



# Policy objectives of the Russian Patent Office in 2020 and their fulfillment

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In March 2020 the Russian Patent Office (Rospatent) announced its policy objectives for 2020, one of which was the increase of the level of services provided to users ["The public declaration of tasks and objectives of the Federal Service for Intellectual Property for 2020" approved by the Rospatent on 19 March 2020].

Among such objectives the following were listed among others:

- Recasting of the Administrative Regulations of the Rospatent;
- Adoption of new legislative or regulatory instruments on
  - use of 3D models of intellectual property objects in applications,
  - electronic documentation (patent letters, certificates),
  - outsourcing of patent search activities and patentability assessment as part of the substantive examination of

inventions and industrial model applications to accredited organisations,

- new legislation for registration of geographical indications and launch of a new geographical indications registration procedure,
- new regulations on the administrative procedure of review of intellectual property disputes (by the Chamber for Patent and Trademark Disputes).

The Rospatent may boast that most of the above have been attained during 2020.

The amendments to the Civil Code of the Russian Federation introducing 3D formats and electronic documents were adopted on 20 July 2020 and will come into force starting from 01 January 2021. Starting from 2021, applicants may additionally file an electronic 3D format of



inventions, utility models, industrial designs and trademarks, which in the view of the Rospatent will clarify the subject of the application, especially in relation to the assessment of complex technical devices and equipment. Similar to the common practice in the EU, rightholders will receive electronic documents certifying their rights in Russia recorded in the relevant official state register of the Rospatent as from 01 January 2021. The option to receive a paper document will still be available to rightholders, but only upon filing a special request and subject to payment of the relevant official fee.

The head of the Rospatent Mr. Ivliev confirmed to Russian press that the Rospatent is actually ready to accept 3D formats and issue electronic documents. He also advised that use of 3D formats will be convenient both for applicants and examiners, as this should decrease the probability of potential mistakes, reduce the examination timeframes and raise the quality of assessments due to the clear visual presentation of technical solutions. In line with its goals, the Rospatent in fact adopted during 2020 several administrative regulations governing the procedure of amendment to state registers and certificates, the procedure of cancellation of intellectual property rights, and the procedure of registration of geographical indications. Geographical indications, as a new IP right having come to existence in 2020, were the object of special attention by the Rospatent and there are now detailed regulations covering all stages of the geographical indications registration procedure and maintenance.

Furthermore, the Rospatent adopted a new regulation on the administrative procedure of review of intellectual property disputes on 30 April 2020, which came into force on 06 September 2020. The main laudable novelties introduced by the regulation are the opportunity for applicants to file new arguments during the proceeding; the electronic filing of applications; the use of the electronic service platform of the Rospatent for all correspondence on the case, as well as for filing objections, replies and statement of defense; the shorter term of

formal examination and limited grounds for postponement of the hearing; and the option for the holding of online hearings (by videoconferencing). These developments proved very timely and welcome in the context of the pandemic and the mobility and personal interaction restrictions that were put in place since March 2020.

Last but not least, the Rospatent was authorized to outsource patent search and patentability assessment activities. The idea of outsourcing had commenced to gain strength much earlier than 2020. Mr. Ivliev was writing about this possibility already in 2018, in his article "Patent examination: from monopoly to competition", naming it as one of priority goals of the Rospatent and the Ministry of economic development of the Russian Federation laid down in the 2017-2018 innovation reinforcement activity plan of the Russian Government. However, searches and patentability assessments were still performed by the Rospatent experts.

It looks like this will change with 2021. At the briefing with international business that took place on 18 November 2020 the head of the Rospatent announced that the Rospatent is working on preparing terms and requirements for the accreditation of external organizations for carrying out those activities on behalf of the Rospatent.

In accordance with the relevant amendments to the Russian Civil Code adopted on 31 July 2020 and effective from 31 August 2021, the Rospatent will be empowered to accredit Russian scientific or educational entities and institutions as a certified organization for patent searches and patentability assessment, which shall be carried out at the request of the applicant. The opinion of the accredited organization will have legal force, and the Rospatent shall take into consideration the results of searches and patentability assessments so provided. It is envisaged that the accredited organizations will be given access to the patent databases of the Rospatent.



Besides the 2020 objectives, the Rospatent is in the process of developing the special register of pharmacologically active substances protected by patents. This is a special task assigned to the agency by the Russian Prime Minister during the meeting of the Foreign Investment Advisory Council. The register should provide publicly available information on all substance patent protection and serve as a tool to prevent the premature marketing of generics medicines before the expiry of patent protection of the originator pharmacologically active substance. The register may also include information about the patent owner, any issued

licenses and medicinal products containing the substance. It is expected that the register will prove a useful tool for both rightholders and authorities (including the Russian Customs) for the protection and enforcement of patent rights.

The proposed amendments to the Law “On circulation of medicinal products” for introducing making the register of pharmacologically active substances had been prepared by the Russian Ministry of Health in 2019, but has not yet been submitted to the Russian Parliament for consideration and adoption. This is expected to happen in 2021.



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