



The complete list of goods covered by the new parallel imports regime approved by the Russian Administration

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📖 INTELLECTUAL PROPERTY, RUSSIA

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On 06 May the full text of the order of the Ministry of Industry and Trade no. 1532 dated 19 April 2022 (Order) containing the complete list of goods that will fall outside the scope of part 6 of article 1359 and article 1487 of the Civil Code was published. Please refer to our article of 28 April 2022 available at the following link <https://www.lexology.com/library/detail.aspx?g=043a3100-e23e-48cc-8206-8b01ae2d6987>. This means that the IP rights, namely, invention patents and trademarks, utilized by means of the importation into Russia of such goods will no longer fall under the national (more precisely - regional) exhaustion principle. As a result, their resale in Russia no longer requires the authorization of the right holder. The Order is a 25 pages document that refers to customs commodity codes for groups of goods and individual goods based on the Trade Import and Export

Classification of the Eurasian Economic Union (EAEU Customs Classification). The full text of the Order is available on the Russian official online system of legislation at <http://publication.pravo.gov.ru/Document/View/0001202205060001?index=0&rangeSize=1>.

The EAEU Customs Classification is comprised of 97 groups of goods combined in 21 sections. Each group contains subgroups with 4-digit codes and individual items with 10-digit codes.

The list in the Order refers to 55 groups of goods and does not include at all sections 1, 3, 4, 9 and 22. These sections are "Animals and products of animal origin", "Fats and oils", "Food products, alcoholic drinks and beverages, tobacco and products for nicotine consuming", "Wood materials and products made of it", "Works of art, antique and collectable pieces".



The following groups are included in the list: 06, 25-30, 32-36, 38-40, 42-43, 48, 50-55, 59, 61-66, 68, 69, 70, 72-74, 76, 78-87, 89-96. Some groups include subgroups or item codes, names of producers (owners of IP rights) and/or brands (trademarks).

Groups: 07-14 "phytogenesis (vegetable origin) products", 31 "Fertilizers", 71 "Pearls, precious stones and metals, garments made of those, imitation jewelry" are not included in the list.

Below is a brief overview of goods categories as to which parallel imports are currently legalized.

Group 06 - live woods and plants, bulbs, cut flowers.
Irrespective of brands and producers.

Groups 25-27 - mineral products.
Brands including but not limited to Panasonic, Rio Tinto, ILUKA, Scania, Volkswagen, Volvo, Land Rover, Renault, Porsche, Ferrari, Toyota, DAF, Bugatti.

Groups 28-30 - inorganic substances, organic chemical compounds, pharmaceutical products.
Some items are included irrespective of brands, for others - Bonderite brand owned by Henkel, EnviroFALK brand owned by EnviroFALK GmbH, O.B. brand owned by Edgewell Personal Care, Carefree brand owned by Johnson&Johnson allowed for parallel imports.

Groups 32-36, 38 - coloring agents, pigments, paints, essential oils, perfumery, cosmetics, soaps, cleaning agents and products, waxes, proteic substances, enzymes, explosive compounds, pyrotechnical agents, other chemical products.
Some items are included irrespective of brands, as to others excluded from the list are consumer and professional brands owned by L'Oreal Group, and brands Cacharel, Diesel, Oral-B, Gillette, Old Spice and some other; some items refer to companies Fiberfrax, REMA, MATO, GCP Italiana, Bentonorit, Bonderite.

Groups 39-40 - plastic materials, rubber materials and products made thereof.

Some items are included irrespective of brands, for others – FHF, Siemens, Henkel, SC Thunderflex, Emer, REMA, Michelin, Goodyear, Bridgestone, BOSCH, Vickers, Scania, Chevrolet, BMW, Maserati, WABCO, Volvo, DAF and many other brands - parallel imports are expressly legalized.

Groups 42-43 - leather and fur products and goods.
Product codes indicated irrespective of brands.

Group 48 – paper.
Product codes indicated irrespective of brands.

Groups 50-55, 59 - silk, wool, cotton and other plant fibers and chemical filaments.
Some product codes indicated irrespective of brands, for chemical filaments, Dessau, Siemens, Muhlen Sohn, Gore, ZAB Zementanlagenbau brands are expressly legalized for parallel imports.

Groups 61-63 – clothes.
Product group codes indicated irrespective of brands.

Group 64-66 – footwear, headwear, umbrellas.
Product group codes indicated irrespective of brands.

Group 68-70 – products made of stone, plaster, ceramics, glass.
Brands including but not limited to Eltra, LekoFLSmith and Co, Refratechnik Cement, Hermes, Yamaha, Bando, Contitech, Land Rover, Hummer, Bentley, Maybach, Smart, MAN, Peterbilt, Kenworth.

