effective IP Court, in order to contribute to improved levels of business confidence and more attractive investment conditions. This will in turn foster a commercial environment that incentivises innovation and creativity and stimulates economic growth and prosperity in Ukraine.

The CCLS project team, jointly led by Professor Ioannis Kokkoris and Dr Noam Shemtov, will review the legislative framework for the new IP Court and make recommendations to help incorporate best international practice. The project will also involve an international training programme for Ukrainian judges newly appointed to the Court.

The project is being funded by the Department for International Development (DFID) and the Foreign & Commonwealth Office (FCO) Good Governance Fund and is a key part of the UK Government's broader efforts to help Ukraine implement wide-ranging judicial reform.

The International Advisory Board (IAB) which consists of eminent IP judges, practitioners and academics from the UK, Germany, France, the Netherlands and the US, as well as Ukraine, will guide and oversee the project. The IAB is chaired by the Rt Hon. Lord Neuberger of Abbotsbury, former President of the UK Supreme Court.

The research element of the project is being coordinated by Olga Gurgula, a Ukrainian-qualified attorney-at-law who is also an LLM alumna and PhD candidate at Queen Mary. Olga was instrumental in drafting the project proposal and she is now leading the research team and coordinating a team of rapporteurs who are gathering evidence of best practice with regard to IP adjudication in the UK, Germany, France, the US and the Netherlands. In collaboration with international senior judges and leading practitioners, the research team is undertaking an in-depth analysis of Ukrainian law in relation to the establishment of the the new IP Court and a comparative study of leading IP jurisdictions, that will lead to recommendations on the best international practices that can be applied in Ukraine. Furthermore, the project team is developing a bespoke training programme for the judges who will preside over the new IP Court.

Professor Ian Walden, Head of CCLS, commented: "This is an exciting win for CCLS and is one of the largest consulting projects we have been awarded to date. We expect this to lay the ground for further similar international engagements for CCLS in the future. I would like to thank all those involved, particularly our Project Manager, Maria Tymofienko, who was instrumental in helping us to secure this prestigious award."

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“This is a great opportunity for CCLS to guide the creation of Ukraine’s new IP Court, utilising CCLS’s world-class research capabilities and contacts in the IP world.”

Dr Noam Shemtov





The IAB Chair, Lord Neuberger said: “With their well-deserved reputation across the world for excellence, the judges of the United Kingdom are very happy to help other countries to establish an independent, reliable, transparent and accountable justice system. We are delighted to announce that, with the active support of the British government, we have recruited top judges and experts from the UK and Europe to form an outstanding International Advisory Board for the Ukraine IP Court Project. The Board will work closely with our Ukrainian partners to ensure that our work on the Project will help to create a world-class IP Court in Ukraine and will have a lasting beneficial impact on the future of Ukraine.”

“The UK Government recognises the importance of supporting the international judicial community and is prepared to invest in strengthening the rule of law overseas. By assisting governments with their judicial reform programmes, the UK is reinforcing and projecting its role as a leading global centre for the provision of legal services.”

Professor Ioannis Kokkoris



Maria Tymofienko, CCLS PhD student from Ukraine, who is managing the project: “My thesis is on the importance of IP protection for stimulating innovation and economic growth in Ukraine, in particular the fast growing ICT sector. As part of my research, I interviewed many of our project stakeholders in the government and judiciary as well as within the legal profession and business. They informed me that they needed assistance in setting up the IP Court. After following this up with the EBRD and other potential donors, I met the Foreign and Commonwealth Office who were very interested in the possibility of supporting such a project as part of their capacity building programme in Ukraine. The proposal was accepted and the project to assist with the setting up of a new IP Court was launched on 10th October 2018 at a reception attended by UK and Ukraine governement officials, leading IP judges, lawyers and academics. Guest speakers included Ms Valentyna Danishevska, President of Ukraine’s Supreme Court, Mr Igor Benedysiuk, Chairman of the High Council of Justice of Ukraine, the Rt Hon. Lord Neuberger of Abbotsbury and Mr Richard Dewdney, Head of the DFID/FCO Good Governance Fund.”

“The UK government is proud to back Ukraine’s new IP Court through the Good Governance Fund, and with expert advice from Queen Mary University of London’s Centre for Commercial Law Studies. The successful establishment of a specialised intellectual property court will strengthen Ukraine’s business environment and set an example for Ukraine’s wider programme of judicial reform.”

Mr Dewdney, Head of the DFID/FCO Good Governance Fund

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