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INFORMATION BULLETIN

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ON APRIL 6, 2023**

RECENT DEVELOPMENTS IN REGULATION OF ON-LINE ADVERTISING IN RUSSIA

Ilya Goryachev
Senior Lawyer
Gorodissky & Partners (Moscow)



The Russian advertising regulatory landscape have seen significant developments over the recent months, following introduction of new requirements for on-line advertising. Starting from September 01, 2022 new article 18.1 of the Federal Law of March 13, 2006 N38-FZ became effective. Under this legislative novelty, new compliance obligations for advertising participants arose.

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The advertising watchdog- the Federal Anti-Trust Authority (FAS) as well as the IT-regulator — The Federal Service for Supervision of Communications, Information Technology and Mass Media (RKN) prepared the relevant guidelines to help navigation in new requirements. Further, effective from January 09, 2023 the new specific by-laws requirements relevant for on-line advertising come into force. In this update, we will analyze the key points in the new on-line advertising regulations taking account of the regulatory guidelines that are relevant for marketing strategies in doing business in Russia.

ON-LINE ADVERTISING MARKING

Since September 01, 2022 it is mandatory to accompany on-line advertising for Russian market with the marking “advertising” (in the Russian language), as well as with the indication to the legal name of the advertiser and / or with the reference to their website, that shall provide the information on the advertiser.

The exception is made for advertising in TV or radio programs that are broadcasted in the Internet. FAS in its guidance letter of October 03, 2022 No. KT/90922/22 notes that the marking “advertising” (in Russian) shall be used — thus variations of it (like “sponsored content” etc.) are not permissible.

Since FAS, as a general rule, does not consider the advertiser’s own website as advertising, then the marking requirement shall not apply to the advertiser’s web-site — except for cases when the information is clearly “advertising” which requires individual assessment.

ID FOR ON-LINE ADVERTISING

Before publication, each on-line advertising content shall be assigned with identification number (“ID”). Publication of the on-line advertising without the assigned ID will be a breach.

The ID-requirement does not apply to emails and push-notifications for the existing consumers and on the advertiser’s own goods / services (or goods / services of affiliated parties).

The new norms provided for creation of the special entities — “advertising data operators” (“ADO”). The main role of ADO is to assign ID for advertising.

The list of ADO, duly authorized by RKN, is published at <https://rkn.gov.ru/register-ord/register/>.

As clarified by RKN of November 30, 2022 N191 (effective since January 09, 2023), ID-placement is carried out by adding the ID in the form of a sequence

of bytes or a set of alphanumeric text based on Latin letters by attaching the ID to the index of the website page on the Internet in the form of: <https://site.ru/?erid=base58> (protocol), where “site.ru” — the name of the website on the Internet, and “erid” is the name of the advertising identifier that is transmitted to the server via a technical link.

In some format it will be impossible to put an ID as described above — in those cases the ID shall be placed at the beginning of the text block, on top of the text-graphic block, at the beginning and (or) on top of the video clip in the form of a mark “erid: xxx”, where “erid” is the name of the advertising identifier, and “xxx” is a set of alphanumeric text based on Latin letters.

The ID must be available for visualization, including through the use of software tools.

REPORTING OBLIGATION

Another role of ADO is to ensure transfer of the advertising data to RKN for further regulatory compliance, including for further review by FAS and tax authority.

In this regard, advertisers / advertiser distributors will need to disclose the chain of on-line advertising distribution, including the names of the parties, participating in on-line advertising distribution, their registration (tax) numbers, information on advertising contracts, samples of the advertising content. The specific list of information for disclosure is approved by the Russian Government in their Decree of May 30, 2022 N1362-p.

LIABILITY ISSUES

The breach of the new requirements will be subject to administrative fines, such as up to RUR500 000 (~USD7000) or less depending on the circumstances.

However, given that the changes in regulatory requirements resulted in the necessity for business to adapt, currently there is no wide launch of administrative cases for breaches. It shall be specifically noted that such popular advertising distribution channels as advertising via bloggers or influencers in social networks is not excluded from the on-line advertising marking requirements — which requires careful approach toward this type of advertising.

Nevertheless, since spring this year the situation may change, resulting in the wake of cases — in this regard, it is recommended that the current advertising policies are adapted to the new on-line advertising requirements.

MAY 16–20, 2023

2023 INTA ANNUAL MEETING



The team of 10 IP professionals from the Moscow, St. Petersburg (Russia) and Astana (Kazakhstan) offices of Gorodissky and Partners will attend INTA Annual Meeting in Singapore. We invite our colleagues who participates at the Conference to join us in **Gorodissky Hospitality Suite** which will be opened from May 17 till May 19 from 10.00 a.m. till 5.00 p.m. at the Sands Expo & Convention Center, Level 4, 4301B Orchard. Please contact us at inta@gorodissky.com to fix the exact date and time of your visit.

IP NEWS OVERVIEW: RUSSIA & CIS

(September 2022 to February 2023)

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LAWS AND DRAFT LAWS

ADDITIONAL GROUND FOR CHALLENGING A PATENT EXTENSION FOR AN INVENTION RELATED TO A MEDICINAL PRODUCT, PESTICIDE, OR AGROCHEMICAL

On October 7, 2022, the Law on Amendments to Article 1363 of Part IV of the Civil Code (No. 386-FZ) was issued.

Clause 2 of Article 1363 of the Civil Code provides for the conditions for the patent extension for an invention related to a medicinal product, pesticide, or agrochemical, as well as granting an additional patent for an extended period.

The adopted law provides for the introduction of additional ground for challenging the patent extension and for challenging the effect of the additional patent granted in case of such extension. In accordance with the new version of Clause 5 of Article 1363 of the Civil Code, the patent extension and the corresponding additional patent may be invalidated in case of violation of the conditions provided for in Clause 2 of Article 1363 of the Civil Code.

The extension and the additional patent may be challenged by filing an appeal with Rospatent. During the entire extended validity period, an appeal may be filed by any person, and after

the expiration of this period — by an interested person.

The new law provisions apply to additional patents issued both before and after the law's entry into force, as well as to the patents extended before January 1, 2015, when the patents were to be extended without issuing an additional patent.

The law entered into force on October 18, 2022.

THE LAW ON CUSTOMS REGULATION HAS BEEN AMENDED TO ALLOW ENTERING GEOGRAPHICAL INDICATIONS IN THE CUSTOMS REGISTER OF INTELLECTUAL PROPERTY SUBJECT MATTERS

On December 5, Federal Law No. 488-FZ dated December 5, 2022 On Amendments to Articles 327 and 334 of the Federal Law on Customs Regulation in the Russian Federation and on Amendments to Certain Legislative Acts of the Russian Federation was published.

In accordance with the amendments, geographical indications protected in Russia can be included in the customs register of intellectual property subject matters (TROIS) at the request of the right holder. Before the law was amended, such a procedure had been carried out only in respect of subject matters of copyright and related rights, trademarks and appellations of origin of goods.

With regard to goods placed under customs procedures that contain geographical indications entered in the Customs Register (TROIS), the customs authorities will take measures to protect intellectual property rights related to the suspension of the release of goods. In particular, the right holder will be notified about the received goods for which there is suspicion of counterfeiting, and will be able to take measures to protect its rights.

The amendments entered into force on March 6, 2023.

