



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FIFTH SECTION

Applications nos. 54899/22 and 684/25
Sergiy Oleksandrovykh GLOTOV against Ukraine
and Artem Anatoliyovych DONETS and ADVOKATSKE
OBYEDNANNYA DONETS I PARTNERLY against Ukraine
lodged on 24 November 2022 and 9 December 2024 respectively
communicated on 6 July 2026

SUBJECT MATTER OF THE CASES

The applications concern civil defamation proceedings brought by private companies against the applicants. In both cases, the final domestic decisions resulted in findings of liability against the applicants for disseminating false negative information damaging the companies' business reputation. The cases raise an issue under Article 10 of the Convention.

Application no. 54899/22

The applicant, a practising lawyer, was sued for defamation in connection with statements made while representing clients in a copyright-related dispute concerning a film project selected for possible public funding by the Ministry of Culture of Ukraine. At the material time, the applicant acted as legal counsel for individuals, including N., who claimed to be the authors or co-authors of the creative concept and screenplay of the film project. The dispute arose after a project with the same title, allegedly based on the same creative concept and screenplay but naming other persons as authors, had been submitted by the S. company and selected during the second stage of a State competition for patriotic film projects eligible for public support.

On 9 August 2018 the applicant, acting on behalf of N., submitted a written statement to the Minister of Culture requesting that the film project be

excluded from the ranking of projects eligible for State funding. He stated, in substance, that his clients were the authors of the creative concept and screenplay, that the S. company had presented other persons as authors, that the project was “encumbered by violations of copyright”, that the dispute remained unresolved, that no agreements had been concluded with the authors, and that the conflict had already entered the public domain. He further argued that, because of the unresolved copyright dispute, the project no longer satisfied the eligibility criteria of the State funding competition.

Thereafter, N. published substantially the same allegations on his Facebook page, expressly referring to the applicant’s statement to the Ministry of Culture. He alleged that the S. company had unlawfully used the creative concept and screenplay without the authors’ consent and suggested that the producer was attempting to shift the risks of potential litigation onto taxpayers through public financing.

The S. company brought civil proceedings against the applicant and N., seeking protection of its business reputation, recognition of the impugned statements as false, prohibition of their further dissemination and compensation for non-pecuniary damage.

By a final judgment of 7 September 2022, the Supreme Court quashed the court of appeal’s judgment, which had been in the applicant’s favour, allowed the S. company’s claim, and found both the applicant and N. liable for disseminating false information. As regards the underlying allegation of copyright infringement, it relied on evidence showing that the S. company had concluded agreements with other persons identified as authors of the screenplay and on an expert report finding no reproduction of N.’s screenplay in the version used by the S. company. On that basis, it concluded that the allegation of copyright infringement had not been established.

As regards the applicant in particular, the Supreme Court held that he could not rely on the constitutional protection afforded to petitions to public authorities. In its view, the Ministry of Culture was not competent to determine whether copyright infringement had occurred, as such determination could be made only by a court. Accordingly, the applicant’s communication to the Ministry was treated not as protected petitioning activity, but as dissemination of false information to an authority which lacked competence to determine the copyright dispute. The Supreme Court prohibited the applicant and N. from disseminating the impugned statements “to any person in any manner, including on the Internet and in written applications”, ordered publication of a retraction, and ordered the applicant to pay 100,000 Ukrainian hryvnias (UAH) in legal expenses and UAH 10,747.52 in court fees, amounting in total to approximately 3,000 euros (EUR).

Application no. 684/25

The applicants are an advocate and his law firm. The case concerns G., a food-delivery platform. In Ukraine, that platform was operated by the G.U. company, a Ukrainian legal entity acting under a franchise agreement with a Spanish company.

In July 2021 the G.U. company brought defamation proceedings against the applicants. The proceedings concerned several publications posted by the applicants on Facebook. The publications related to the treatment of couriers and to accidents involving couriers. They referred to G. and included, among others, allegations that the platform avoided tax and labour-law obligations, treated couriers merely as users of software rather than employees, failed to provide insurance or compensation in case of accidents, and references to tragic incidents involving couriers, including deaths in road accidents. The publications also called on witnesses to come forward and provide information about how G. operated.

The lower courts found against the applicants. They held that, although the publications referred to G., they concerned the G.U. company as the Ukrainian legal entity operating that platform in Ukraine. They rejected the applicants' argument that their criticism had been directed at G. generally and not at the G.U. company specifically. The courts further held that the publications contained negative factual statements rather than protected value judgments. Relying, in particular, on linguistic expert reports, they found that the statements were capable of verification, that the applicants had not proved their truthfulness, and that the information had damaged the G.U. company's business reputation. The applicants were ordered to publish refutations and to pay litigation costs in the total amount equivalent to approximately EUR 1,600.

The Supreme Court upheld those findings. It rejected the applicants' arguments concerning the burden of proof, the alleged value-judgment character of their statements, the relevance of other Supreme Court case-law, and the admissibility and assessment of the expert reports. It also held that, as a cassation court, it had no basis to reassess the evidence.

Relying on Article 10 of the Convention, the applicants complain that the domestic courts' findings against them in defamation proceedings amounted to an unlawful and disproportionate interference with their freedom of expression. They argue, in substance, that their impugned statements were made in the context of legal representation, public advocacy or public-interest criticism of corporate conduct.

QUESTIONS TO THE PARTIES

Has there been a violation of the applicants' right to freedom of expression, in particular their right to impart information and ideas, under Article 10 of the Convention? In particular, did the domestic courts strike a fair balance between the applicants' freedom of expression and the claimant companies' right to protection of their business reputation? Notably, did they give relevant and sufficient reasons for finding the applicants liable for defamation, having regard to the context of the statements, their public-interest character and the applicants' role as lawyers and/or a law firm?

GLOTOV v. UKRAINE AND DONETS AND ADVOKATSKE OBYEDNANNYA DONETS I
PARTNERY v. UKRAINE – SUBJECT MATTER OF THE CASE AND QUESTIONS

APPENDIX

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	54899/22	Glotov v. Ukraine	24/11/2022	Sergiy Oleksandrovych GLOTOV 1979 Kharkiv Ukrainian	Yegor Leonidovych BOYCHENKO
2.	684/25	Donets and Advokatske Obyednannya Donets i Partnery v. Ukraine	09/12/2024	Artem Anatoliyovych DONETS 1984 Kharkiv Ukrainian ADVOKATSKE OBYEDNANNYA DONETS I PARTNERY 2015 Kharkiv Ukrainian	Sergiy Anatoliyovych ZAYETS