

Russian Federation

Regarding the standard-essential patents, there are no specific legislative acts or judicial precedents in the Russian Federation.

At the same time, matters related to the development and approval of national standards (including those involving the inclusion of provisions on the use of patented subject matter) are governed by the National Standard of the Russian Federation GOST R 1.2-2020 "Standardization in the Russian Federation. National Standards of the Russian Federation. Rules for Development, Approval, Updating, Amendment, and Cancellation" (GOST) that was approved and enacted by Order No. 328-st of the Federal Agency on Technical Regulating and Metrology dated June 30, 2020.

According to paragraph 4.3.1 of the GOST, the requirements and rules set forth in the national standard must not alter the rights of participants in civil law relations established by the legislation of the Russian Federation or regulations of federal executive authorities.

Paragraph 4.3.6 of the GOST establishes requirements for including provisions on the use of patented subject matter, including inventions, in draft national standards. Under these requirements, the standard developer must:

- disclose information about patents owned by the developer that are used in the standard;
- disclose information about third-party patents known to the developer that are used in the standard;
- ensure royalty-free licensing of patents to comply with the standard's requirements.

At the same time, the standard must not include provisions on the use of subject matter protected by a patent unless the patent holder (licensor) has granted prior consent to license the patent on a royalty-free basis to fulfill the standard's requirements.

Information about the use of patented subject matter in the standard must be provided in the standard's foreword and the explanatory note to the draft national standard.

Disputes in this regard are resolved in accordance with the legislation of the Russian Federation and based on compliance with the goals and objectives of standardization.