THE CIVIL CODE IS AMENDED IN RELATION TO THE PROCEDURE FOR GRANTING PROTECTION TO INVENTIONS, INDUSTRIAL DESIGNS, APPELLATIONS OF ORIGIN OF GOODS AND GEOGRAPHICAL INDICATIONS IN ACCORDANCE WITH INTERNATIONAL TREATIES

On December 5, 2022, Federal Law No. 503-FZ dated December 5, 2022 On Amendments to Part IV of the Civil Code was published.

The law clarifies the procedures related to granting legal protection in the Russian Federation to inventions, industrial designs, geographical indications and appellations of origin of goods in accordance with international treaties: the Patent Cooperation Treaty, the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs and the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications. In particular, the amendment to Article 1391 of the Civil Code provides that legal protection shall be granted in Russia to an industrial design registered in accordance with an international treaty if it complies with the conditions for granting protection to industrial designs provided for in the Civil Code. Similar provisions are envisaged in Article 1517 of the Civil Code for geographical indications and appellations of origin of goods protected in Russia in accordance with an international treaty of the Russian Federation. Articles 1398 and 1535 of the Civil Code are supplemented with provisions on challenging the granting of legal protection in Russia to subject matters registered in accordance with the international treaties. The procedure for challenging them is the same as for Russian patents and registrations.

In addition, the amendment to Article 1385 of the Civil Code provides for publication of information on the receipt of international applications (PCT) by Rospatent for consideration. This will accelerate the appearance of information on such applications and make it more realistic for anyone to provide comments on the compliance of the inventions claimed in such applications with the requirements of the Russian legislation.

By virtue of the amendment to Article 1517 of the Civil Code, Rospatent will publish in the official bulletin information about foreign appellations of origin of goods and geographical indications for which legal protection has been requested in Russia under the Lisbon system. This will allow interested parties to submit to Rospatent their comments and oppositions to granting protection.

The amendments entered into force on December 31, 2022.

DRAFT LAW ON AMENDING ARTICLE 1260 OF THE CIVIL CODE, AIMED AT PROTECTING AUTHORS OF COMPOSITE AND DERIVATIVE WORKS

On December 9, 2022, the Government submitted to the State Duma a draft law On Amendments to Article

1260 of Part IV of the Civil Code (draft law No. 254532–8), prepared pursuant to the instruction of the Constitutional Court contained in Resolution No. 25-P of the Constitutional Court dated June 16, 2022. When considering the complaint of programmer Anton Mamichev, the Constitutional Court recognized Clause 3 of Article 1260 of the Civil Code as non-compliant with the Constitution, since it allows denying copyright protection to the creator of a computer program simply because when creating his own program he did not comply with the condition for respecting the rights of creators of other computer programs which he used in his program.

The Government proposes to supplement Clause 4 of Article 1260 of the Civil Code with a new paragraph, in accordance with which in case of unauthorized use of a derivative or composite work, both the copyright of the author of the derivative or composite work and the rights of the authors of the works on which the derivative or composite work is based shall be protected.

Thus, the adoption of the Government's proposal will ensure compliance with a unified approach to the protection of intellectual property rights, in accordance with which copyright in the work (including the derivative or composite one) arises at the time of its creation and must be legally protected from the moment it arises.

The proposed approach will apply to all types of derivative and composite works, and not only to computer programs, the denial of protection of the rights to which was the subject of consideration in the Constitutional Court.

On February 8, 2023, the draft law was adopted in the first reading.

DRAFT LAW ON TAX INCENTIVES FOR THE USE OF INTELLECTUAL PROPERTY SUBJECT MATTERS

On February 16, the Government submitted to the State Duma a draft law On Amendments to Article 284 of Part II of the Tax Code (draft law No. 297906–8), which proposes to expand the list of results of intellectual activity (RIA), in relation to which the subjects of the Russian Federation will have the right to reduce the corporate income tax rate payable to the budget of the subject, ranging from 0 to 17 percent.

The incentive will be granted only to Russian entities that license their intellectual property in Russia and abroad. The draft law expands the list of intellectual property subject matters to which this incentive applies. Currently, it can be provided only in respect of intellectual property subject matters registered with Rospatent, that is, inventions, utility models, industrial designs protected by a patent of the Russian Federation and computer programs, databases and integrated circuits topographies registered with Rospatent. The government proposes to extend the incentive to the inventions regarding plant varieties and animal breeds registered with the Ministry of Agriculture of Russia, as well as to inventions, utility models, industrial designs protected by patents issued by foreign national and regional patent offices, the list of which will be established by the Government of Russia, and also to industrial designs protected in accordance with an international treaty of the Russian Federation.

GOVERNMENT ENACTMENTS AND DEPARTMENTAL ENACTMENTS

FEES FOR GRANTING PROTECTION TO FOREIGN APPELLATIONS OF ORIGIN OF GOODS AND GEOGRAPHICAL INDICATIONS UNDER THE GENEVA ACT OF THE LISBON AGREEMENT WERE ESTABLISHED AND AMENDMENTS TO THE REGULATION ON PATENT AND OTHER FEES WERE MADE (DECREE OF THE GOVERNMENT OF RUSSIA DATED SEPTEMBER 19, 2022 No. 1652)

In connection with the Russia's upcoming accession to the Lisbon System for the International Protection of Appellations of Origin of Goods and Geographical Indications (Law on Accession No. 450-FZ dated December 30, 2021), the Government established so-called "individual fees" for the examination of international registrations by Rospatent (10,800 rubles / 155 USD), as well as "administrative fees" for granting the exclusive right to appellations of origin of goods and geographical indications in Russia (16,000 rubles / 230 USD) and its extension (20,000 rubles / 285 USD). As for these fees, the resolution became effective on December 31, 2022, when Law No. 450-FZ became effective, but in practice it will become applicable only after all the necessary procedures for the entry into force of the Geneva Act for Russia are completed.

In addition, in connection with the upcoming entry into force of amendments to the Civil Code allowing any individuals, not only individual entrepreneurs, to register trademarks (Law No. 193-FZ dated June 28, 2022), the relevant amendments were made to the Regulation on Patent Fees and will enter into force on June 29, 2023, together with Law No. 193-FZ.

AMENDMENTS TO THE RULES FOR REGISTERING THE EXCLUSIVE RIGHT DISPOSAL AND TRANSFER OF THE EXCLUSIVE RIGHT WITHOUT AGREEMENT WERE MADE (DECREE OF THE GOVERNMENT OF RUSSIA DATED FEBRUARY 09, 2023 No. 189)

In connection with the upcoming entry into force of amendments to IV part of the Civil Code — Law No. 143-FZ dated May 28, 2022 (enters into force on May 29, 2023) and Law No. 193-FZ dated June 28, 2022 (enters into force on June 29, 2023), the Government amended the Rules for State Registration of Disposal of the Exclusive Right to Invention, Utility Models, Industrial Design, Trademark, Service Mark, Registered Integrated Circuits Topography, Computer Program, Database under an Agreement, and Transfer of an Exclusive Right to Them without an Agreement, approved by Decree of the Government of Russia No. 1416 dated December 24, 2015 (hereinafter the "Rules").

These laws provide for the following: Law No. 143-FZ — new conditions for the disposal of a trademark containing geographical elements, and Law No. 193-FZ — mandatory

registration of a pledge of the exclusive right to a registered computer program and database. In this regard, the Government made the necessary amendments to Clauses 1, 3, 8, and 15 of the Rules.

In addition, one of the amendments to the Rules provides that Rospatent, when considering applications for registration of disposal or transfer of rights, may obtain the necessary explanations from the applicant through video conferencing.

