

In the framework of the SCP the Russian Federation has already provided information on all the mentioned topics. As additional information we can provide information on topic (ii) about national/regional legislation on opposition systems and other administrative mechanisms of annulment and invalidation of patents with regard to changes done in the Civil Code of the Russian Federation that came into force in 2014.

In the sphere of providing patent protection to inventions by the Civil Code of the Russian Federation (CCRF) “soft-type opposition” is foreseen (p. 5 of Article 1386 of the CCRF). After the publication of information about the request any third party can give arguments against providing legal protection to an invention based on its non-conformity to patentability requirements. Arguments are taken into account by an examiner while taking decision on application. The person who provided such arguments does not take part in proceeding of application.

With regard to annulment and invalidation of patent the CCRF foresees the dispute of patent for invention under administrative procedure upon expiration of the validity term (p. 2 of Article 1398). The peculiarity of the disputing procedure is connected with interest of the person who filed the objection.

In the updated edition of the CCRF there is a list of cases in which a patent can be recognized invalid entirely or partially, amended by non-conformity of application documents for an invention to the requirement of disclosure of invention with entirety that is enough for implementation of an invention by an expert in this technical field (requirement of sufficiency of disclosure (subparagraph 2 of p.2 of Article 1398).

The requirement of sufficiency of disclosure of an invention is a new requirement for application documents the satisfaction of which is checked while taking the decision on application along with observing the traditional conditions of patentability of invention: novelty, inventive step, industrial applicability.

A new provision of the CCRF is a provision regarding transformation in the process of disputing of a patent for invention into a patent for utility model. (p.3 of Article 1398).

Transformation of patent for invention into a patent for utility model is allowed while meeting a set of conditions:

The request regarding transformation is submitted by a right holder in the period of disputing of a patent for invention:

Objected patent for invention is recognized being invalid entirely;

Utility model, protected by a new patent meets the patentability requirements provided for by the CCRF.

Regarding the subject matter (v) it is expedient to inform WIPO that in the framework of the Patent Prosecution Highway (PPH) in October 2016 a Memorandum of understanding on bilateral programs PPH-Mottainai and PCT-PPH between Rospatent and EPO was signed. Rospatent concluded bilateral and multilateral agreements in the framework of PPH program with 22 patent offices of international patent organizations.