



EXCO MEETING, CAPE TOWN 13 & 18 APRIL 2015

COUNTRY REPORT	
TITLE:	Country report for <i>Russia</i>
DRAWN UP BY:	<i>Valery Medvedev</i>
TABLED TO:	FICPI delegates
PURPOSE:	For information and consideration
SNIPPET:	News from and activities of the FICPI national group in <i>Russia</i> since the Barcelona ExCo in November 2014.

SECTION A: ACTIVITIES OF FICPI ASSOCIATION/SECTION

The information supplied in Section A will remain confidential on FICPI's website after the ExCo (will require a password).

SECTION B: CHANGES IN LAW

Information supplied under Sections B and C will be published on FICPI's website after the ExCo and will be available to the public.

B1. LEGISLATION

1. Please provide details of any changes to IP legislation (patent, trade mark, design and other) in your country implemented or due to be implemented since you reported last in October 2014.

On January 1, 2015 further amendments made by the Federal Law # 35-FZ in Part IV of the Russian Civil Code governing the IP protection issues, came into force. In particular, there are the following novelties:

- a free license mechanism for copyright and related rights has been introduced;
- new exceptions to copyright have been provided for some educational activities, as well as for libraries, archives and for visually impaired persons;
- an extension of utility model patent in excess of 10 years is not provided anymore;
- a statutory compensation has been provided as alternative to damages in case of patent infringement.

On January 11, 2015 some amendments to the Criminal Code and the Code on Administrative Offences of the Russian Federation entered into force. The amendments were introduced by the Federal Law of December 31, 2014 # 530-FZ and have toughened the criminal and administrative punishment for illegal use of a trademark. Moreover, the Law has changed the minimum amount of damages sufficient for bringing an infringer to the criminal responsibility by reducing it from 1,5 million to 250 thousand rubbles.

Starting from May 1, 2015 Internet blocking preliminary injunctions previously introduced in 2013 for the right owners of movies, will become available to owners of other categories of copyrighted content (with the exception of photographs).



By June 25, 2015 a draft of a federal law on ratification of Hague Agreement Concerning the International Registration of Industrial Designs should be submitted to the Government of the Russian Federation for consideration.

B2. MAJOR CASES

2. Please provide brief details of any new case law in the field of patents, trademarks, design or other IP of general interest.

Resolution of the Supreme Court of the Russian Federation of December 1, 2014 No. 300-ЭС14-1296 on Case No. СИП-223/2013

The Supreme Court ruled that the 3-years limitation term for starting an action does not apply to patent invalidation actions since a patent can be invalidated at any time until expiration of its term of validity.

Resolution of Presidium of the Intellectual Property Rights Court of February 6, 2015 on Case No. SIP-537/2014

The Presidium of the IP Rights Court upheld the decision of the first instance court and decided that examiners of the Russian PTO must check and in case of a dispute confirm the validity of information revealed on the Internet based on which they issue refusals of registration of trademarks.

Resolution of the Intellectual Property Rights Court of January 28, 2015 on Case No. A40-104452/2014

The IP Rights Court confirmed the decisions of the courts of the lower instances according to which the injunctive relief in the form of arresting counterfeit goods can be granted also with respect to goods which are not in the property of the defendant.

Resolution of the Intellectual Property Rights Court of February 18, 2015 on Case No. A40-153306/2013

The IP Rights Court ruled that the claims of trademark holders to seize counterfeit goods are legal and must be satisfied by the courts even if the plaintiff cannot indicate the exact location of such goods.

B3. OFFICIAL PRACTICE

3. Please provide details of any changes in official patent and trade mark office practice which would be of general interest to other members.
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B4. PROPOSALS FOR CHANGES

4. Please provide details of any proposed changes in IP laws or practice and indicate if your National Association/Section is involved in providing comments to such changes. Would it be of assistance to have input from the CET on any proposed changes?
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SECTION C: OTHER INFORMATION

Please provide details of any other information pertaining to your country or region that would be of general interest to FICPI members and other IP practitioners browsing FICPI's website.