The amendments will enter into force on May 29, 2023 (with regard to amendments related to the registration of a pledge of computer programs and databases and obtaining explanations through video conferencing) and on June 29, 2023 (with regard to amendments related to the registration of disposal of the right to a trademark).

THE MINISTRY OF ECONOMIC DEVELOPMENT AND ROSPATENT ISSUED DEPARTMENTAL ENACTMENTS IN CONNECTION WITH THE AMENDMENTS TO THE LAW ON PATENT ATTORNEYS

On December 22, 2022, the amendments to the Law on Patent Attorneys (hereinafter the "Law"), introduced by Law No. 416-FZ dated December 21, 2021, entered into force. One of the amendments provides for the appointment of a so-called "responsible patent attorney" by the applicant or right holder, who can be approached by the federal executive authorities, including Rospatent, if they deal with the intellectual property subject matter registered with Rospatent in the name of the principal (Clause 4 of Article 13 of the Law).

In anticipation of the entry into force of these amendments, the orders of the Ministry of Economic Development approved the procedure for entering information about the responsible patent attorney in the state registers, changing and excluding such information, as well as the forms of the relevant applications (Orders of the Ministry of Economic Development No. 551 and 552 dated October 07, 2022).

Earlier, Order of the Ministry of Economic Development No. 418 dated August 03, 2022, published on October 12, 2022, approved the Requirements for the Form, Documentation Procedure and Submission to the Governmental Authorities, Local Authorities and Entities of the Patent Attorney's Request provided for in Clauses 6 to 8 of Article 4 of the Law.

Also, in connection with the amendments to this law, Rospatent approved the List of Information Systems of Rospatent and Its Subordinate Organizations that patent attorneys are entitled to use, as well as the Procedure for Granting Access to Them (Order of Rospatent No. 143 dated September 19, 2022) and the Requirements for Internship as a Candidate for a Patent Attorney and for Issuing Recommendations Based on Its Results (Order of Rospatent No. 144 dated September 19, 2022).

THE MINISTRY OF INDUSTRY AND TRADE HAS AMENDED THE LIST OF GOODS TO WHICH CERTAIN PROVISIONS OF THE CIVIL CODE ON PROTECTION OF EXCLUSIVE RIGHTS DO NOT APPLY (ORDER OF THE MINISTRY OF INDUSTRY AND TRADE No. 4456 DATED OCTOBER 21, 2022)

The order of the Ministry of Industry and Trade has amended certain items of the list of goods (groups

of goods) to which Sub-clause 6 of Article 1359 and Article 1487 of the Civil Code do not apply, provided that these goods are commercialized outside the Russian Federation by the right holders (patent holders) or with their consent. In particular, now the List includes an additional group of goods — alcoholic beverages that are allowed for parallel import starting from November 3, 2022. The list of sports goods, games, and toys that can be imported without the consent of the right holders from February 2, 2023 has been significantly expanded. At the same time, a number of brands of goods were excluded from the List. In particular, KYOCERA, SHARP, Legrand are excluded from the goods allowed for import.

AMENDMENTS WERE MADE TO THE RULES FOR ADMINISTRATIVE CONSIDERATION OF DISPUTES OVER GRANTING AND CHALLENGING OF GRANTING LEGAL PROTECTION TO SUBJECT MATTERS OF PATENT LAW AND MEANS OF INDIVIDUALIZATION (JOINT ORDER OF THE MINISTRY OF EDUCATION AND SCIENCE AND THE MINISTRY OF ECONOMIC DEVELOPMENT DATED NOVEMBER 23, 2022 No. 1140/646)

In connection with Russia's participation in the Protocol on the Protection of Industrial Designs to the Eurasian Patent Convention (Law on Ratification No. 377-FZ dated November 23, 2020), as well as taking into account the prospects for Russia's participation in the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (Law on Accession No. 450-FZ dated December 30, 2021) and in the Treaty on Trademarks, Service Marks, and Appellations of Origin of Goods of the Eurasian Economic Union (Law on Ratification No. 360-FZ dated November 9, 2020), the Ministry of Education and Science and the Ministry of Economic Development issued a joint order amending the Rules for Consideration and Resolution by Rospatent of Disputes in Administrative Proceedings.

The Rules are supplemented with the types of appeals to be filed with Rospatent in connection with challenging the decisions being taken by Rospatent in respect of international and regional applications, patents and registrations.

The Rules are also supplemented with the indication of the possibility to file with Rospatent an appeal against the extension of the exclusive right to the invention and of the additional patent.

In accordance with the amendments to the Rules, when postponing the date of the meeting, as well as when suspending or terminating the consideration of the dispute, information on this must indicate the grounds and reasons for the postponement, suspension or termination.

In addition, now the grounds for refusal to accept an appeal for consideration exclude registration and granting protection when challenging decisions on granting a patent, on registration and on granting legal protection. Previously, the Rules allowed a refusal to accept an appeal against such decisions if the appeal is filed after the registration was made on the application, but such a refusal was repeatedly recognized by the Intellectual Property Court as non-compliant with the law.

DISPUTES OVER GRANTING AND TERMINATION OF PROTECTION

THE IP COURT CONSIDERED THE DISPUTE BETWEEN DEER & COMPANY (US) AND ROSPATENT REGARDING THE ROSPATENT'S REFUSAL TO GRANT TRADEMARK PROTECTION FOR A COLOR DESIGNATION (COURT DECISION DATED NOVEMBER 11, 2022 ON CASE No. SIP-652/2022)



Application No. 2020726541

The company applied to Rospatent for registration as a trademark of the color designation No. 2020726541 for goods of classes 7, 12 and 28 of the ICGS.

Rospatent refused to register on the grounds that the claimed designation does not meet the requirements of Clause 1 of Article 1483 of the Civil Code, namely, that it has no distinctiveness.

At the same time, Rospatent took a critical look at the materials provided by the company in support of the acquired distinctiveness.

The company appealed to the IP Court (hereinafter the "IPC") requesting to reverse Rospatent's decisions and to oblige Rospatent to reconsider the question of the claimed designation's protectability.

In its decision adopted on November 11, 2022, the IPC noted that, as a general rule, the color design alone is not sufficient to allow the designation to perform an individualizing function.

The use of the claimed combination of colors or individual colors by other well-known manufacturers of identical products indicates a low probability of consumers having an associative link with the goods of only one manufacturer.

Registration of a color in the name of a particular person leads to monopolization of rights to it in the relevant market segment. In doing so, the court proceeds from the fact that the number of colors is limited and the frequent practice of color registration in the name of individual business entities may lead to a rapid depletion of all available colors in a particular area and, as a result, create barriers to market access for other business entities.

The IPC noted that a designation initially lacking distinctiveness can acquire it only as a result of long-term use. In this instance, the applicant must prove that in the consumer's mind such a designation is associated exclusively with the applicant and its specific goods or services.

The panel of the IPC judges agreed with Rospatent that both colors from the claimed combination are often used specifically on agricultural and timber-harvesting equipment, including in the claimed combination.

The widespread use of green and yellow in the agricultural equipment is due, among other things, to the fact that these colors are associated with nature, vegetation and the sun. For example, in addition to the applicant, agri-

cultural equipment in a green and yellow color combination is produced by the world-famous German brand Krone, agricultural machines in green color are produced by such world brands as AGCO, Same-Deutz-Fahr (SDF), Amazone, etc., agricultural machinery in yellow color is produced, for example, by Caterpillar, ROPA.