Groups 72-81 - black metals, copper, aluminum, lead, zinc, tin, other metals and products made thereof.
Some product codes indicated irrespective of brands, for some items brands are listed, including but not limited to Aeroni, DMS, Griggs Steel, Wabtec, Bosch, Siemens, Scania, Mercedes-Benz, Volkswagen, DAF, Mitsubishi, Chevrolet, Lamborghini, WABCO, Aleastur, Asturiana de Aleaciones, Reading Alloys.

Group 82 – tools, fittings.
Some product codes indicated
irrespective of brands, for some items
brands are listed, including but not
limited to Wikus, Pryor, Hilti, Knipex,
Atlas Copco, Kyocera, Berg, Eltool, Faro,
Seco, Cadillac, GMC, Lincoln, Subaru,
Honda, Volkswagen, Bugatti.

Group 83 – other goods made of non-
precious metals.
Brands including but not limited to
Scania, Bosch, Mitsubishi, Land Rover,
Hummer, Dodge, Audi, Porsche, Ferrari,
Peterbilt, Volvo, Kenworth, Freightliner.

Group 84 – nuclear reactors, boilers,
equipment and mechanical units.
Some product codes indicated
irrespective of brands, for some items
brands are listed, including but not
limited to Trellex, MTU, OMVL, Valtek,
Cummins, Volvo, Scania, Volkswagen,
Ecomotive Solutions, Detroit Diesel,
Wilo, Lowara, Hiref, Electrolux, Metabo,
Siemens, Tenova, DeLonghi, Midrex,
Rotofix, ABB, Dessau, Daikin.

Group 85 - electric machinery, sound and
video recording and playing equipment
and parts.
Brands including but not limited to ABB,
Siemens, General Electric, Philips
Nippon, Panasonic, Epcos, Traco
Electronic, Euroquartz, Rockwell,
Schneider Electric, Renata, Gauss
Magneti, Energizer, GoPro, Electrolux,
DeLonghi, Apple, Siemens, Scania,
Nokia, Logitech, Bose, Kyocera, Intel,
HP, Daimler, Volkswagen, Lamborghini,
BMW, Maybach, MAN, Aston Martin,
Scania, Volvo.

Group 86 - railway motive-power units,
rolling stocks, equipment.
Brands including but not limited to
Dellner Spa, Alfred Heyd, ZF
Friedrichshafen, Bontatrans Group,
Faiveley Transport Bochum,
WelserProfile, ITT Holdings.

Group 87 - ground means of transport,
vehicles, and parts thereof.
Brands including but not limited to
Hummer, Mercedes-Benz, Chrysler,
Bentley, GM, Cadillac, Maserati,
Volkswagen, Seat, Skoda, Bugatti,
Subaru, Audi, Bosch, Vickers, Knorr-

Bremse, Volvo, Rolls-Royce, Porsche,
Honda, Nissan, Scania, MAN, DAF,
Infiniti, Jaguar.

Group 89 - watercrafts and boats,
irrespective of brands and producers.
Product group codes indicated
irrespective of brands.

Group 90 - optics, photo, measuring,
medical and surgery instruments and
equipment.
Some product codes indicated
irrespective of brands, for some items
brands are listed, including but not
limited to Conteg, HP, Ninebot, APC,
Tripp Lite, Siemens, Schneider Electric,
AIC, Powercom, Vertiv, Mercedes-Benz,
Jeep, Kenworth.

Group 91 - watches and parts thereof.
List limited to brands Apple, Acer,
Samsung, Motorola, Sony, Siemens.

Group 92 - musical instruments.
Brands including but not limited to
Pirastro, Besson, Bulgheroni, Graph
Tech, Hofner, Savarez.

Group 93 - weapons, arms, and
armaments.
Product group codes indicated
irrespective of brands.

Group 94 - furniture, lighting fitting and
lighting equipment, building
constructions.
Brands including but not limited to Land
Rover, Jeep, Jaguar, Mercedes-Benz,
Freightliner, Mack Trucks, Peterbilt.

Group 95 – toys, games and sport
equipment.
Included product codes are limited to
brands Xbox, PlayStation, Nintendo.

Group 96 – various finished goods.
Some product codes indicated
irrespective of brands, for some items
brands are listed, including O.B.,
Carefree, Lovular, Merries, Moony,
Synergetic.

The Russian customs authorities,
importers and sellers need to accurately
verify the product customs codes and the
list of brands and producers to determine
if the authorization by the rightholder of

the trademark or patent is necessary for customs clearance procedure.

By way of general comment, and without dwelling in this article on the merit of the Russian Administration's political decision to include or not include in the list any particular goods or goods category, one cannot help observing that introducing for the same goods or goods category a different treatment affecting the very essence of the IP right, such as opposing the importation and commercialization of an otherwise

infringing product solely dependent on the identity of the rightholder and/or the brand, opens the door to discretionary discrimination contrary to the international conventions and treaties and the very principles that have governed intellectual property for more than a century. It is to be hoped that the geopolitical context within which this unfortunate measure was devised will soon improve, and that the parallel import regime put in place by the Order be abandoned accordingly.



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