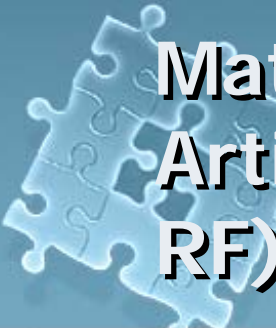


# STRENGTHENING OF MECHANISMS OF ENFORCEMENT OF INTELLECTUAL PROPERTY IN RUSSIA

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# Matters of Intellectual Property (Pursuant to Article 1225 Part Four of the Civil Code of the RF)

- 1) Works of science, literature and art;
- 2) Computer programmes;
- 3) Data bases;
- 4) Performances;
- 5) Phonograms;
- 6) Broadcasting or radio- or television programmes by cable;
- 7) Inventions;
- 8) Utility models;
- 9) Designs;
- 10) Achievements in selection;
- 11) Integrated micro-circuits topologies;
- 12) Secrets of production (know-how);
- 13) Trade names;
- 14) Trademarks and service marks;
- 15) Appellations of places of origin of goods;
- 16) Trade signs.



## Dynamics of Filing Patent Applications for Inventions in RF

Indicators	2004	2005	2006	2007	2008	2009	2009 in % to 2008
<b>Applications filed with Rospatent, in total: Of which:</b>	30192	32254	37691	39439	41849	38564	92,15
<b>From Russian applicants</b>	22985	23644	27884	27505	27712	25598	92,37
<b>From foreign applicants</b>	7207	8610	9807	11939	14137	12966	91,72
<b>PATENTS GRANTED</b>	23191	23390	23299	23028	28808	34824	120,88



## Dynamics of Filing Patent Applications for Utility Models in RF

Indicators	2004	2005	2006	2007	2008	2009	2009 in % to 2008
Applications filed with Rospatent, in total of which:	8948	9473	9699	10075	10995	11153	101,44
From Russian applicants	8648	9082	9265	9588	10483	10728	102,34
From foreign applicants	300	391	434	487	512	425	83,01
<b>PATENTS GRANTED</b>	<b>8503</b>	<b>7242</b>	<b>9568</b>	<b>9757</b>	<b>9673</b>	<b>10919</b>	<b>112,88</b>



# Dynamics of Filing Patent Applications for Designs

Indicators	2004	2005	2006	2007	2008	2009	2009 in % to 2008
<b>Applications filed with Rospatent, in total</b> Of which:	3453	3917	4385	4823	4711	3740	79,39
<b>From Russian applicants</b>	2321	2516	2627	2742	2356	1972	83,470
<b>From foreign applicants</b>	1132	1401	1758	2081	2355	1768	75,07
<b>PATENTS GRANTED</b>	<b>2229</b>	<b>2469</b>	<b>2675</b>	<b>4020</b>	<b>3657</b>	<b>4766</b>	<b>130,33</b>



## Dynamics of Filing Applications for Trademark Certificates in RF

Indicators	2004	2005	2006	2007	2008	2009	2009 in % to 2008
Total applications filed for registration of marks in RF	40877	47087	52984	57262	57112	50107	87,73
From Russian applicants	23779	26460	29589	31502	30024	26448	88,09
From foreign applicants	17098	20627	23395	25760	27088	23659	87,34
According to Madrid Agreement and Madrid Protocol Procedure	10210	12701	14567	15388	16738	15113	90,29
<b>MARKS REGISTERED</b>	<b>27540</b>	<b>29447</b>	<b>29199</b>	<b>30724</b>	<b>36617</b>	<b>36436</b>	



# Methods of Intellectual Property Enforcement

- **Administrative and legal**
- **Judicial and legal**
- **Criminal and legal**



# Bodies of Judicial and Legal Enforcement

- General jurisdiction courts
- Arbitration courts
- Non-state form of enforcement of rights (at third-party courts)



# PROBLEMS

- Steady growth of crimes in the field of intellectual property, which is showed, in particular in growth of production of counterfeited products and unfair competition.
- Dissociation of national right holders of intellectual, and primarily industrial property.
- Weak law enforcement system.
- Big costs related to intellectual property enforcement.
- Lack of commonness of methodology approaches of different federal bodies of executive power, as well as law enforcement bodies to assessment of operations related to intellectual property rights on Russian market.