The court pointed out that it is necessary to distinguish the procedure for establishing the acquired distinctiveness in the case when the designation is devoid of distinctiveness in itself, but, at the same time, it is not established that it is widely used by other manufacturers, from the case when, as in the case under consideration, the designation has no distinctiveness and is often used by other manufacturers to mark the goods produced and sold.

In the first case, the evidence of intensive use does serve as a basis for the conclusion that the consumer perceives the designation exactly as a means of individualization of the applicant's goods and services.

In the second case, even when the applicant provides evidence of intensive use, the conclusion that the consumer perceives the designation as the applicant's means of individualization is difficult given that other persons also use this designation.

The panel of judges analyzed the applicant's arguments on the acquired distinctiveness of the disputed designation and evaluated the documents submitted in support of this argument.

Based on the results of such an analysis, the IPC agreed with the Rospatent's opinion that the documents submitted by the applicant do not confirm the acquired distinctiveness of the claimed designation as at the application's filing date.

The acquisition by a certain combination of colors of distinctiveness can be recognized if in the eyes of the consumer this combination of colors is in itself indicative of the manufacturer, irrespective of the presence or absence of other elements. However, in all the photographs available in the case, the agricultural and timber-harvesting equipment, in addition to being painted in certain colors, has other individualizing elements, in particular,



From the materials presented for the goods of the 7th and 12th classes of the ICGS being supplied to the Russian Federation, it is impossible to understand by what characteristics consumers individualize the company's products: whether these characteristics are a combination of colors or verbal and visual elements. No evidence of the company's commercialization in the Russian Federation of goods of the 28th class of ICGS (toys) marked with the claimed designation was presented.

The presented information on the history of the beginning of the company's work in Russia, the creation of production facilities, participation in exhibitions, the geography of deliveries, publications in the media, printouts from the Internet, invoices and consignment notes, license

agreements on the right to use other trademarks do not directly confirm the well-knownness among consumers of the company's equipment painted in the green and yellow colors and, therefore, do not indicate that the claimed designation acquired distinctiveness.

Thus, the documents submitted by the applicant do not show that on the date of filing the application the combination of green and yellow began to be perceived by consumers as a means of individualization of the company's goods specified in the application. In this regard, the IP Court dismissed the application of Deere & Company (USA) to invalidate the decision of Rospatent to refuse the state registration of the trademark.

Having considered the company's cassation appeal, the Presidium of the IP Court upheld the decision of the court of first instance (resolution dated February 10, 2023 on case No. SIP-652/2022).

SCHENGEN BEER FROM ESTONIA (DECISION OF THE IPC DATED NOVEMBER 2, 2022 ON CASE NO. SIP-822/2021)



IR No. 1503811

SAY Organization OÜ (Estonia) filed a claim with the IP Court (hereinafter the "IPC") to invalidate the Rospatent's decision to refuse to grant legal protection in the Russian Federation of the trademark under international registration No. 1503811.

Refusing to grant protection, Rospatent noted that the verbal element "SCHENGEN" included in the claimed designation reproduces the name of a village located in the Grand Duchy of Luxembourg, for which reason the verbal element "SCHENGEN" is non-protectable, since it is perceived as an indication of origin of goods or location of the person manufacturing goods and providing services.

In addition, Rospatent noted that since the applicant is located in Estonia, the claimed designation is capable of misleading a consumer with regard to the place of production of goods.

By decision of the IPC (court of first instance), the company's claims were dismissed, but the Presidium of the IPC, having considered the company's cassation appeal, reversed the decision of the court of first instance and remanded the case for a new consideration.

During the reconsideration of the case in the first instance, the IPC invalidated the Rospatent's decision and obliged Rospatent to reconsider the company's appeal.

When reversing the Rospatent's decision, the IPC stated the following.

The law does not establish an unconditional ban on the use of geographical names in trademarks.

The designation may be claimed for goods whose characteristics are related to geographical origin (in this case, such designation indicates the place of production and sale of the goods, as well as the location of the manufacturer of the goods and the geographical origin of the goods), or for goods whose characteristics are not related to geographical origin (in this case, the designation indicates the place of production and sale of the goods, as well as the location of the manufacturer of the goods).

In the case where the characteristics of the goods are not related to geographical origin, the analysis of the possibility of granting protection to the claimed designation should include an analysis of associative links among consumers in relation to the place of production or sale of the specific

goods specified in the application, as well as to the location of the manufacturer of such goods. In the case where the characteristics of the goods are related to the geographical origin of the goods, in addition to the previous analysis, an analysis should be made of the consumer's perception of the characteristics of the goods claimed for registration as related or not related to the geographical name under consideration. To determine the descriptiveness of the claimed designation in relation to the goods specified in the application for registration of a trademark, it is required to establish at least one of these circumstances.

Rospatent violated the established methodological approach.

When assessing the existence of grounds for refusal to register a trademark on the basis of Clause 3 of Article 1483 of the Civil Code, existing or probable associative links that arise among consumers in connection with the disputed designation should be taken into account.

Rospatent did not produce any evidence that the specific goods, for which legal protection is requested, can be perceived by a Russian consumer as goods produced in the village of Schengen, and, therefore, did not prove either the descriptive nature of the claimed designation or its falseness or ability to mislead a consumer.

The evasion of Rospatent from considering the company's arguments that the trademark is not descriptive and is not capable of misleading the Russian consumer about the place of production of goods (Schengen Village) and from evaluating the evidence submitted by the applicant in support of these arguments is a significant violation of the decision-making procedure by a body exercising public functions.

As a result, the Rospatent's decision has been canceled. The Presidium of the IPC upheld the decision of the IPC of first instance.

DISPUTES OVER INFRINGEMENT OF THE EXCLUSIVE RIGHT

RECOVERY OF LOST PROFIT IN THE CLAIMED AMOUNT CONTRADICTS THE PRINCIPLES OF REASONABLENESS, FAIRNESS AND PROPORTIONALITY OF LIABILITY TO THE COMMITTED VIOLATION, IT WAS CARRIED OUT BY THE COURT WITHOUT TAKING INTO ACCOUNT THE FACT OF DESTRUCTION OF COUNTERFEIT GOODS, AS WELL AS IN THE ABSENCE OF EVIDENCE OF A CAUSE-AND-EFFECT RELATIONSHIP BETWEEN THE FACT OF COMMERCIALIZATION OF COUNTERFEIT GOODS AND THE FAILURE OF THE RIGHT HOLDERS TO RECEIVE INCOME FROM THE SALE OF THE ORIGINAL GOODS (RULING OF THE SUPREME COURT OF THE RUSSIAN FEDERATION DATED FEBRUARY 07, 2023 No. 308-ES22-17045)

Foreign companies Chanel SARL (CH) and Christian Dior Couture S. A. (AC) filed a claim against the entrepreneur for damages in the form of lost profit caused by the infringement of the rights to their trademarks.

The reason for going to court was the sale by the defendant of sunglasses with a picture and an inscription confusingly similar to the companies' trademarks. These circumstances were previously established in an administrative court case (No. A63-3402/2019), in which the entrepreneur was brought to administrative liability imposing a punishment in the form of a warning and the destruction of seized counterfeit products.

