# [UA] Judgment on *Chernobyl* mini-series

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The Civil Court of Cassation, a chamber of the Supreme Court of Ukraine, considered an application to protect the right to use a name by removing all relevant references from the credits and individual scenes in *Chernobyl*, an acclaimed 2019 television mini-series that revolves around the 1986 nuclear plant disaster and the dramatic cleanup that followed. The lawsuit also included claims for compensation for moral harm, such as emotional distress.

The title of the series and the names of the people involved were redacted from the judgment, which meets the requirements of procedural provisions on the protection of personal data. Even so, the Ukrainian media disclosed that the plaintiff was Lyudmila Ignatenko, widow of firefighter Vasily Ignatenko, one the first responders to the fire at the power plant. Both are characters in *Chernobyl*, produced by HBO in the US, in which they were played by Jessie Buckley and Adam Nagaitis. The scenes in which they were depicted were inspired by the opening chapter of *Chernobyl Prayer*, a 1997 book by the Nobel prize-winning writer Svetlana Alexievich based, in particular, on interviews with Lyudmila Ignatenko, who agreed at the time to publish her name and that of her late husband.

The case reached the Supreme Court after lower-instance decisions had been appealed by both sides, i.e. HBO and Lyudmila Ignatenko.

Article 296(2) of the Civil Code of Ukraine only permits the use of a person's name as a character without their consent in works of a documentary nature. The Supreme Court noted in its judgment that such works are not defined in statutory law. However, in the lower-instance proceedings, HBO had neither objected to the mini-series being treated as fiction nor provided evidence of its non-fictional nature. The fictional nature of the series was also confirmed in the licence issued to TV company Studio 1+1 by the relevant public authority for its distribution in Ukraine. The Supreme Court also noted that, although the disputed series was based on real events, it was not an accurate account of real-life, historical events. Since it was partly fictional, scenes in which the plaintiff and her husband were depicted included inaccuracies and falsehoods to which they had not consented. The Supreme Court therefore dismissed the appeal by HBO.

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Assessing the circumstances of the case in the context of Lyudmila Ignatenko's appeal, the Supreme Court noted that (i) a violation of the right to a name had already occurred; (ii) the series had been widely distributed and watched by millions of viewers since the original lawsuit; and (iii) the removal or redacting of individual scenes could not properly restore the violated right, was not proportional to the violation and would undermine the copyright of an independent object with public significance.

At the same time, the Supreme Court acknowledged the emotional distress inflicted by the inclusion of the names of the plaintiff and her late husband in the series. Taking into account the principles of reasonableness and justice, it awarded the plaintiff compensation (to be paid by HBO) of 500 000 Ukrainian hryvnia (around €10 000). The ruling is final and not subject to appeal.

***Верховний Суд. Постанова. 27 листопада 2025 року, справа № 752/7647/20***

https://reyestr.court.gov.ua/Review/132475979

*Supreme Court judgment of 27 November 2025, case no. 752/7647/20*

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