

Legal Alert

"Patent Amnesty" cancels the payment of compensation to patent owners for violations of patent rights on the territory of the Russian Federation for persons with citizenship of states that have imposed sanctions against the Russian Federation.

On March 6, 2022, the Government of the Russian Federation entered into force Resolution No. 299 "On Amendments to Paragraph 2 of the Methodology for Determining the Amount of Compensation Paid to the Patent Owner when Deciding to Use an Invention, Utility Model or Industrial Design without His Consent, and the Procedure for Its Payment (hereinafter - the "**Resolution**").

Thus, according to the Resolution, with respect to patent owners associated with foreign states who commit unfriendly actions against Russian legal entities and individuals (including if such patent owners have the citizenship of these states, the place of their registration, the place of preferential conduct of their economic activities or the place of preferential extraction of profits from their activities are these states), the amount of compensation is 0% of the actual revenue of the person who used the right to use the invention, a utility model or industrial design without the consent of the patent owner, from the production and sale of goods, performance of works and provision of services, for the production, performance and provision of which the corresponding invention, utility model or industrial design is used.

As of March 5, 2022, the list¹ of foreign states committing unfriendly actions against the Russian Federation, Russian legal entities and individuals that have imposed sanctions against the Russian Federation includes the following states:

Australia, Albania, Andorra, the United Kingdom and its island territories, including Jersey, Anguilla, British Virgin Islands, Gibraltar, the European Union countries, Iceland, Canada, Liechtenstein, Micronesia, Monaco, New Zealand, Norway, Republic of Korea, San Marino, North Macedonia, Singapore, USA, Taiwan, Ukraine, Montenegro, Switzerland, and Japan.

The recovery of compensation for infringement of exclusive rights to a patent is carried out exclusively in court, taking into account the scope of the violation, and is one of the types of liability for infringement of patent rights. It should be noted that the payment of compensation is not the only measure of protection of infringed patent rights.

So, other types of liability are the arrest and destruction of goods recognized as counterfeit, prohibition of the use of a patent in a product, bringing to administrative liability and imposing a fine, recovery of damage suffered by the right holder as a result of illegal use of the patent, forcing the conclusion of a license agreement for the use of the patent. As of the date of publication of this alert, the Government of the Russian Federation has not announced any restrictions on the use of other measures listed above, therefore, it is assumed that such measures remain available to patent owners, primarily in the fight against counterfeiting.

Our team is constantly monitoring the current regulatory changes. Please do not hesitate to contact us should you have any questions or require additional information.

¹ Decree of the Government of the Russian Federation of March 5, 2022 N 430-R "On Approval Of The List Of Foreign States And Territories That Commit Unfriendly Actions Against The Russian Federation, Russian Legal Entities And Individuals".



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Our team is constantly monitoring the current regulatory changes and is ready to provide you support should you have any questions.

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