In the new court case, the claimants asked the court to recover losses from the entrepreneur in the form of lost profit amounting to 125,500 rubles. The lost profit for the claimants was the lost income as a result of the defendant's gratuitous use of trademarks applied to the goods intended for sale. The amount of damages claimed for recovery was determined by the claimants based on the prices of original products, on the principle that one unit of counterfeit product displaces one unit of original product from the market, and was recognized by the courts as justified.

By decision of the court of first instance, the stated claims were fully satisfied. The Court of Appeal and the Intellectual Property Court as the court of cassation upheld the decision of the court of first instance.

The Supreme Court, to which the entrepreneur applied, reversed the judgments of the inferior courts and remanded the case for a new trial to the court of first instance. In doing so, the Supreme Court stated the following.

Compensation for damages as a penalty is compensatory in nature and is aimed at restoring the property status of the injured person. Damages in the form of lost profit are subject to compensation if the relevant income could be extracted in ordinary course of business or when taking measures and preparations, which were made, but the possibility of obtaining it was lost due to the defendant's wrongful actions.

At the same time, the claimant must prove that the violation committed by the defendant was the only obstacle that did not allow him to receive the lost profit.

Meanwhile, the court of first instance and the court of appeal did not investigate the question of the similarities and differences between original and counterfeit goods in order to determine whether the ordinary consumer could understand that he is not buying the goods from the IP owner, or whether he could be misled about the properties and quality of the goods, that is, about the real possibility of obtaining income by the right holders when the entrepreneur sells counterfeit goods, the cost of which was equated with the original by the claimants, and compensation for the damages as lost profit in the claimed amount.

The courts did not take into account that the parties do not compete on the same market (the offender creates obviously unoriginal counterfeit goods of prestigious brands and sells them to a completely different class of consumers as compared to those who buy the original product); no evidence that because of counterfeit goods the copyright holder directly loses customers who are ready to buy original products was presented.

OTHER DISPUTES

EXPENSES INCURRED BY A PARTY IN THE COURSE OF CONSIDERATION OF AN OPPOSITION BY ROSPATENT MAY BE COMPENSATED UNDER THE RULES FOR COURT COSTS REIMBURSEMENT IN THE CASE OF CHALLENGING THE ROSPATENT'S DECISION (RESOLUTION OF THE CONSTITUTIONAL COURT NO. 1-P DATED JANUARY 10, 2023)

The Constitutional Court considered the issue of compliance of Clause 2 of Article 1248 of the Civil Code and Article 106 of the Commercial Procedure Code with the Constitution. The reason for consideration was the complaint of NIKA-PETROTECH LLC (hereinafter the "Company"), which, within court case No. SIP-639/2019 and earlier — in case SIP-631/2017, was denied reimbursement as legal costs of the expenses incurred by the Company during the consideration by Rospatent of an appeal against its patent. The Constitutional Court noted that Clause 2 of Article 1248 of the Civil Code, while providing for an administrative procedure for resolving disputes on granting legal protection to the results of intellectual activity and means of individualization, does not contain any special rules that would regulate the grounds, procedure and amounts of reimbursement of expenses incurred by the parties to such proceedings.

In addition, the adoption of a judgment in favor of a person participating in the case of challenging the Rospatent's decision is not necessarily directly connected with the expenses incurred by that person as a party to the administrative proceedings, and therefore cannot mean the need to automatically — without taking into account the results of the proceedings in Rospatent — recover such expenses.

Meanwhile, in order to effectively protect their violated or challenged right, the parties to the administrative proceedings bear the expenses for obtaining legal assistance, finding the necessary information and materials, transportation to the place of the collegium meeting, etc. Therefore, when providing for mandatory administrative procedures for the protection of rights and freedoms, the legislator should not impose such conditions — including the procedure for allocating the expenses incurred by the parties to participate in these procedures — that would block or unreasonably impede access to state protection of rights and freedoms.

But the established case law proceeds from the fact that these expenses are not reimbursed either as legal costs or as damages.

Thus, the Constitutional Court identified a gap in legal regulation, which may lead to a decrease in incentives to actively participate in administrative proceedings in order to refute the arguments of the appeal against granting of legal protection to the subject matter belonging to a person, which is at odds with the goals and objectives of introduction by the legislator of an administrative form of protection for violated or challenged intellectual rights. In this regard, the Constitutional Court recognized inter-related paragraph 2 of Article 1248 of the Civil Code and Article 106 of the Commercial Procedure Code as non-compliant with the Constitution insofar as they prevent the reimbursement to the person, participating in the case on challenging the Rospatent's decision, of the expenses

previously incurred by him in connection with the consideration by this state authority of the appeal against granting of a patent for an invention, while there is no mechanism for the efficient protection of the right to reimbursement of such expenses in the current legal regulation system. The Constitutional Court obliged the federal legislature to make appropriate amendments to the current legal regulation arising from the Resolution.

And before amendments are made to the legislation, the expenses incurred by a party during consideration and resolution by Rospatent of a dispute on granting legal protection to the results of intellectual activity and means of individualization, in the event of challenging a decision made by Rospatent in court, may be attributed to the losing party under the rules for reimbursement of court costs, taking into account the results of the previous administrative proceedings.


ROSPATENT PRACTICE

1. WELL-KNOWN TRADEMARKS

For the period from September 2022 to February 2023, Rospatent recognized the following trademarks as well-known:

TRADE MARK	
RIGHT HOLDER	F. E. Dzerzhinsky Uralvagonzavod Research and Production Corporation JSC
GOODS/SERVICES	freight wagons
DATE OF BECOMING WELL-KNOWN	June 18, 2020

TRADE MARK	 Концерн ВКО Алмаз - Антей
RIGHT HOLDER	Almaz-Antey Aerospace Defense Concern JSC
GOODS/SERVICES	missile systems and complexes; guided missiles
RIGHT HOLDER	November 01, 2021


Trademark No. 440951

During the same period, Rospatent refused Federal Generating Company — RusHydro PJSC to recognize as well-known in Russia its verbal trademark No. 454053 "RusHydro" and pictorial trademark No. 440951 in relation to the goods of class 09 of the ICGS and the services of classes 35, 37, 39, 40 and 42 of the ICGS. In the Rospatent's opinion, the documents provided by the company were insufficient to prove the well-knownness of the marks in Russia for the goods and services for which the recognition of the marks as well-known was requested.

Fastrunner Investments Limited (Cyprus) was also denied recognition of the designations “цiан” and “cian” as well-known trademarks in Russia in relation to the services of classes 35 and 36 of the ICGS related to the provision of information on real estate items. In the Rospatent’s opinion, the submitted materials do not confirm the connection of the use of the designations “цiан” and “cian” with the Cypriot company.



Germany company Queisser Pharma GmbH & Co. KG also failed to convince Rospatent that the designation “Doppel herz” used for dietary supplements is associated exactly with this company by Russian consumers.

The documents submitted to Rospatent by Synergy Moscow Financial and Industrial University were also insufficient to prove that the designation “SYNERGY” is generally known in relation to the educational services of class 41 of the ICGS.

