



LEGALINK

INTERNATIONAL BUT PERSONAL

IP/IT Interview
Series

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- Asters

Asters

Which areas of IP/IT is your firm active in?

We do the whole variety of IP and IT work, including purely IP matters, such as trademarks, patents, copyrights and related matters, such as confidentiality, data protection, IT related issues, domain names, and of course we also do IP within complex projects such as corporate transactions, restructuring etc.

Who in your firm is dedicated to which areas of IP/IT?

In our firm I am the head of the IT & IP team, so I am involved in different issues related to this practice area including both contentious and non-contentious.

Two other partners, focused on litigation and tax, are also involved in IP matters, and we have two associates on our team, who mainly handle the IP prosecution and advisory work.

Could you mention some recent IP/IT matters that you and your colleagues have been working on?

Recently we have had a row of interesting projects for our client that is a producer of famous tree-shaped air fresheners. We filed several legal actions to seek protection of the clients' trademark, being the original shape of "Wunderbaum" air freshener, which is actively copied by other parties, both Ukrainian and foreign, who supply their products to Ukraine. Fortunately, our legal actions were successful. It was quite a challenge because some parties obtained their own trademark and design registrations of similar tree-shaped air freshener which we had to cancel.

Also, we do a lot of IT related work for IT companies, that are having their software development centers in Ukraine, which means that they either have offices in Ukraine or contractor to develop software here, and we help them to protect all author rights and secure transfer of the IP rights in the software developed here in Ukraine to the clients. As you see, there is a large scope of IT-related work now, because Ukraine is a popular jurisdiction for the IT business to have development work here.

Can you name an example of your cooperation with other Legalink members?

Actually, we have not had the opportunity to cooperate with other Legalink members, but I am placing some hopes in the future, in particular because we have now several clients that are quite big Ukrainian companies supplying their products outside Ukraine, so we would definitely need assistance in foreign countries.

What are your firm's expectations and plans in the area of IP/IT in the future?

I think that we will be further developing the IP practice because, as I said, we have various types of IP work now and I am positive that the scope will be increasing.

We are further extending our information technologies work because it is really a popular sphere in Ukraine. Software developers and other market players are now facing more sophisticated issues that no one required let us say a couple of years ago, so we are dealing with more and more technical implications in our work for the IT sector.

We also expect that we may have quite a lot of litigation and anti-counterfeiting work because, unfortunately, counterfeit products can be often found on the market.

What developments in the IP/IT law are you expecting in your jurisdiction?

We are now facing reforms in the IP area. They are not that intense and quick as we hoped but they are in progress and so we have a lot of law drafting activities now. All of them are aimed at having better investment climate here in Ukraine. One of the most actual problems is so called patent trolling, which means that people register designs to prevent legitimate holders from importing products into Ukraine or selling products here just for purpose of making a profit, and even if not huge, it is a headache for the legitimate owners.

Finally, this year the judiciary reform was initiated and this means that shortly we will have the specialized intellectual property court. Although, the reform concerns not only the IP area but the judiciary system in whole. Now we have, generally, three instances for the intellectual property matters. However, it is expected that the specialized court will serve as the first instance court and an appeal will be possible with the Supreme Court of Ukraine. Obviously the contemplated change is quite significant since the number of instances is shortened and it is expected that we will have judges who dedicate all their time to the IP disputes. That means that they will be more professional and that there will not be decisions issued without the deep knowledge of the intellectual property law to say the least. Of course, we also expect that this reform will shorten the whole decision process because we will only have two instances.

Do you have plans to attend any IP/IT conference?

Usually we are attending various local and international events but the INTA Annual Meeting is a must. In fact we had the Legalink meeting at the latest one in Orlando, Florida and hope to have the next one will be in Barcelona this year.

What do you like to do in your spare time?

Reading. Travelling as well but for that you need more time, reading is much easier. I am interested in various genres including science fiction and detective novels.

Thank you very much!