# Basic Factors for Strengthening of Mechanisms of Enforcement

- Transparency of legislation, rules and procedures in the field of legal protection, commercialization and enforcement of intellectual property
- Bringing to conformity provisions of legislative acts and regulations on intellectual property issues of different federal bodies of executive power (Rospatent, the Federal Customs Service, the Federal Anti-Monopoly Service, the Ministry of Internal Affairs, Technical Regulation Service, etc.)
- Ensuring high quality and strict terms of patent examination, along with establishment of responsibility for carrying out thereof
- Development of mechanisms of preventing unfair competition
- Observing balance between interests of the right holder and public (preventing abuses of right, monopolization, etc.)
- Formation of balanced system of preventing production and distribution of counterfeited products
- Price affordability of intellectual property legal protection and enforcement
- Development of mechanisms of out of court settlement of disputes related to intellectual property
- Ensuring coordination of activity of federal bodies of executive power in charge of intellectual property matters.



# Critical Issues

- Improvement of business environment in Russia, including significant reduction of criminal component of the Russian consumer market, reduction of unlawful turnover of intellectual property matters and funds.
- Promotion of growth of investments in innovation entrepreneurship
- Development of industrial production.
- Realisation of Russia's potential in high-tech industries and transition of our country to large exporter of intellectual services.



# Main Goals

- Strengthening of role of national right holders in creation of effective national system in the field of intellectual property.
- Providing assistance to right holders in development and efficient use of intellectual property protection mechanisms.
- Development of existing and newly established mechanisms of protection of intellectual property right holders.
- Assisting assurance of protection and enforcement of intellectual property rights of Russian right holders outside the country.
- Counteraction to unlawful turnover of intellectual property in Russia.
- Increasing level of “transparency” of legislation and formation of “professional standards” in the field of legal protection and enforcement of intellectual property rights.
- Formation of positive image of Russia as a country actively developing legal system in the field of protection of intellectual property rights ensuring favourable environment for its protection and preventing unlawful turnover.



# Categories of Right Holders

1. Owners of patent rights (inventions, utility models and designs).
2. Owners of trademarks, service marks and appellations of places of origin of goods.
3. Owners of other means of individualization of goods and services (trade names and domain names).
4. Owners of achievements in selection.
5. Owners of computer programmes and data bases.
6. Owners of integrated micro-circuits topologies.
7. Owners of copyrights and allied rights (works of science, literature and art, being the result of creative activity).



## Bodies to Interact With

- The Federal Service for intellectual property, patents and trademarks.
- The Federal Anti-Monopoly Service.
- The Ministry of Foreign Affairs.
- The Ministry of Agriculture.
- The Federal Customs Service.
- The Ministry of Justice.
- Public Prosecutor's Bodies.



# Information and Methodological Aspect

- Conducting independent assessments of situation in the field of legal protection, use and enforcement of intellectual property, as well as its unlawful turnover, including production and distribution of counterfeited products in Russia and outside;
- Creation of national information and methodology center on matters of legal protection and violations of law in the field of intellectual property;
- Monitoring of applicable legislation and making proposals on improvement of Russian legislation on intellectual property issues;
- Independent assessment of social and economic risks related to unlawful turnover of intellectual property in Russia and outside;
- Assisting coordination of activity of federal bodies of executive power and business;
- Conducting research on IPRs issues and prevention of unlawful turnover of intellectual property;
- Development of educational and elucidative programmes, represented by constantly upgrading seminars for Russian right holders, producers, consumers, government servants, judges, patent attorneys, lawyers;
- Relationship with international and national specialized organizations;
- WIPO membership as a non-governmental Russian organization.



# Consulting Aspect

- Legal protection and enforcement of rights of intellectual property owners from violations;
- Preparation of recommendations for bodies of executive and legislative power at all levels on issues of development of legal system in IPRs field as well as organizational and economic mechanisms of prevention of unlawful turnover of intellectual property
- Drafting recommendations for right holders on the most effective methods of fight against unfair competition, counterfeit and piracy
- Rendering information and consulting services on matters of enforcement of intellectual property and preventing its unlawful turnover



# Settlement of Disputes

- Creation of a body to resolve corporate disputes in IPRs including those related to Internet and e-commerce;
- Providing services on settlement of disputes arisen from registration and use of inventions, designs, trademarks as well as domain names;
- Development of schemes of settlement of disputes as well as practical measures and manuals to prevent international disputes and their resolution in IPRs;
- Membership with International Federation of Commercial Arbitration Institutions (IFCAI)



# OUTCOMES

- Increasing level of legal protection and enforcement of intellectual property in Russia
- Ensuring enforcement of intellectual property when doing export operations
- Reducing level of production and distribution of counterfeited products
- Increasing level of information, consulting and methodological support in IPRs
- Ensuring equality of rights of different categories of right holders
- Ensuring price affordability of legal protection and enforcement of IPRs