



# STRENGTHENING OF MECHANISMS FOR PROTECTION OF INTELLECTUAL PROPERTY (on the example of Russia)

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## Premises for patenting activity growth

- Globalization of the world technological markets
- Increased competition
- A new model for R&D organization
- Harmonization of patent systems of different countries
- Improving legal mechanisms for protection of intellectual property (administrative, judicial and non-judicial forms of protection)
- Expanding the scope of patent protection (computer programs, methods of treatment, organizational innovation...)
- Developing research and industries in new industrialized countries (India, China...)
- Developing new technologies (bio, nano...)
- New participants in the innovation process (small innovative companies, universities...)
- New strategies to enter market and protect innovation and technology business (patent pools, flooding, marketing...)



## Intellectual property (under the Russian law)

- 1) works of science, literature and art;
- 2) computer programmes;
- 3) databases;
- 4) performances;
- 5) phonogrammes;
- 6) putting on the air or by cable of radio- or television programmes;
- 7) inventions;
- 8) utility models;
- 9) industrial designs;
- 10) achievements in selection;
- 11) integrated micro-circuits topologies;
- 12) secrets of production (know-how);
- 13) trade names;
- 14) trademarks and service marks;
- 15) appellations of places of origin of goods;
- 16) commercial designations.



## Dynamics of filing applications for patents for inventions in the Russian Federation

Indicators	2006	2007	2008	2009	2010	2011	2012	2012 in % to 2011
<b>Total</b> Applications filed with Rospatent	37691	39439	41849	38564	42500	41414	44211	106,75
<b>Of them:</b> By Russian applicants	27884	27505	27712	25598	28722	26495	28701	108,33
By foreign applicants	9807	11939	14137	12966	13778	14919	15510	103,96



## Dynamics of issuance of patents for inventions in the Russian Federation

Indicators	2006	2007	2008	2009	2010	2011	2012	2012 in % to 2011
<b>Total Patents issued</b>	23299	23028	28808	34824	30322	29999	32880	109,60
<b>Of them: By Russian applicants</b>	19138	18431	22260	26294	21627	20339	22481	110,53
<b>By foreign applicants</b>	4161	4597	6548	8530	8695	9660	10399	107,65



## Dynamics of filing applications for patents for utility models in the Russian Federation

Indicators	2006	2007	2008	2009	2010	2011	2012	2012 in % to 2011
<b>Total</b> Applications filed with Rospatent	9699	10075	10995	11153	12262	13241	14069	106,25
<b>Of them:</b> By Russian applicants	9265	9588	10483	10728	11757	12584	13479	107,11
By foreign applicants	434	487	512	425	505	657	590	89,80



## Dynamics of issuance of patents for utility models in the Russian Federation

Indicators	2006	2007	2008	2009	2010	2011	2012	2012 in % to 2011
<b>Total Patents issued</b>	9568	9757	9673	10919	10581	11079	11671	105,34
<b>Of them: By Russian applicants</b>	9195	9311	9250	10500	10187	10571	11152	105,50
<b>By foreign applicants</b>	373	446	423	419	394	508	519	102,17



## Dynamics of filing applications for patents for industrial designs in the Russian Federation

Indicators	2006	2007	2008	2009	2010	2011	2012	2012 in % to 2011
<b>Total Applications filed with Rospatent</b>	4385	4823	4711	3740	3997	4197	4640	110,56
<b>Of them: By Russian applicants</b>	2627	2742	2356	1972	1981	1913	1928	100,78
<b>By foreign applicants</b>	1758	2081	2355	1768	2016	2284	2712	118,74





## Dynamics of issuance of patents for industrial designs in the Russian Federation

Indicators	2006	2007	2008	2009	2010	2011	2012	2012 in % to 2011
<b>Total Patents issued</b>	2675	4020	3657	4766	3566	3489	3381	96,90
<b>Of them: By Russian applicants</b>	1753	2298	2062	2184	1741	1622	1390	85,70
<b>By foreign applicants</b>	922	1722	1595	2582	1825	1867	1991	106,64



## Growth of patenting activity and weakness of mechanisms of legal protection and enforcement of patent rights

- Low quality and lengthy patent examination at the Patent Office, as well as the lack of accountability of state expert for results;
- High costs associated with the protection of patent rights; lengthy proceedings;
- Low qualification of judges in matters of judicial law;
- Restrictions on the possibility of using the customs legislation and legislation in the field of competition.



## Consequences of weak mechanisms of legal protection and enforcement of patent rights

- Steady increase in crime in the area of intellectual property, which is expressed in particular in the higher output produced with patent infringement and unfair competition.
- Reduction of investment attractiveness of innovative projects.
- Slowdown in technological renovation and modernization of production.
- Economic slowdown.



## Key factors of strengthening the mechanisms of protection of patent rights

- Transparency of laws, regulations and procedures in the field of legal protection, commercialization and protection of patents
- Providing high quality and tight deadlines of patent examination, while establishing the responsibility for its implementation
- Development of mechanisms for the prevention of unfair competition in the field of legal protection and the use of patents
- Finding a balance between the interests of the right holder and the community (prevention of abuse of law, monopolization, etc.)
- Formation of a balanced system of preventing production and distribution of products infringing copyrights of holders
- Affordability of legal protection and enforcement of patents
- Development of non-judicial mechanisms for conflict resolution on patent law issues.



# Main directions

- Consolidation of efforts of patent owners.
- Assisting patent owners in the development and effective use of IPRs protection mechanisms.
- Development of existing and development of IPRs protection mechanisms new for Russia.
- Raising the level of "transparency" of legislation and the formation of "professional standards" in the field of legal protection and enforcement of patent rights.
- Creating a positive image of Russia as a country actively developing the legal system in the area of patent law, which provides favorable conditions for its protection and combating illicit trafficking.



## Information and methodological direction

- independent evaluations of the situation in the field of legal protection, use and enforcement of patent rights as well as their illicit trafficking, including the production and distribution of products in Russia and abroad;
- creation of an international information and methodological center on issues of legal protection and infringements in the area of patent rights;
- monitoring of existing legislation and making proposals for the improvement of the legislation on patent rights;
- independent assessment of the social and economic risks associated with the illegal trafficking of patent rights;
- promoting coordination of activities of federal executive authorities and business;
- conducting research on patent rights and combating their illicit trafficking;
- development of educational programs presented by constantly updating seminars for rights holders, producers, consumers, government officials, judges, attorneys, lawyers;
- interaction with international and national specialized organizations.



## Consultation direction

- Increase the level of awareness of legal protection and enforcement of patent rights against violations;
- Develop recommendations to the executive and the legislature on the development of the legal system in the field of patent rights, as well as organizational and economic mechanisms to prevent their illicit trafficking;
- Develop recommendations for rights holders on the most effective methods to combat unfair competition and misuse of patent rights;
- Provision of information and consultancy services in the protection of patent rights.



# Dispute resolution

- Establishment of a framework for the resolution of corporate disputes in the field of intellectual property rights, including those related to the Internet and e-commerce;
- Provision for the settlement of disputes arising in connection with the registration and use of inventions, industrial designs, trademarks and domain names;
- Development of schemes for the settlement of disputes, as well as practical measures and guidelines for the prevention of international disputes and their settlement in the area of intellectual property rights;
- Membership in the International Federation of Commercial Arbitration Institutions (IFCAI)





# Relevance

- Improving the business climate, including through a significant reduction in criminal component of the consumer market, reducing the illegal trade of intellectual property and financial assets.
- Encouraging the growth of investment in innovative entrepreneurship.
- Development of industrial production.
- Implementation of scientific capacity in high-tech industries.