

## **CORONAVIRUS OVERCOMING THE DIFFICULTIES**

# **CHANGES IN THE OPERATIONS OF THE ROSPATENT AND IP COURTS CAUSED BY COVID-19 IN RUSSIA**

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The Russian Patent Office (Rospatent) is the state authority administering the registration and maintenance of IP rights, as well as adjudging IP disputes at the administrative level on its own decisions.

The ordinary procedures for filing applications and claims and communicating with the Rospatent in general foresaw both physical and electronic flows. The former were available at the Rospatent office and by the postal service, while the latter took place through

- a special electronic system of the Rospatent and
- a general facility for all electronically provided state services (service “gosuslugi”), which includes also services provided by the Rospatent.

In 2018 the RUSMA Companies challenged the rejection decision of the FAS before the Russian Court for Intellectual Property (case SIP-277/2018). The Court annulled the FAS decision holding that it had not correctly assessed all facts and made wrong conclusions. The Court remanded the case for review by the FAS.

The use of electronic services requires the usage of an advanced personal digital signature, which is legally equivalent to a manual signature.

Currently, due to COVID-19 restrictions, the physical filing of any documents at the Rospatent office is suspended; however, the Rospatent accepts applications/documents received by the postal service.

Besides, for those who do not have digital signatures and thus could not use the electronic facilities mentioned above, the Rospatent introduced an option of filing applications and communicating with its offices by regular electronic mail. The formats of applications/documents submitted by e-mail is the same as those usually handed over at the Rospatent office. Such documents will be deemed filed in paper form.

During the recent years the Rospatent has been improving and promoting its electronic system of registration of all intellectual property rights, including trademarks, designs, patents and inventions, utility models, appellations of origin and software, and the number of applications filed

electronically dramatically increased by 2020. To encourage the electronic document flow, the Rospatent initially offered a 30% discount on official fees in respect of all applications filed electronically. This discount is still available, but it is not applicable to applications filed by e-mail as a replacement of applications in paper format.

Disputes on decisions of the Rospatent are reviewed at the administrative level by the Chamber for Patent and Trademark Disputes of the Rospatent itself. In accordance with a decision of the Rospatent Head, all hearings before the Chamber during the period from 23 March till 08 May 2020 are either arranged by video-conferencing, or postponed, if video-conferencing was not requested by the applicant or is not feasible. The request for arranging hearings by video-conferencing should be filed by e-mail with the Chamber by the applicant 2 working days before the date of the hearing. Hearings on cancellation applications can take place by video-conferencing if both parties to dispute can join. Applicants can also ask for review of the case in absentia by filing a specific request.

Starting from 19 March 2020, all Russian courts suspended general access by the public, which remains allowed only for participants to hearings. All documents should be filed with the courts electronically or by the postal service. Besides, courts hear only urgent cases (e.g. injunctions) or cases dealt with by simplified procedures. If there is the technical capability hearings should be arranged by videoconferencing. These restrictions were implemented until 10 April, but could be extended in view of the continuing COVID-19 pandemic.

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Il presente articolo ha esclusivamente finalità informative e non costituisce parere legale.

*This article is exclusively for information purposes, and should not be considered as legal advice.*



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