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

<table>
<thead>
<tr>
<th>Indicators</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2012 in % to 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong> Applications filed with Rospatent</td>
<td>37691</td>
<td>39439</td>
<td>41849</td>
<td>38564</td>
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<td>41414</td>
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<tr>
<td><strong>Of them:</strong> By Russian applicants</td>
<td>27884</td>
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<td>25598</td>
<td>28722</td>
<td>26495</td>
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<tr>
<td>By foreign applicants</td>
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<td>11939</td>
<td>14137</td>
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<td>13778</td>
<td>14919</td>
<td>15510</td>
<td>103.96</td>
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</table>
### Dynamics of issuance of patents for inventions in the Russian Federation

<table>
<thead>
<tr>
<th>Indicators</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2012 in % to 2011</th>
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<tbody>
<tr>
<td><strong>Total Patents issued</strong></td>
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<td>23028</td>
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<td>30322</td>
<td>29999</td>
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<td></td>
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</tr>
<tr>
<td><strong>By Russian applicants</strong></td>
<td>19138</td>
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<td><strong>By foreign applicants</strong></td>
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<td>9660</td>
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## Dynamics of filing applications for patents for utility models in the Russian Federation

<table>
<thead>
<tr>
<th>Indicators</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2012 in % to 2011</th>
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<tr>
<td><strong>Total</strong> Applications filed with Rospatent</td>
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<td>10075</td>
<td>10995</td>
<td>11153</td>
<td>12262</td>
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<td><strong>Of them:</strong> By Russian applicants</td>
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<td>9588</td>
<td>10483</td>
<td>10728</td>
<td>11757</td>
<td>12584</td>
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<tr>
<td>By foreign applicants</td>
<td>434</td>
<td>487</td>
<td>512</td>
<td>425</td>
<td>505</td>
<td>657</td>
<td>590</td>
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### Dynamics of issuance of patents for utility models in the Russian Federation

<table>
<thead>
<tr>
<th>Indicators</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
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<th>2012 in % to 2011</th>
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<tbody>
<tr>
<td>Total Patents issued</td>
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<td>9757</td>
<td>9673</td>
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<td>11079</td>
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<tr>
<td>By Russian applicants</td>
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<td>9250</td>
<td>10500</td>
<td>10187</td>
<td>10571</td>
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<tr>
<td>By foreign applicants</td>
<td>373</td>
<td>446</td>
<td>423</td>
<td>419</td>
<td>394</td>
<td>508</td>
<td>519</td>
<td>102,17</td>
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The table above shows the dynamics of the issuance of utility model patents from 2006 to 2012 in the Russian Federation. The data includes the total number of patents issued and the breakdown by Russian and foreign applicants. The last column indicates the percentage increase in 2012 compared to 2011.
Dynamics of filing applications for patents for industrial designs in the Russian Federation

<table>
<thead>
<tr>
<th>Indicators</th>
<th>2006</th>
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<th>2008</th>
<th>2009</th>
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<th>2012 in % to 2011</th>
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<tbody>
<tr>
<td><strong>Total</strong></td>
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<tr>
<td>Applications filed with Rospatent</td>
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<td>4823</td>
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<td>3740</td>
<td>3997</td>
<td>4197</td>
<td>4640</td>
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<tr>
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<td></td>
<td>2627</td>
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<td>1972</td>
<td>1981</td>
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<td>100,78</td>
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<td>1758</td>
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<td>2284</td>
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### Dynamics of issuance of patents for industrial designs in the Russian Federation

<table>
<thead>
<tr>
<th>Indicators</th>
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<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2012 in % to 2011</th>
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</thead>
<tbody>
<tr>
<td><strong>Total Patents issued</strong></td>
<td>2675</td>
<td>4020</td>
<td>3657</td>
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<td>3566</td>
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<tr>
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<td>2062</td>
<td>2184</td>
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<tr>
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<td>2582</td>
<td>1825</td>
<td>1867</td>
<td>1991</td>
<td>106,64</td>
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</table>
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.
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.