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## The cat that got the cream: an interview with Desirée Russo, Trademark Counsel at PUMA Group

Desirée sits down with *The Trademark Lawyer* to share her journey into trademark law and discusses the unique challenges and rewarding experiences of working for a globally recognized brand.



# An equal playing field: fair trademark enforcement in Russia

**Evgeny Alexandrov of Gorodissky & Partners addresses the concerns of foreign IP rights holders about protecting their trademarks under newly imposed sanctions, highlighting recent cases that illustrate Russia's continued commitment to safeguarding both domestic and foreign intellectual property.**

**E**ffective protection of intellectual property (IP) rights provided by law is the prime indicator of a developed legal system. In light of the sanctions imposed on Russia and countersanctions adopted by the Russian Government, foreign IP rights owners find themselves grappling with questions regarding the feasibility of enforcing their rights. Widespread misinformation has erroneously suggested that foreign-owned IP is no longer shielded under Russian law. However, such claims lack substance.

First, it is crucial to acknowledge that Russia remains committed to upholding its obligations under major international IP treaties. As a Member State of these conventions, Russia ensures legal protection for various forms of IP, irrespective of the applicant's nationality. Applications to the Russian Patent Office are evaluated purely based on existing legislation, without discrimination toward foreign entities, contrary to the EU approach concerning Russian applicants.

From a judicial standpoint, no substantive changes have occurred in how Russian courts adjudicate IP-related disputes. Cases involving the defense of rights proceed unhindered, regardless of the IP owner's country of origin. Courts swiftly quash attempts by infringers to exploit geopolitical tensions against foreign IP rights owners. For instance, in Case No. 28-11930/2021, the Second Commercial Court of Appeal unequivocally declared that equal protection of IP belonging to foreign entities is guaranteed throughout Russian territory.

In another case (No. A33-27920/2021), the infringer claimed dismissal of the claims of the trademark owner based on Decree No. 430-r of the Government dated May 3, 2022, according



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to which Japan was listed as an 'unfriendly' country. However, in its resolution on October 6, 2022, the IP Court ruled that the argument put forth by the defendant should be rejected. The panel reasoned that merely being incorporated in Japan does not absolve the infringer from civil liability for violating the exclusive rights of the trademark owner, as stipulated by the civil laws of the Russian Federation concerning the disputed trademark. The Government of the Russian Federation has not included the prohibition of trademark protection (enforcement) for trademark owners among these consequences.

Comparable findings have been uniformly maintained across multiple rulings from various court levels concerning trademark infringement cases brought forth by rights holders based in the United States, the Republic of Korea, Germany, the United Kingdom, Japan, France, Finland, Spain, and the Netherlands.

Cases: A45-9326/2023, A45-12535/2023, SIP-98/2022, A60-6958/2022, A67-985/2022, A57-9282/2023, A67-3739/2024, A75-5800/2024, A75-5799/2024, SIP-554/2021, A43-11633/2024, A53-47274/2023, A53-30749/2023, A32-22291/2024, A53-43320/2023, A43-4450/2023.

According to the Chairwoman of the IP Court, Lyudmila Novoselova: "Today, it can be stated that certain approaches have developed among the courts, and they come down to the fact that when assessing the actions of a party, its specific behavior is taken into account. By itself, belonging





*to an unfriendly country does not indicate that actions that we can assess as an abuse of law have taken place. Therefore, it is necessary to evaluate specific actions within the framework of this dispute, within the framework of the situation that was the subject of this dispute.”*

Therefore, an IP rights holder originating from a country named ‘unfriendly’ does not automatically serve as justification for dismissing their claims. To date, no court decisions have been issued denying the protection of the rights of IP owners from these jurisdictions. This article explores recent judicial precedents, shedding light on the current approach of Russian courts toward cases involving trademarks. This subject matter typically gives rise to numerous disputes adjudicated by the courts.

There are no barriers for a foreign company to enforce its IP rights in a Russian court. In this context, it is noteworthy that commercial courts deal with most trademark infringement cases. Over the past decade, Russian courts have accrued substantial expertise in handling trademark infringement cases, and going to court is one of the most effective ways not only to cease an infringement but also to recover monetary compensation or damages from the infringer. According to the statistics of the Supreme Court, on average, Russian courts handle more than 18,000 trademark infringement cases per year, and, as practice shows, the nationality of the trademark owner does not matter to the Russian court, and all cases are considered solely based on the law.

Prominent examples illustrating the efficacy of this approach include high-stake lawsuits initiated by renowned brands such as Chanel and Dior. In Case No. A63-6499/2021, these French luxury fashion houses prevailed against a vendor selling counterfeit sunglasses marked with their iconic logos. Both brands boasted of a well-established reputation in Russia, facilitating their victory. As a result of the trial, the court ultimately ordered statutory compensation to be paid to the plaintiffs by its decision on July 11, 2023.

