

DESIGN PATENT PRACTICE IN RUSSIA

on GoXL

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LEGAL DISCLAIMER

- **The presentation today is not intended as legal advice.**
- **Because this is a high level overview, it is impossible to cover all relevant details, and your available rights and remedies will depend on the unique facts of each situation and the nature of your business.**
- **For specific advice, please contact your qualified legal counsel before making any decisions or taking any of the actions discussed today.**

DESIGN PATENTS IN RUSSIA

THE LEGAL FRAMEWORK

- **Part IV of the Civil Code sets out protection for intellectual property rights, including designs**
- **The Hague System for obtaining industrial designs was extended to Russia - February 28, 2018**
- **Three possible filing systems for obtaining protection:**
 1. *Direct national filings for Russia*
 2. *International filings via Hague System*
 3. *Eurasian Design Patents (soon to be launched) - regional protection in Russia and many countries of the former Soviet Union*

DESIGN PATENTS IN RUSSIA

THE BASICS

Invention



- technical solution or method related to a product
- novelty, inventiveness and industrial applicability
- for 20 years (up to 25 in certain cases)

Utility model



- technical solution related to a device
- novelty and industrial applicability
- for 10 years

Industrial design



- the design and appearance of a product
- novelty and originality
- for 5 years (up to 25)

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EXAMINATION – FORMALITIES

- **Formalities:**

1. *RU Direct filings:*

- Require a written description summarizing the features shown in the images
- Pre-screening for unity of design during formalities review

2. *Hague System:*

- No formalities examination at national level
- No written description required
- If priority is claimed then certified priority application must be filed in RU within 3 months
- Not subject to unity pre-screening

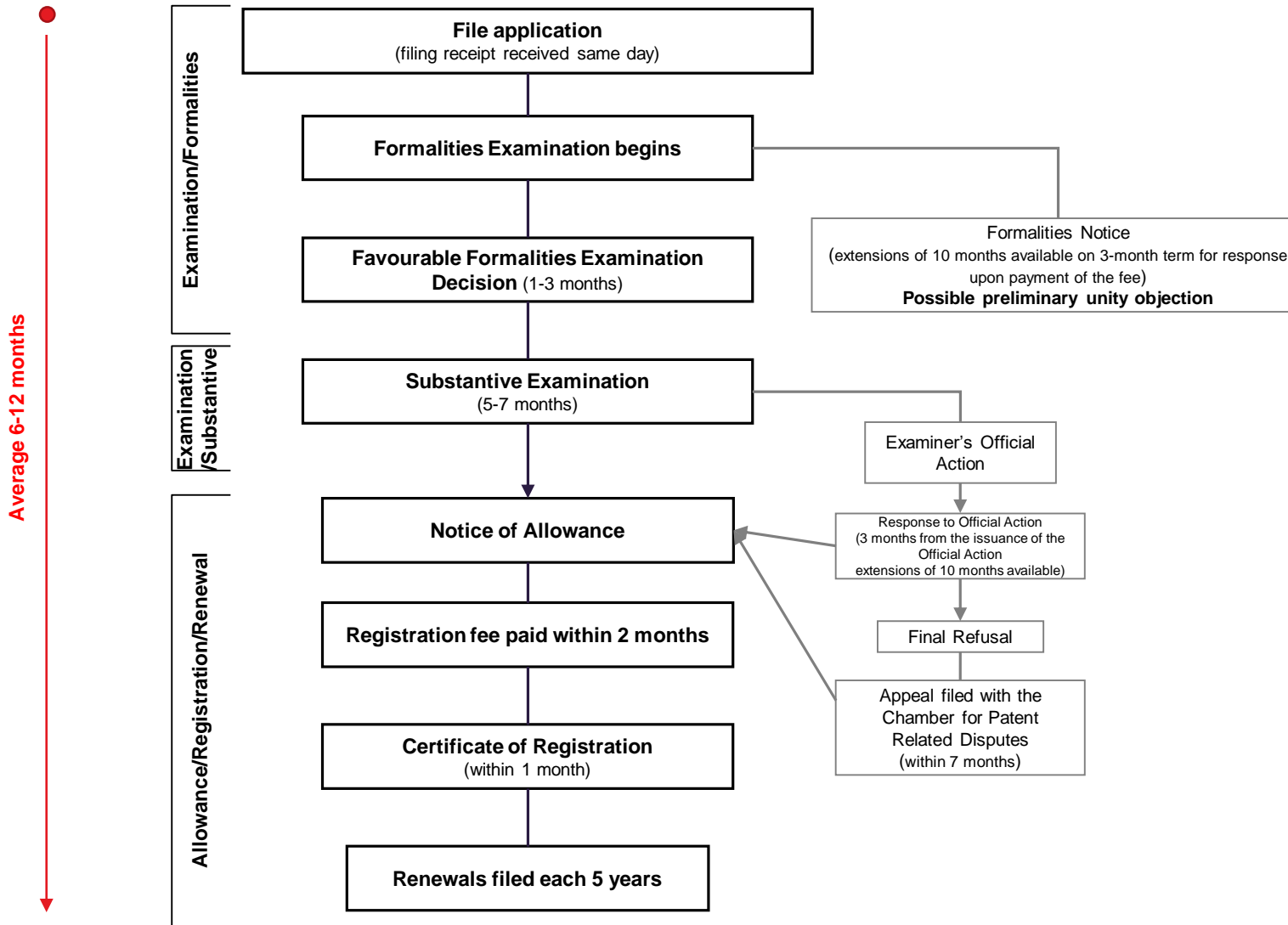
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EXAMINATION – SUBSTANTIVE

