

15. THE EVOLUTION OF RUSSIA'S IP SYSTEM

Darya Soldatenko

ABSTRACT

The Russian Federation demonstrated such high rates of growth in the beginning of the 21st century that experts put it in the category of the world's fastest growing markets and predicted weighty ratings in the global hierarchy. However, the following recession confirmed the vulnerability of the raw material model of economic development. In 2011, the Russian Parliament adopted the Innovation Development Strategy of the Russian

into the Federal Service for IP (at the same time, it was decided to keep the short name 'Rospatent')!¹²

Rospatent is called upon to solve a number of important tasks related to the circulation and protection of IP in Russia. The most important function is the provision of services for registration and legal protection of various intellectual property objects (trademarks and service marks, appellations of origin, utility models, inventions, industrial designs, databases, topologies of integrated circuits, computer programs, etc.). Rospatent is the national patent office of Russia. Another important objective of the functioning of Rospatent is to ensure the interests of the country in international economic relations concerning

IP protection are of high priority, and are paid significant attention in cooperation between the participating countries. The Working Group published a report containing the section 'Border Measures', which contains provisions defining the powers of the customs services of the countries of the EAEU.⁵ According to the Report, customs services are authorized to take all necessary measures to protect IP rights in relation to objects included in the national register of IP objects and unified registries of the countries of the EAEU which is regulated in accordance with Section 46 of the Customs Code of the Russian Federation!⁶ Besides, within the EAEU there is a unified register of IP objects. However, its full functioning is limited by the fact that there are some IP objects are not included (patents, industrial designs and plant varieties). Although there was an adoption of a number of basic documents, a lot of work remains to unify IP regulations and protection systems of EAEU countries and minimize the risks of IP violation within the territory of the Union.

Current Russian legislation however, is in accordance with the minimum international standards for IP protection, which is largely due to the country's participation in all major international treaties that affect the regulation of IP. Among the most significant are the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, as well as the Patent Cooperation Treaty, the Madrid

AManlo(5)1.4 (Tc 0 Tw ()Tj 0.002 Tc -0.006 Tw 0.32 3 Td ()Tj 0 Tc 0 Tw 0.84 0 Td ()Tj -0.0

- (vii) inventions;
- (viii) utility models;
- (ix) industrial designs;
- (x) selection achievements;
- (xi) topology of integrated circuits;
- (xii) production secrets (know-how);
- (xiii) company names;
- (xiv) trademarks and service marks;
- (xv) appellations of origin;
- (xvi) commercial designations⁹

Following Article 1225, protection extends to traditional industrial property objects (industrial designs, geographical indications, patents, etc.), as well as copyright and related rights. In addition, specific objects of protection, such as the rights of breeders, databases, topologies of integrated circuits, along with the ~~Secrets~~ ³⁵ ~~3C~~ () Tj -0.004 Td [(35 Tw 35 Tw 35Tj Tj -0.005 Tc 0] >nu4 Tc 0.004 Tw 0.680.004 Tc 0.0 Tc18)0.7

billion, which comprises only 0.3% of the global volume.^{28, 29}

The dynamics of this indicator for the Russian Federation is presented in Figure 1.

Figure 1. Volume of high-technology exports from the Russian Federation (in Billion U.S. dollars)

Source High technology exports dataset, World Bank database, United Nations Comtrade database through the WITS platform
<<https://data.worldbank.org/indicator/TX.VAL.TECH.CD?locations=R>>
U>

As

non-residents (a decrease of 5%). Moreover, over the past 10 years, starting in 2008, the number of applications filled by residents has declined four times (previously - in 2009, 2011 and 2014).³⁵

Another important feature of the patent protection system in the Russian Federation is that over the period under review, there is a long-term trend towards an increase in the number of applications under the Patent Cooperation Treaty (PCT) (see Figure 3).

Figure 3. PCT national phase entries (dark green) and direct patent applications (light-green) received by Rospatent, % of total

Source: Calculated by author based on: PCT national phase entries dataset. WIPO IP Statistics data center
<05

<<https://rupto.ru/ru/news/izobretateleconomics>> Accessed
2 May 2020

The EEU Council decision ¶ 45 (23 June 2014)

<<http://www.eurasiancommission.org/ru/act/finpol/dobd/intelsobs/>> Accessed 2 May 2020

The Eurasian Economic Union: About the Union (The EAEU official website)

<<http://www.eaeunion.org/?lang=en#about>> Accessed 27
September 2019

The Federal Law No. 43-FZ of 28 March 2017, on
Amendments to Part Four of the Civil Code of the Russian
Federation

<http://www.consultant.ru/document/cons_doc_LAW_214516/> Accessed 22 December 2019

The Strategy for Russia's Innovative Development 2020
adopted by Government Order No. 2227-r 8 December 2011

<http://www.consultant.ru/document/cons_doc_LAW_123444/2f806c88991bbad43cdaa1c63c2501dc94c14af/>
Accessed 9 September 2019

Total patent applications (direct and PCT national phase
entries) dataset. WIPO IP Statistics data center.

<<https://www3.wipo.int/ipstats/index.htm?tab=patent>>
Accessed 23 October 2019

Treaty on the Cu004 .6 (ss () T6o6(W)-27 0 Td [1053 04-6-6.3 (i)-2.7 (nt)] TJ 9.893 0 Td [(/)-5.7 (i)-2.7 (ps)-0.6 (t)-3.4 (a)-6 p)