



1 May 2024

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

UKRAINE: THE RESOLUTION OF CABINET OF MINISTERS OF UKRAINE NO 1312 "ON APPROVAL OF THE PROCEDURE FOR ACQUISITION AND LOSS OF THE STATUS OF ORPHAN WORKS, PHONOGRAMS, VIDEOGRAMS AND PERFORMANCES RECORDED THEREIN, CONDITIONS FOR THEIR AUTHORISED USE AND MAINTENANCE OF THE REGISTER" OF 15 DECEMBER, 2023

Notifying Member	UKRAINE
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Details of the notified legal text

Title	The Resolution of Cabinet of Ministers of Ukraine No 1312 "On Approval of the Procedure for Acquisition and Loss of the Status of Orphan Works, Phonograms, Videograms and Performances Recorded Therein, Conditions for Their Authorised Use and Maintenance of the Register" of 15 December, 2023
Subject matter	Copyright and related rights
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2024/IP/UKR/24_01481_00_e.pdf https://ip-documents.info/2024/IP/UKR/24_01481_00_x.pdf
Notification status	<input checked="" type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	Not applicable

Brief description of the notified legal text

The Resolution approves the Procedure for acquisition and loss of the status of orphan works, phonograms, videograms and performances recorded therein, conditions for their authorized use and maintenance of the register, which defines:

- the institution that may initiate the granting of orphan works and (or) related rights status to copyright and (or) related rights objects and subsequently use orphan works and related rights objects;
- the list of sources for conducting a proper search for copyright and (or) related rights holders before status to granting orphan works, phonograms, videograms and performances recorded therein;

- the list of measures needing to be taken in case of identification of the subject of copyright and (or) related rights - to establish his/her location (place of residence) before granting orphan status to works, phonograms, videograms and performances recorded therein;
- the procedure for filing and consideration of applications for granting orphan status to a work and/or phonogram, videogram and/or performance recorded therein and for losing orphan status to a work and/or phonogram, videogram and/or performance recorded therein;
- the time-limits for consideration of an application for the acquisition of orphan status by a work and/or phonogram, videogram and/or performance recorded therein, as well as an application for the loss of orphan status by a work and/or phonogram, videogram and/or performance recorded therein;
- the peculiarities of filing applications in the form of a paper or electronic document;
- issues related to the maintenance of the register of orphan works, in particular, the list of information to be recorded into the register; and
- regulation of the procedure for submitting a wanted application and taking a decision to publish or refuse to publish based on the results of the consideration of the wanted application.

Language(s) of notified legal text	Ukrainian
Entry into force	20 December 2023
Other date	Adoption: 15 December 2023

Notification details

Submission date of notification	1 May 2024
Other information	See also IP/N/1/UKR/C/10 (<i>Law of Ukraine No 2811-IX "On Copyright and Related Rights"</i>) https://zakon.rada.gov.ua/laws/show/1312-2023-%D0%BF#Text
Agency or authority responsible	Ministry of Economy of Ukraine

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.