- **For Russia direct filings and Hague applications:**
 1. Unity of design / novelty /originality
 2. Divisionals available to satisfy unity objections
- **Optional early publication of RU direct filings – allows for earlier compensation from publication date**
- **For Hague applications:**
 1. 12 month period to receive Refusal/Statement of Grant
 2. Assignments must be registered in Rospatent

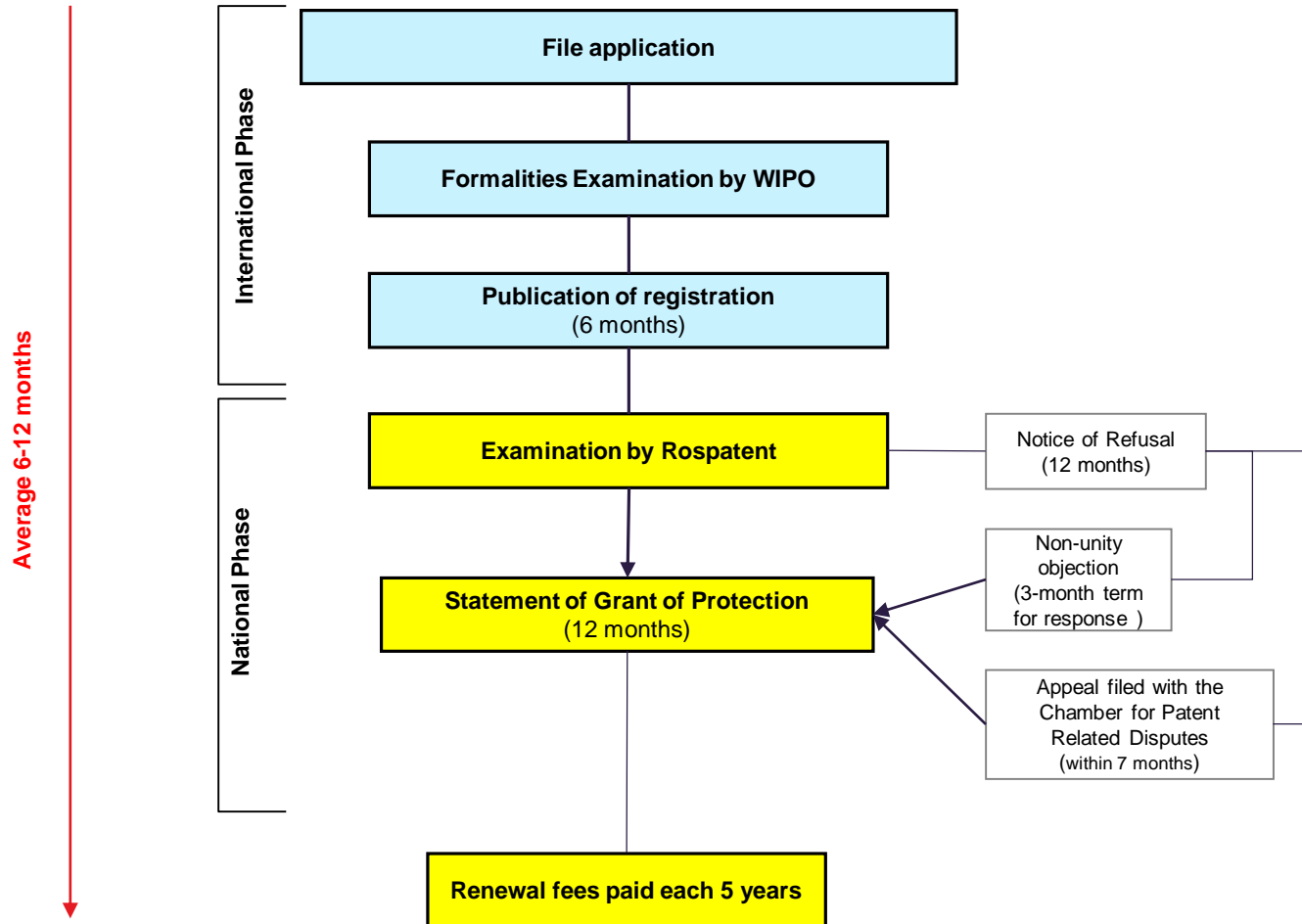
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TIMELINE RUSSIA DIRECT FILINGS