Many other foreign enterprises have similarly triumphed in asserting their trademark rights before Russian tribunals. Noteworthy cases include:

- **Harman International Industries (USA)**  
– Case A50P-752/2022
- **F. Hoffmann-La Roche AG (Switzerland) and Roche Diagnostics GmbH (Germany)**  
– Case A21-6770/2023

## Résumé

**Evgeny Alexandrov, Ph.D, Senior Partner,  
Head of Legal, Trademark & Design Practice**

Evgeny joined Gorodissky & Partners in 2005 and was promoted to Partner at the firm in 2015. He advises clients on the legal (non-contentious) and illegal (contentious) use of IP/IT, unfair competition and false advertising, parallel imports and anti-counterfeiting, licensing and franchising, media and technology. He is amongst the most experienced and strongest IP/IT litigators in Russia. He represents clients before commercial courts and courts of general jurisdiction, administrative, and law enforcement bodies.

- **TEFAL (France)**  
– Case A56-125246/2024
- **Laboratoires De Biologie Vegetale Yves Rocher (France)**  
– Case A79-8141/2024
- **Rovio Entertainment Corporation (Finland)**  
– Case A45-22773/2024

These examples reflect the unwavering commitment of Russian courts to ensuring fair treatment for all rights holders, regardless of their place of incorporation. According to official data released by the Supreme Court, during 2022–2025, rights holders – whether domestic or foreign – secured over 4.1 billion rubles (~\$50 million) in compensatory damages for trademark infringements. This figure vividly illustrates the tangible rewards awaiting diligent brand custodians who zealously defend their IP portfolios.

## Parallel import

One of the key areas of combating trademark infringements is fighting against the illegal import of original products without the consent of the trademark owner. Russia's changing political and economic climate over the past two years has made parallel imports a contentious issue. Misinformation suggests these imports are now allowed. However, parallel imports remain illegal and violate exclusive rights. The Russian Civil Code follows a national principle of exhaustion, allowing the resale of goods once legitimately entered into Russia, alongside the regional principle under the Eurasian Economic Union (EAEU), enabling free movement among Member States.

To address economic challenges, the Russian Government temporarily authorized parallel imports via a list of products approved by the Ministry of Industry and Trade in April 2022. Updated multiple times, this list permits importing select goods (being in short supply for which no domestic alternatives are produced in Russia) without rights-holders consent, focusing on companies that exited the Russian market.

Meanwhile, many foreign IP rights holders still actively protect their IP, often through trademark registration and recordal in the Customs IP Register, which remains an effective tool for preventing and identifying the importation of counterfeit products and unauthorized parallel imports. This registry plays a critical role in detecting and ceasing unauthorized imports at the border, helping to enforce the legitimate use of trademarked goods. From January to August 2024, customs detected 3.5 million counterfeit items, which is about 14.3% more than the year before (3 million), indicating the high efficiency of the customs authorities.

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Courts consistently affirm that parallel imports remain prohibited unless specifically listed by the Government, for example, in Case No. A53-26676/2023, Davide Campari-Milano N.V. (Italy) successfully sued a local company for illegally importing “Aperol” branded products leading to a ban on sales.

In another case, ENPRANI CO., LTD (Republic of Korea) filed a lawsuit against an individual entrepreneur, requesting a ban on the use of the HOLIKA HOLIKA trademark and compensation for its unauthorized use by offering for sale of the branded products on the marketplace. On August 7, 2023, the court granted the requested relief, ordering the respondent to cease using the trademark and pay statutory compensation and legal expenses. The court also highlighted that the HOLIKA HOLIKA trademark is included in the Customs IP Register and is not listed by the Ministry of Industry and Trade among goods permitted for parallel import (Case No. A51-1583/2023).

It should be noted, however, that all attempts by importers to rely on the List of the Ministry of Industry and Trade to evade liability for illegal importation and sale of counterfeit goods are consistently rejected by the courts. In Case No. A41-51820/2022, initiated by Sonaks EST OU (Estonia), the defendant argued that the CHAMPION brand products fall within the scope of goods approved for parallel import under the order of the Ministry of Industry and Trade, thereby claiming that the use of the trademark did not constitute an infringement of the plaintiff's exclusive rights. In reply to this, the IP Court emphasized, in its resolution dated April 23, 2023, that the said Order applies exclusively to genuine goods (goods bearing lawfully affixed trademarks) introduced into circulation in the Russian Federation's territory without the rights holder's consent. Nevertheless, the courts found that the defendant failed to prove that the disputed goods had been legitimately placed on the market abroad with the consent of the rights holder to use the trademark. Consequently, the grounds for exempting the defendant from liability under the provisions of the Ministry of Industry and Trade's order were reasonably deemed absent.

## Conclusion

The effective mechanisms for protecting IP rights in Russia demonstrate a robust legal framework that ensures safeguarding both domestic and foreign IP assets. Despite the current geopolitical landscape, Russia's adherence to key international agreements on IP underscores its commitment to maintaining a stable environment for businesses operating within its borders.

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