2. APPELLATIONS OF ORIGIN OF GOODS AND GEOGRAPHICAL INDICATIONS

From September 2022 to February 2023, Rospatent registered ten geographical indications and three appellations of origin of goods:

NUMBER IN THE REGISTER OF GEOGRAPHICAL INDICATIONS AND APPELLATIONS OF ORIGIN	GEOGRAPHICAL INDICATION/ APPELLATION OF ORIGIN	GOODS
296(AOG)	ROMANOV TOY	clay toy for decorative, applied and game purposes
297 (GI)	KUBAN. ANAPA	wines, sparkling wines
298 (AOG)	SEMIKARAKOR CERAMICS	Hand-painted decorative and utilitarian faience ware
299 (GI)	URYUPINSK DOWN PRODUCTS	goat down knitwear
300 (GI)	TOMSK BIRCH BARK	birch bark products for utilitarian and decorative purposes
301 (AOG)	VOLKHOV PAINTING	decorative and utilitarian painted woodware
302 (GI)	MINUSINSK BUTTER	butter
303 (GI)	KUBAN. KRYMSK	wines, sparkling wines
304 (GI)	KUBAN. AFIPS RIVER VALLEY	wines
305 (GI)	MANSUROVSKY GRANITE	granite blocks
306 (GI)	UDMURT RIDGE	woven fabrics
307 (GI)	TYUMEN PLOMBIR	plombiere ice cream
308 (GI)	BELEVSKAYA SMOKVA	Fruit leather

INTELLECTUAL PROPERTY NEWS OF THE EURASIAN ECONOMIC UNION AND NEIGHBORING COUNTRIES

1. EAPO AND EAEU

FROM JANUARY 1, 2023, FEES TO BE PAID ON EURASIAN APPLICATIONS AND PATENTS FOR INDUSTRIAL DESIGNS CHANGED

On January 1, 2023, new fees for Eurasian applications and patents for industrial designs entered into force. For many items, duties increased by 20 to 30%. So, for example, a single procedural fee for filing a Eurasian application for an industrial design is now 25,000 rubles (360 USD). Previously it was 20,000 rubles (285 USD). The changes were made by the decision of the EAPO Administrative Council at the meeting held on September 20 to 21, 2022.

FROM JANUARY 1, 2023, THE EURASIAN PATENT OFFICE ISSUES EURASIAN PATENTS IN ELECTRONIC FORM

From January 1, 2023, the Eurasian Patent Office (EAPO) switched to issuing Eurasian patents for inventions and industrial designs (Eurasian patents) in the form of electronic documents. At the same time, patent holders can receive a Eurasian patent in hard copy without paying any fee if they file a request with the EAPO after the publication of information about the issuance of the Eurasian patent.

From January 1, 2023, certificates of transfer of a right to Eurasian patents, certificates of extension of Eurasian patents (certificates), as well as Eurasian patents, are also issued in the form of electronic documents with the possibility to obtain a certificate in hard copy at the request of the patent owner.

2. BELARUS

BELARUS ALLOWED PARALLEL IMPORT AND USE OF COPYRIGHT AND NEIGHBORING RIGHT SUBJECT MATTERS WITHOUT THE CONSENT OF UNFRIENDLY RIGHT HOLDERS

On January 3, 2023, Law of the Republic of Belarus No. 241-Z On Restriction of Exclusive Rights to Intellectual Property Subject Matters was issued.

The law allows to use the following lawfully disclosed subject matters without the consent of the right holders from unfriendly states that have banned or have not given permission to use them in the territory of the Republic of Belarus:

- Computer programs;
- Audiovisual works;
- Musical works; and
- Transmissions of broadcasting organizations.

Such use shall be remunerated in the amount established by the Government of the Republic of Belarus. Remuneration is to be paid on the account of the patent authority, where it is to be stored for three years until demanded by the right holder or rights collective management organization. In addition, the law provides for the possibility of parallel import of original goods in which intellectual property subject matters are used, if such goods are included in the list of goods that are essential for the domestic market. The list of such goods shall be established by the Government. Goods are not included in the list if the right holders or other persons with their consent provide a sufficient amount of goods on the domestic market. The restrictions will remain in place until the end of 2024.

A NUMBER OF LAWS IN THE FIELD OF INTELLECTUAL PROPERTY WERE AMENDED

On January 9, 2023, Law of the Republic of Belarus No. 243-Z On Amendments to the Laws on Legal Protection of Intellectual Property Subject Matters was issued.

The law was initiated by the Government of the Republic of Belarus in order to comprehensively adjust the legislation in the field of intellectual property.

The amended laws include, in particular:

- Law of the Republic of Belarus On Patents for Inventions, Utility Models, and Industrial Designs
- Law of the Republic of Belarus On Trademarks and Service Marks
- Law On Geographical Indications
- Law of the Republic of Belarus On Patents for Plant Varieties
- Law of the Republic of Belarus On Legal Protection of Integrated Circuits Topographies
- Law of the Republic of Belarus On Copyright and Related Rights

The amendments are intended to:

- Bring the norms of the national legislation in line with the provisions of the Treaty on Trademarks, Service Marks, and Appellations of Origin of Goods of the Eurasian Economic Union, the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, and the Protocol on the Protection of Industrial Designs to the Eurasian Patent Convention;
- Create a legal basis for registration of trademarks and appellations of origin of goods of the Eurasian Economic Union and for obtaining international registration of industrial designs;
- Development of a mechanism of compulsory licensing with regard to granting the Government the powers to make decisions on the issuance of a license to the individual or legal person concerned, allowing the use without the consent of the patent owner of inventions, utility models, industrial designs in order to ensure national security, state defense, safeguarding and protection of life and health of people;
- Improvement of legal regulation in the field of collective management of property rights, as well as the procedure for use (without the consent of the right holder, but with payment of remuneration) of musical works during holding and media covering of certain cultural events.

3. KYRGYZSTAN

THE PARLIAMENT ADOPTED FOUR LAWS RELATED TO THE FIELD OF INTELLECTUAL PROPERTY

In February 2023, the Parliament of Kyrgyzstan adopted a number of laws related to the field of intellectual property:

ON AMENDMENTS TO CERTAIN LEGISLATIVE ACTS OF THE KYRGYZ REPUBLIC IN THE FIELD OF INTELLECTUAL PROPERTY, WHICH AMENDS:

- Part II of the Civil Code of the Kyrgyz Republic
- Code of the Kyrgyz Republic on Non-Tax Revenues
- Law of the Kyrgyz Republic On Customs Regulation
- Law of the Kyrgyz Republic On Legal Protection of Integrated Circuits Topographies
- Law of the Kyrgyz Republic On Legal Protection of Selection Inventions
- Law of the Kyrgyz Republic On Inventions, Utility Models, Industrial Designs
- Law of the Kyrgyz Republic On Patent Attorneys
- Law of the Kyrgyz Republic On Secret Inventions
- Law of the Kyrgyz Republic On Protection of Traditional Knowledge

In particular, the amendments provide for the addition of a new IP subject matter being a geographical indication and the possibility of electronic filing of applications for registration of intellectual property subject matters with the authorized body.

PATENT LAW

In particular, the issuance of “patents under the applicant’s responsibility” is excluded; the period of protection for utility models is increased from 8 to 10 years, and the maximum period of protection for industrial designs is increased from 15 to 25 years, while the “list of essential features” is excluded from the documents of the application for an industrial design.

ON TRADEMARKS, SERVICE MARKS, GEOGRAPHICAL INDICATIONS, AND APPELLATIONS OF ORIGIN OF GOODS

The law provides for a reduction in the time for conducting an examination of applications from 12 to 7 months and a reduction in the time for responding to an examination notice from 12 to 6 months.

Legal protection of a new subject matter — geographical indication — is introduced preserving at the same time the protection for appellations of origin of goods.

The restriction on the registration of trademarks in the name of individuals who are not engaged in entrepreneurial activities is removed.