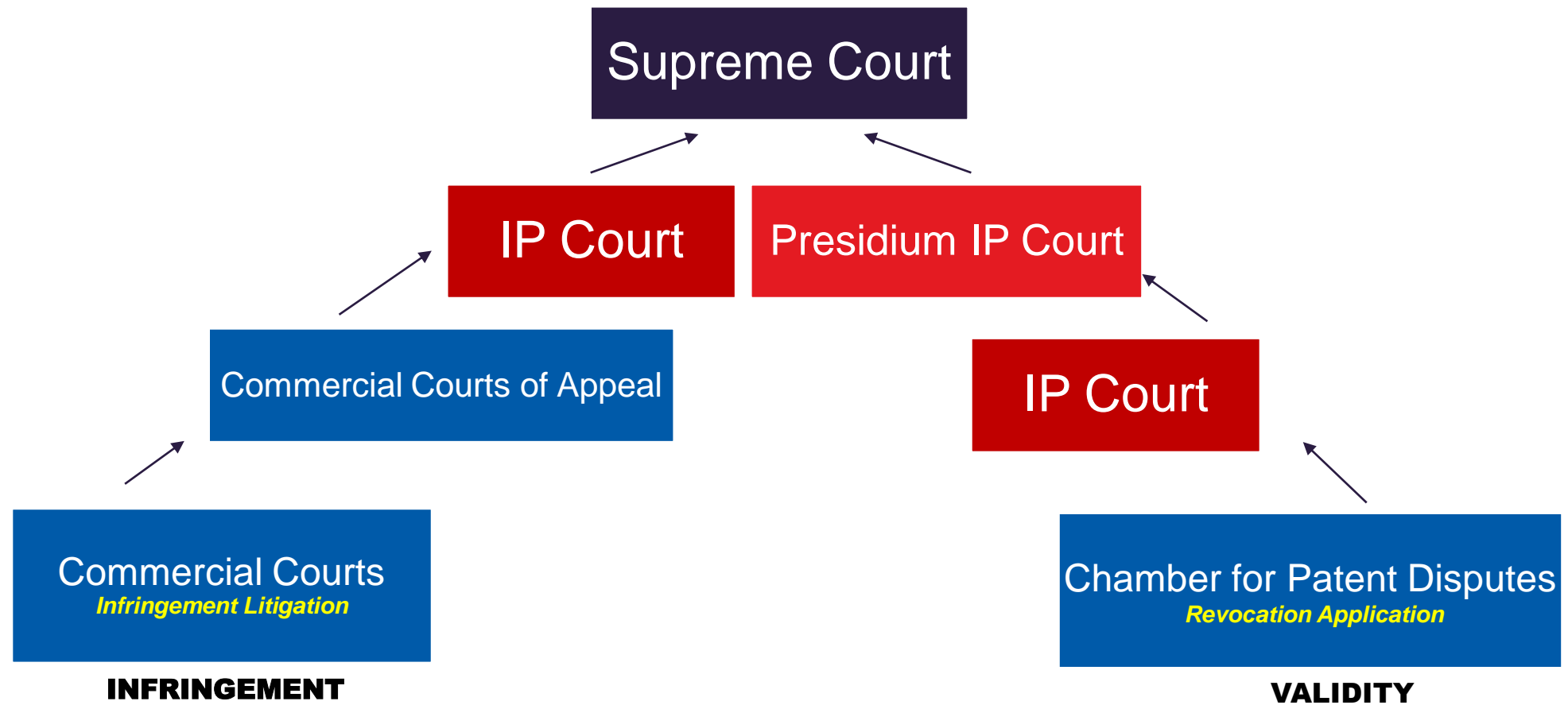
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TIMELINE HAGUE SYSTEM FILINGS



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BIFURCATION: INFRINGEMENT AND VALIDITY





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