AN UPDATE ON PATENTING IN UKRAINE, RUSSIA AND EURASIA

Erik Viik of Papula-Nevinpat looks at the dynamics international applicants need to be aware of to secure and manage their patent rights across the region.

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>
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TAKEAWAYS

- Ukraine requires detailed inventor contact information
- Compulsory licensing in Russia becoming a reality
- Changes in Eurasia relate to increased official fees

Ukraine

When Ukraine declared martial law in early 2022, wartime IP rules were implemented that suspended deadlines for renewal fees and other procedural actions. A new law effective from May 31, 2025 now cancels these wartime rules and introduces a 75-day grace period to recover missed deadlines or fees.

The grace period, which had already expired at the time of publication of this article, allowed applicants to complete all necessary legal actions and pay overdue official fees to maintain their IP rights in force. In addition, new national entries based on Patent Cooperation Treaty (PCT) applications were permitted, even if the deadlines had long since passed.

We've seen several foreign applicants use this opportunity to enter the national phase well past the 31-month due date, or to restore the prosecution of inactive applications.

Another update in Ukraine requires applicants to submit detailed contact information on all inventors. While this data is treated as confidential, the rule has raised concerns among foreign applicants. Ukraine's local patent attorney association is actively challenging the change.

It is suspected that the intent is to ensure there are no Russian inventors or beneficiaries behind an application. But the rule creates extra work for foreign applicants, and not all are comfortable disclosing this information.

The requirement is not aligned with the PCT, and so far, the national phase applications are still being prosecuted as before. We have not been submitting overly detailed inventor data, and time will tell how strictly this rule is enforced.

Russia

Despite ongoing geopolitical upheaval, the Russian patent office remains fully operational and continues to process filings. No significant recent amendments are targeting foreign applicants. That said, domestic applicants filed more patent applications in 2024 than in previous years. China now surpasses the US as the top foreign filer in Russia.

Most official patent fees in the country increased by 20–25% in 2024, but remain relatively low in comparison to Eurasia. The most prominent fee change in Russia came into effect in October 2024, with annual renewals for patents, utility models, and designs now requiring five-year advance payments.

This important development is clearly aimed at encouraging foreign applicants to stay in the patent system. By paying in advance, rights remain in force even if future sanctions or other restrictions affect payments or prosecution in the Russian Federation.

Another prominent development is Federal Law No. 214-FZ on "compensation for IP infringement", which was published on July 8, 2025. It introduces significant changes to the Russian Civil Code regarding the award of compensation for the infringement of intellectual property rights.

The law will come into effect in January 2026 and provide clearer, more structured rules, with flexible options for courts and stronger penalties in serious cases.

The maximum fixed compensation has been increased to 10 million rubles ($125,000) for most types of IP. For patents, the minimum is now 50,000 rubles. If several IP rights are violated together (eg, in one counterfeit product), the total compensation is still calculated as if only one right was violated.

In case the method of calculating compensation chosen by the rights holder doesn't suit the situation, the new law allows the court to choose a different method, including setting a fixed amount.

Another notable change allows applicants to request that their names and those of rights holders and licensees remain unpublished. This is likely aimed at protecting foreign companies that

IMAGE: SHUTTERSTOCK.COM / SHUTTERSTOCK AI GENERATOR; OJAE

license rights to Russian entities. However, the measure offers little practical benefit and is expected to end this year.

Compulsory licensing

In certain cases, the Russian government or courts may allow a company to use a patented invention without the owner's consent. This compulsory licensing is especially relevant in the pharmaceutical sector.

Russian legislation sets out three distinct legal grounds for granting compulsory licences: (1) non-use or insufficient use of the invention; (2) dependent patents, where a patented invention cannot be used without infringing on another; and (3) use in the interests of national security or public health.

While the local commercial (*Arbitrazh*) courts grant compulsory licences under legal grounds (1) and (2), Russian Resolution 380 of March 27, 2024 outlines the procedure for granting the same under legal ground (3), and establishes a subcommittee to review requests.

Those Russian legal entities that meet the prerequisites defined in the resolution can, under certain conditions, submit compulsory licence requests to the Ministry of Economic Development. The subcommittee then drafts a decision for government approval. Final decisions are signed by the prime minister and may be appealed to the Russian Supreme Court.

Several granted compulsory licences—with many additional cases still pending—show that compulsory licensing in Russia is becoming a reality that must be factored into business decisions. This is especially important when the IP holder is no longer present in the country but still owns rights there.

Eurasia

The Eurasian Patent Convention (EAPC) provides a single, harmonised prosecution procedure in one language (Russian) before the Eurasian Patent Office located in Moscow. A granted Eurasian patent has the same effect as a national patent, and it is kept in force in the EAPC member states chosen by the applicant by paying annuity fees to the Eurasian Patent Office.

There are neither validation fees nor requirements to translate the claims into any other language than Russian. The following eight states are party to the EAPC: Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Belarus, and the Russian Federation.

According to the Patent Office's latest annual report, applicants originating from the EAPC member states are becoming more active, while filing volumes from non-member states have declined modestly. The US continues to lead foreign filings, ahead of China.

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More than half of applications filed in Eurasia last year related to pharmaceuticals, biotech, and organic chemistry. Yet some fields of science and engineering are remarkably underrepresented, including nanotechnology, semiconductors, and telecom. Applicants in these fields often choose the Russian protection route over the Eurasian one.

Most recent developments in Eurasia relate to increases in official fees. These were raised in 2024 and then again in February this year. The increases were quite substantial, although fees remain lower than those in many Western jurisdictions. Official fees in Eurasia are quite a bit higher than in Russia. But the applicant has the option of keeping the Eurasian patent in force in the desired EAPC member states.

It is not required to designate the chosen member states at filing. Only after the granting does one need to decide in which Eurasian member states the fees will be paid to keep the patent in force. ip

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