ON AMENDMENTS TO THE LAW “ON COPYRIGHT AND RELATED RIGHTS” AND REPEALING CERTAIN LEGISLATIVE ACTS OF THE REPUBLIC OF KYRGYZSTAN

The law on copyright includes provisions on the protection of computer programs and databases with the simultaneous termination of the Law of the Kyrgyz Republic On Legal Protection of Programs for Electronic Computers and Databases.

NEWS

Gorodissky & Partners has been a sponsor of the Russian delegation of participants of the International Exhibition of Young Inventors (IEYI) since 2017.



PHOTO: GENIUSES OF THE PRIKAMYE – 2022

17–18 JANUARY 2023

21ST IIPLA 2023 CONFERENCE

Sergey Medvedev, Ph.D., LL.M., Partner, Trademark & Design Attorney (Gorodissky & Partners, Moscow), spoke on “Domain name issues and disputes” at the Session “Trademark squatting: protecting trademark across borders” of the 21st IIPLA 2023 Conference, held in Dubai. The report highlighted the current resolution practice of domain disputes in Russia, including litigation and gathered the audience of 100 people.

17–18 JANUARY 2023

WORLD LITIGATION FORUM 2023

Kirill Kukshchey, Counsel (Gorodissky & Partners, Dubai), spoke on “Online brand enforcement” at the Session “Adaption of AI, ML & Blockchain Technology in Litigation” of the 13th World Litigation Forum 2023, held in Dubai.

2 FEBRUARY 2023

REGIONAL COMPETITION “GENIUS OF THE PRIKAMYE”



PHOTO: DARIA YOSEF PRESENTS THE IEYI-2022 AWARD

Perm hosted the VII Perm Economic Congress, within the framework of which the award ceremony for talented schoolchildren “Geniuses of the Prikamye — 2022” was held. The ceremony was attended by Daria Yosef, Regional Director (Gorodissky and Partners, Perm). Among others the awards were given to the winners of the International Exhibition for Young Inventors (IEYI — 2022).

3 FEBRUARY 2023

STORM IN A CAN OF FANTA // THE TRADEMARK LAWYER

An article “Storm in a Can of FANTA” by Vladimir Biriulin, Partner, Russian Patent Attorney (Gorodissky & Partners, Moscow) is published in The Trademark Lawyer by CTC Legal Media.

The article is about the protection of IP rights in Russia in the current political situation. Despite the fact that many foreign companies, such as Coca Cola, are leaving the Russian market, their IP rights are still preserved.

2–3 FEBRUARY 2023

INTERREGIONAL CONFERENCE “IP AS AN IMPULSE FOR SCIENCE AND TECHNOLOGY DEVELOPMENT IN REGIONS” Tatiana Korovina, Trademark Attorney, Regional Director, Dmitry Semihvostov, Software Attorney, Lawyer, Dmitry Shlykov, Russian Patent Attorney, and Varvara Burdyugova, Consultant (all — Gorodissky & Partners, Samara) spoke on “Software: how to protect your developments” at the Interregional Conference “IP as an impulse for Science and Technology Development in Regions” organized by the Scientific and Educational Center “Engineering of the Future” in Samara.



PHOTO: INTERREGIONAL CONFERENCE “IP AS AN IMPULSE FOR SCIENCE AND TECHNOLOGY DEVELOPMENT IN REGIONS”

6–7 FEBRUARY 2023

GLOBAL LEGAL ASSOCIATION CONFERENCE 2023

Sergey Medvedev, Ph.D., LL.M., Partner, Trademark & Design Attorney (Gorodissky and Partners, Moscow), spoke at the Session “IP enforcement and IP infringement or IP transaction & monetization” of the Global Legal Association Conference 2023, held in Dubai. The session was lively, more than 60 people took part in it.

14 FEBRUARY 2023

PRESS CONFERENCE OF THE PRESIDENT OF THE EURASIAN PATENT OFFICE (EAPO)



PHOTO: PRESS CONFERENCE OF THE EAPO PRESIDENT / PHOTO TASS

Yuri Kuznetsov, Partner, Head of Patent Practice, Russian and Eurasian patent attorney (Gorodissky and Partners, Moscow) took part in press conference of the Eurasian Patent Office (EAPO) where Grigory Ivliev, President of EAPO summed up the results of 2022 and outlined promising directions for the development of the Eurasian IP system.

12–15 FEBRUARY 2023

13TH INTERNATIONAL INVENTION FAIR IN THE MIDDLE EAST IIFME



PHOTO: SERGEY MEDVEDEV AT IIFME-2023

Sergey Medvedev, Ph.D., LL.M., Partner, Trademark & Design Attorney (Gorodissky and Partners, Moscow) and Kirill Kukshchey, Counsel (Gorodissky & Partners, Dubai), participated in the 13th International Invention Fair in the Middle East IIFME where Sergey spoke on: “Eurasian Technologies & Transfers”.

18–19 FEBRUARY 2023

GLOBAL INTELLECTUAL PROPERTY CONVENTION 2023



PHOTO: YURI KUZNETSOV AT GIPC-2023

On February 18–19, 2023 Goa (India) hosted the Global Intellectual Property Convention 2023 (GIPC), within the framework of which a Round table “The Eurasian Patent System — history, modern state and further development” was held with the participation of the President of the Eurasian Patent Office (EAPO) Grigory Ivliev. The Round Table discussion was moderated by Yuri Kuznetsov, Partner, Russian & Eurasian Patent Attorney, Head of Patent Practice (Gorodissky and Partners, Moscow). One of the speakers of the Round Table was Viacheslav Rybchak, Partner, Russian & Eurasian Design Attorney, Head of Industrial Design department (Gorodissky and Partners, Moscow).

21 FEBRUARY 2023

PRAVO-300



8 practitioners of Gorodissky & Partners are recommended among the best in Russia by the Federal rating of law firms “Pravo-300” in fol-

lowing nominations: IP consulting, IP registration, IP litigation, and TMT.

20–23 FEBRUARY 2023

WORLD INTELLECTUAL PROPERTY FORUM 2023 (WIPF)

The 11th World Intellectual Property Forum was held in Bangalore, Republic of India from February 20 to 23, 2023. It was attended by more than 700 delegates from 21 countries. On the first day of the Forum, a Round table organized by Gorodissky & Partners and the Eurasian Patent Office “The Eurasian Patent System — history, modern state and further development” took place. The moderator of the Round Table was Yuri Kuznetsov, Partner, Russian & Eurasian Patent Attorney, Head of Patent Prac-

ice (Gorodissky & Partners, Moscow). The participants of the Round Table also were the President of the Eurasian Patent Office (EAPO) Grigory Ivliev, the Director of the Federal Institute of Industrial Property (Russian PTO) Oleg Neretin, Chief IP Officer of Roscosmos State Corporation Natalia Belenkaya, Head of IP Center, Joint Stock Company — Organization Agat Anna Grashchenkova and Viacheslav Rybchak, Partner, Russian Trademark & Design Attorney, Eurasian Design Attorney, Head of Design department at Gorodissky & Partners.

On the last day of the Forum, Viacheslav Rybchak also made individual presentation “The latest novels of the Eurasian industrial design — 3D models”.



PHOTO: RUSSIAN DELEGATION AT WIPF

During all 4 days, the information booth of Gorodissky & Partners was presented in the exhibition area, where participants of the Forum could get information about the services provided by Gorodissky & Partners firm and get consultation on the current IP legislation in Russia.