C1. QUALIFICATION AND THE RIGHT TO REPRESENT CLIENTS BEFORE A COURT

- 1.1 Please describe the qualification process for becoming a patent attorney in your country/region.
 A resident citizen of the Russian Federation only may be registered as a Russian patent attorney to practice before the Russian PTO. To be registered, a person shall: (1) have a postgraduate degree and 4-year background in the field of IPR protection, and (2) pass the registration examination to demonstrate that he/she possesses the knowledge and skills necessary to him/her to assist applicants, owners and other interested persons in the presentation and prosecution of their patent applications and in other proceedings before the Russian PTO.
- 1.2 Has the patent attorney qualification process changed in any way in the past 5 years?
 No.
- 1.3 Does qualification as a patent attorney permit you any right of representation before any Court in your country?
 Qualification as a patent attorney is not required to represent clients before the courts. Any person duly empowered by a patentee can be his representative in civil court cases. Qualification as an attorney-at-law (advocate admitted to the bar) is required to represent clients in criminal cases.
- 1.4 If so are there any special requirements or restrictions?
- 1.5 Are qualified lawyers in your country permitted to work in the patent field without any further qualification?
 No additional qualification is needed for lawyers to represent patentees in patent litigation matters.
 But only patent attorneys can represent foreign persons and companies before the Russian PTO.
 If so are there any restrictions on what they may do?
 If so, please describe those restrictions.
- 1.6 Please describe what privilege attaches to patent attorney communications including any restrictions.
 Russian law does not have a concept of privilege for patent attorneys unless they are attorneys-at-law (advocates admitted to the bar).
- 1.7 Please describe the qualification process for becoming a trade mark attorney in your country/region.
 A resident citizen of the Russian Federation only may be registered as a Russian trade mark attorney to practice before the Russian PTO. To be registered, a person shall: (1) have a postgraduate degree and 4-year background in the field of IPR protection, and (2) pass the registration examination to demonstrate that he/she possesses the knowledge and skills necessary to him/her to assist applicants, owners and other interested persons in the presentation and prosecution of their trade mark applications and in other proceedings before the Russian PTO.



- 1.8 Has the trade mark attorney qualification process changed in any way in the past 5 years?
No.
- 1.9 Does qualification as a trade mark attorney permit you any right of representation before any Court in your country?
Qualification as a trade mark attorney is not required to represent clients before the courts. Any person duly empowered by a trademark holder can be his representative in civil court cases. Qualification as an attorney-at-law (advocate admitted to the bar) is required to represent clients in criminal cases.
If so are there any special requirements or restrictions?
- 1.10 Are qualified lawyers in your country permitted to work in the trade mark field without any further qualification?
No additional qualification is needed for lawyers to represent trade mark holders in trade mark litigation matters.
But only trade mark attorneys can represent foreign persons and companies before the Russian PTO.
If so are there any restrictions on what they may do?
If so, please describe those restrictions.
- 1.11 Please describe what privilege attaches to trade mark attorney client communications including any restrictions.
Russian law does not have a concept of privilege for trade mark attorneys unless they are attorneys-at-law (advocates admitted to the bar).

C.2 CET AND PEC SPEAKERS

- 2.1 Would your National Section/Association be interested in obtaining assistance from FICPI, through either the CET Work and Study Group or the Professional Excellence Commission (PEC), in providing speakers for seminars organized by your national group in your country?
- 2.2 If your group does, or in the future might, require such assistance, please identify topics that might be of interest to your members, with a view to raising FICPI's profile and providing added value from membership of FICPI in your country.

C.3 TOPICS OF INTEREST

- 3.1 Please list three IP topics that are of particular interest to you and/or your national section members.
Parallel import
Ambush marketing

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