DESIGN PATENT PRACTICE IN RUSSIA on GoXL



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 **Utility** model Industrial design technical solution or technical solution related to the design and appearance of a product method related to a product a device novelty and industrial novelty, inventiveness and novelty and originality industrial applicability applicability for 20 years for 10 years for 5 years (up to 25) (up to 25 in certain cases)



DESIGN PATENTS IN RUSSIA EXAMINATION – FORMALITIES

Formalities:

- 1. RU Direct filings:
 - Require a <u>written description</u> 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



DESIGN PATENTS IN RUSSIA 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



DESIGN PATENTS IN RUSSIA TIMELINE RUSSIA DIRECT FILINGS

Formalities Examination begins Favourable Formalities Examination (extensions of 10 months available on 3-month term for response **Decision** (1-3 months) Examination /Substantive **Substantive Examination** (5-7 months) **Notice of Allowance** Allowance/Registration/Renewal Registration fee paid within 2 months **Certificate of Registration**

(within 1 month)

Renewals filed each 5 years

File application (filing receipt received same day)

Formalities Notice

upon payment of the fee)

Possible preliminary unity objection

Examiner's Official Action

Response to Official Action

(3 months from the issuance of the Official Action

extensions of 10 months available)

Final Refusal

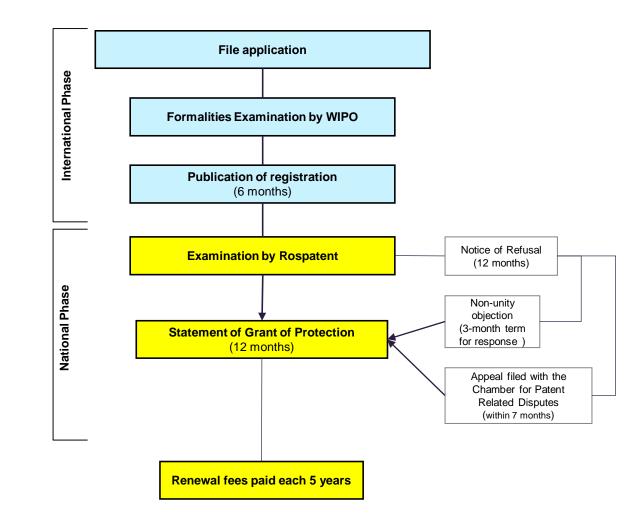
Appeal filed with the Chamber for Patent Related Disputes

(within 7 months)



DESIGN PATENTS IN RUSSIA TIMELINE HAGUE SYSTEM FILINGS

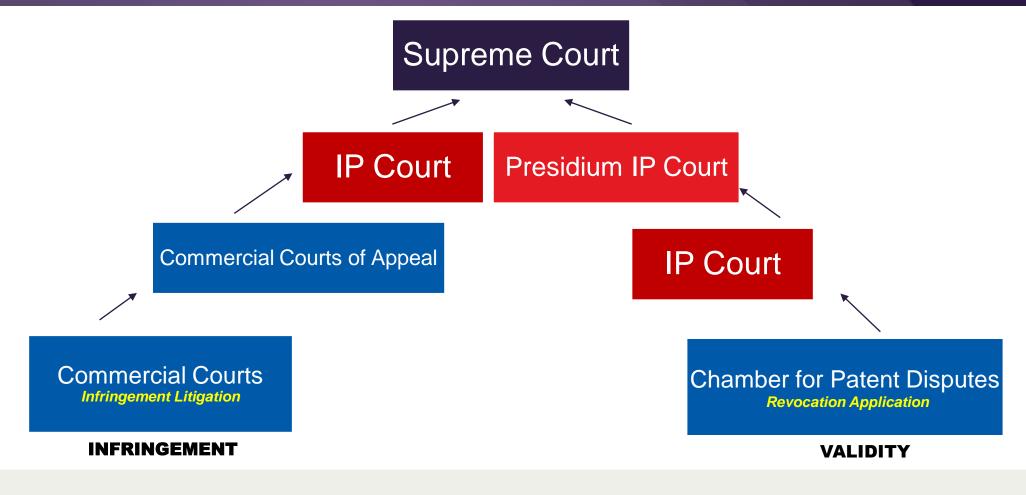
Average 6-12 months





DESIGN PATENTS IN RUSSIA

BIFURCATION: INFRINGEMENT AND VALIDITY







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