1 MARCH 2023

GLOBAL IP CONFEX

Sergey Medvedev, Ph.D., LL.M., Partner, Trademark & Design Attorney (Gorodissky and Partners, Moscow) made at the Global IP ConfEx, which was held in Dubai (UAE), presentation “LegalTech and Online Brand Protection — IT v. Legal”. Sergey Medvedev’s speech was devoted to the main types of online infringement, the mechanism of IP enforcement, especially with the use of Legal-Tech solutions, as well as the effectiveness of such solutions. The report aroused wide interest among the participants.

2 MARCH 2023

INTERNATIONAL ONLINE CONFERENCE “IP PEOPLE”

Sergey Medvedev, Ph.D., LL.M., Partner, Trademark & Design Attorney

(Gorodissky and Partners, Moscow), spoke on “IP Asset Management” at the International Online Conference “IP People”, organized by the Business Way Forum. In his report, Sergey highlighted the main legal aspects of trust management, cited some models of trust management, and also focused on the main legal positions of the IP Rights Court and Supreme Court of the Russian Federation. The report aroused great interest among the conference participants.

9–10 MARCH 2023

DUBAI NEW ECONOMY LEGAL FORUM — 2023

Sergey Medvedev, Ph.D., LL.M., Partner, Trademark & Design Attorney (Gorodissky and Partners, Moscow) spoke at Dubai New Economy Legal Forum by PRAVO.RU on the topic “Online Brand Protection and LegalTech”. Forum was devoted to discussion the features of the new economic reality and topical issues of legal regulation of economic turnover.

17 MARCH 2023

RUSSIA ADOPTS NEW RULES ON CROSS-BORDER DATA TRANSFERS // ILO TECH, DATA, TELECOMS & MEDIA NEWSLETTER

The ILO Newsletter published an article by Stanislav Rumyantsev, Ph.D., CIPP/E, Senior lawyer (Gorodissky and Partners, Moscow) “Russia adopts new rules for cross-border data transmission”. The article is devoted to how the Russian TIA procedure is different from those described in the European Data Protection Board’s recommendations.

30 MARCH 2023

GORODISSKY & PARTNERS RANKS AMONG THE BEST MEDIA LAW FIRMS IN RUSSIA (MLI)

An independent publishing company Media Law International (MLI) has published an international ranking of law firms practicing in the field of media. Gorodissky & Partners was included into Tier 2 of The Best Media Law firms in Russia.

MLI 2023

«GORODISSKY & PARTNERS» OPENS A NEW OFFICE IN DUBAI (UAE)

«GORODISSKY & PARTNERS» EXPANDS ITS INTERNATIONAL PRESENCE AND ENTERS THE MIDDLE EAST MARKET - THE FIRM'S NEW OFFICE IN DUBAI HAS OPENED ON APRIL 6, 2023. THE DUBAI OFFICE AIMS TO STRENGTHEN THE FIRM'S LEGAL SERVICES IN THE MIDDLE EAST

“We are pleased to announce the expansion of our corporate network and the opening of a new office in Dubai, which aligns with the firm's overall growth strategy. In response to the clients' demand and the dynamic MENA market, we have decided to be present in this

The UAE-jurisdiction has established itself as an attractive place to do business and has become another center of attraction for global companies and corporations, including major innovation companies, IT corporations, the banking sector and many retailers. The region is famous for its free trade zones, a large number of innovation and techno parks, venture capital funds and financial institutions that require qualified legal support in the field of intellectual property (IP) as well as technology, media and telecommunications (TMT).

The Dubai office lawyers offer a significant range of legal services, including IP and TMT strategies, structuring of IP and TMT transactions, asset holding, franchising, licensing and distribution, enforcement of exclusive rights, corporate and commercial business support services.

region. We always strive to create the most comfortable conditions for our clients in different jurisdictions by providing high quality legal services in IP and TMT areas in accordance with our general corporate standards”, – Valery Medvedev, Managing Partner (Gorodissky & Partners, Moscow).

Another issue that was addressed at the opening session by Sergey Medvedev, Ph.D., LL.M. (Chicago), Partner, Regional director (Gorodissky & Partners, Dubai) was the potential of the Eurasian space, legal opportunities for regional IP protection in the countries of the Eurasian Patent Organization, protection of Eurasian designs, initiatives for an Eurasian trademark and a regional IP court.



129090, **MOSCOW**, RUSSIA
B. Spasskaya str., 25, bldg. 3
Phone: +7(495) 937-61-16
e-mail: pat@gorodissky.com
www.gorodissky.com

197046, **ST. PETERSBURG**, RUSSIA
Kamennoostrovsky prosp., 1/3, of. 30
Phone: +7(812) 327-50-56
e-mail: spb@gorodissky.com

420015, **KAZAN**, RUSSIA
Zhukovskogo str., 26
Phone: +7(843) 236-32-32
e-mail: kazan@gorodissky.com

607328, **SAROVTECHNOPARK**, RUSSIA
N.Novgorod region, Diveevo, Satis
Parkovaya str., 1, bldg. 3, office 7
Phone: +7(83134) 452-75
e-mail: sarov@gorodissky.com

603000, **N. NOVGOROD**, RUSSIA
Kostina str., 4, office 403
Phone: +7(831) 430-73-39
e-mail: nnovgorod@gorodissky.com

690091, **VLADIVOSTOK**, RUSSIA
Oceansky prospect, 17, office 1003
Phone: +7(423) 246-91-00
e-mail: vladivostok@gorodissky.com

620026, **EKATERINBURG**, RUSSIA
Rosa Luxemburg str., 49,
Onegin Plaza Business Centre
Phone: +7(343) 351-13-83
e-mail: ekaterinburg@gorodissky.com

614015, **PERM**, RUSSIA
Topoleviy per., 5,
Astra apartment house, office 4.8
Phone: +7(342) 259-54-38
e-mail: perm@gorodissky.com

630099, **NOVOSIBIRSK**, RUSSIA
Deputatskaya str., 46, of.1204
Business center Citicenter
Phone: +7(383) 209-30-45
e-mail: novosibirsk@gorodissky.com

350000, **KRASNODAR**, RUSSIA
Krasnoarmeiskaya str., 91
Phone: +7(861) 210-08-66
e-mail: krasnodar@gorodissky.com

443096, **SAMARA**, RUSSIA
Ossipenko str., 11, Business center Portal
Phone: +7(846) 270-26-12
e-mail: samara@gorodissky.com

450077, **UFA**, RUSSIA
Verkhnetorgovaya pl., 6,
Business center Nesterov, office 2.1.1
Phone: +7(347) 286-58-61
e-mail: ufa@gorodissky.com

141980, **DUBNA**, RUSSIA
Flerova str., 11, office 33, Moscow region,
Phone: +7(496) 219-92-99 / 92-29
e-mail: dubna@gorodissky.com

010000, **ASTANA**, REPUBLIC OF KAZAKHSTAN
Almaty district, Tauelsyzydk avenue, 41, Silk Way
Business Center, office 507
Phone: +7 (7172) 270-901
e-mail: astana@gorodissky.com

01135, **KYIV**, UKRAINE
V. Chornovola str., 25 lit. A, office 129
Phone: +380 (44) 501-18-71
e-mail: office.gorodissky@gmail.com
www.gorodissky.ua

The Maze Tower, Office 1502
Sheikh Zayed Road, **DUBAI**, UAE
Phone: +971 43 55 4882
e-mail: info@gorodissky.ae