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INTELLECTUAL PROPERTY

New Russian Intellectual Property Court fully in place

Olesya Nalimova, Senior Lawyer of De Berti Jacchia Franchini Forlani | 22/04/2014 07:29

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The new Intellectual Property Court (IP Court) officially opened its doors in Russia in July 2013. Longtime debates preceded this milestone event. The federal law establishing the IP Court was adopted under initiative of the RF Supreme Commercial Court in December, 2011. It took another year and a half to actually launch the Court and a little less than another six months to see it fully in place and operational.

The specialized IP Court, the first ever specialized Court in Russia, was called into existence by the need for more efficient handling of the growing number of IP litigations. IP cases are more intricate than regular commercial disputes and often require technical skills in addition to legal knowledge. The specialized IP Court dedicated to such cases is intended to minimize judicial errors, harmonize IP case law and, thus, stimulate innovation, research, market growth and healthy business relations.

The IP Court will act as both court of first instance and court of cassation on IP- and IP-related matters. In its capacity as a court of first instance, the IP Court will adjudge cases of invalidation of rights relating to inventions, utility models, industrial design, plant varieties, trademarks and appellations of origin, where the federal law does not provide for a different invalidation procedure, as well as cancellation of trademarks because of non-use. The IP court also acts as court of cassation and, in this distinct capacity, will review IP infringement cases decided upon by all Russian State Courts of first and appeal instance. By now, sixteen highly trained judges have been appointed to the IP Court to be also supported by fifteen court experts. Technical specialists will additionally be invited for oral witness testimony to clarify specific technical issues.

In its capacity as court of first instance, the IP Court issued 151 decisions from July to December 2013. In the current year, the IP Court in its first instance held 135 decisions. In the light of rapid technological evolution, ever increasing economic importance of IP and the intrinsic greater complexity of IP laws, the IP Court will play a key role in strengthening the national framework for IP protection and ensuring consistent and transparent handling of IP litigation and interpretation of the law.

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