

Legislation of the intellectual property rights in the framework of the bill of the Part IV of the Civil Code of the Russian Federation

Russian legislation in the sphere of IPR suffers from fragmentation. In practice legal norms in the IPR sphere very often are not considered as a part of the civil legislation, which causes problems of application of general norms of civil legislation for IPR.

The increase of the importance of the IPR sphere in Russia is so significant, that put it in one line with trade relations, production and services which are traditionally the main subject of the civil law regulation.

At present time the IPR legislation in Russia does not regulate sufficiently the questions of IPR transfer in conditions of competitive economy.

President of the Russian Federation submitted draft of the Part IV of the Civil Code of the Russian Federation to the State Duma in June 2006. The bill has passed the second hearing on the 8th of November 2006.

Part IV of the Civil Code consists of nine chapters:

Chapter 69 General provisions.

Chapter 70 Copyright.

Chapter 71 Related rights.

Chapter 72 Patent rights.

Chapter 73 Rights on new varieties of plants.

Chapter 74 Rights on the topology of integrated circuits.

Chapter 75 Rights on the trade secrets (know-how).

Chapter 76 Rights on the means of individualization of the legal entity, goods, works, services, undertakings (trade marks etc) and information resources.

Chapter 77 Rights of utilization of the IPR in the integrated technology.

Main concepts of the bill solve the following problems rather sufficiently:

- introduction into legislation norms which regulate the practice of putting into civil circulation (assignment, pledge) of the objects of IPR;
- widening and strengthening protection of authors and owners of exclusive rights (right on the content of databases, domain names and etc.);
- strengthening the enforcement of IPR, including introduction of new kinds of responsibility for the violation of rights;
- putting amendments to Russian legislation following international obligations of Russian Federation.

Under the initiative of Ministry of Education and Science of Russian Federation Chapter 77 “Rights of utilization of the IPR in the integrated technology” was incorporated in the draft of the Civil Code. It is aimed to regulate the transfer of technologies, which are *designed by means of budget*

funding. The main principal of the worked out model is a balance of the interests of the State, research organizations and scientists, as well as business.

For the purposes of the draft of the Civil Code - *Technology is the result of the scientific and technical activity in the material form, which includes invention, utility models, industrial designs, computer programs and other scientific results, subjects of protection by IPR law, and can be as technological basis for practical usage in different spheres of economy (integrated technology)*.

Integrated technology can include results of IPR, which are not the subject of protection by IPR law (information, technical data etc.)

The bill contains norms, which regulates the rights on the new technologies, including assignment, disposal and transfer of rights, as well as export of technologies.

Adoption and promulgation of the bill will help to solve the problem of legislative regulation of assignment, disposal and transfer of IPR, will put in order relations between legal entities on the IPR and enhance the development of innovative activity.