



Recent amendments to Russian IP legislation (18.09.2014 - 11.12.2014)

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Amendments to Part 4 of the Civil Code

Registration requirements

- **Instead of registration of license and assignment *agreements* - registration of the *title transfer* and *license grant* (Article 1235)**
- **Instead of filing the whole text of the agreement, it is allowed:**
 - ✓ **to file an application which contains particular contract terms as specified by law (if filed by both parties); or**
 - ✓ **to file a notarized extract from the agreement or notice on assignment signed by the parties (if filed by one party)**

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Financial terms in license/assignment agreements

- **Assignment agreements between commercial legal entities for no consideration are not allowed (Article 1234)**
- **Royalty-free licenses between commercial legal entities are not allowed, provided that the license is**
 - exclusive
 - worldwide
 - granted for the period until the expiration of the exclusive right(s) (Article 1235).

Amendments to Part 4 of the Civil Code

Protection of IP Rights

- **Grounds for liability (Article 1250)**
 - ✓ General rule: liability for infringement of IP rights arises, provided that there is a fault of the breaching party
 - ✓ Entrepreneurial activity: liability arises even if there is no fault, except for force-majeure
- **Compensation where a rights to a number of IP assets are infringed simultaneously by a third party (Article 1252):**
 - ✓ compensation is now payable for each illegally used piece of IP
 - ✓ the total amount of compensation may be reduced by up to 50% of the minimum amount of all compensations established by the Civil Code

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Copyright: Open licenses

- **Simplified procedure for entering into an open license agreement (статья 1286.1):**
 - ✓ terms and conditions are available to the general public
 - ✓ an open license can identify actions which are treated as an acceptance
 - ✓ royalty-free and worldwide, unless it is otherwise specified in the license
 - ✓ if the term is not determined: for software and databases - the license is deemed to be granted for the period until the expiration of an exclusive right, for other works – five (5) years

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Copyright and Neighboring rights

- **An exclusive right to any work commissioned under the contract is owned by a customer (Article 1296)**
- **An exclusive right to any work, created by the contractor but which was not commissioned by the customer, is owned by the contractor (Article 1297)**
- **A user of a database is allowed, without the database owner's consent, to extract and use the database materials (Article 1335.1):**
 - ✓ for the purpose for which the database was provided to the users;
 - ✓ for personal, scientific and educational purposes;
 - ✓ for other purposes, to the extent that use is of non-substantial part of the database.

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Patents

- **Industrial designs: No list of substantial features (Article 1354)**
- **Utility models: In addition to a formalities review, a patentability examination will be conducted by Rospatent (Article 1390)**

Amendments to Part 4 of the Civil Code

Trademarks: “Opposition” procedure

- **Rospatent publishes the details of trademark applications in its official bulletin**
- **Prior to making a decision on trademark registration, any person is entitled to file written objections (Articles 1493, 1499)**
- **Such objections are taken into account during the examination of the application**

Amendments to Part 4 of the Civil Code (Know-How) / Federal Law “On Trade Secret”

- **Know-How:** It is sufficient to take reasonable measures to keep information confidential, including but not limited to, the introduction of a trade secrecy regime (Article 1465 of the Civil Code);
- **Trade secret:** trade secrecy regime is required

"Anti-Piracy" Law: amendments to the Federal Law "On Information..." and Civil Procedural Code

- **The Federal Law No. 364-FZ dated 24 November 2014 - comes into force on 1 May 2015**
- **"Anti-piracy" rules apply to all copyright and neighboring rights works, except for photographs**
- **Information on the web-site owner to be published on the web-site:**
 - ✓ name
 - ✓ registered address
 - ✓ mail address
 - ✓ e-mail
- **The web-site owner can also publish an electronic form of notice on infringement**

"Anti-Piracy" Law: amendments to the Federal Law "On Information..." and Civil Procedural Code (cont)

- **Notice on Infringement:**
 - ✓ information on the right owner
 - ✓ information on copyright / neighboring rights work
 - ✓ domain name or web-site address
 - ✓ statement on lack of the right owner's consent
 - ✓ consent for processing of the personal data
- **Within 24 hours after the receipt of a notice, the web-site owner should:**
 - ✓ delete such information; or
 - ✓ prove that it has legal grounds to place the information on the web-site
- **Permanent restriction of access to a web-site**

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