

Organizational Structure and Examination System of Rospatent

Sojuzpatent

(Russian patent bureau)

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(Senior Lawyer,

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Sojuzpatent is the oldest IP law firm on the territory of the former USSR. Currently the personnel of Sojuzpatent consists of 170 qualified specialists, including more than 50 registered Russian and Eurasian patent attorneys and litigation lawyers. Victoria Nikitina has graduated from Moscow State Academy of Law and works with Sojuzpatent since 2010. She is experienced in the field of intellectual property protection, including representation of the interests of the clients in courts and administrative bodies in patent, design and trademark infringement cases, trademark non-use cancellation cases and unfair competition cases.

DETAILED INFORMATION

CREATION OF FEDERAL SERVICE FOR INTELLECTUAL PROPERTY (ROSPATENT)

The status, jurisdiction and scope of activities of Rospatent are regulated by the Regulations on Federal Service for Intellectual Property affirmed by Ruling of the Government of the Russian Federation No. 218 of March 21, 2012 (hereinafter – Regulations).

Rospatent is a Federal executive body performing functions of control and supervision in the area of the legal protection of the rights for intellectual property, including patents and trademarks. It reports to the Ministry of Economic Development of the Russian Federation (point 2 of part I of the Regulations).

The Head of the Federal Service for Intellectual Property is appointed and dismissed by the Government of the Russian Federation on the suggestion of the Minister of Economic Development of the Russian Federation.

ROSPATENT ACTIVITIES

The main functions of Rospatent are:

- Legal protection of state interests in the process of economic and civil turnover of the results of scientific-research, engineering and technological works of military, special and dual purpose.
- Control and supervision in the sphere of legal protection and use of the results of intellectual activities of civil, military, special and dual purpose, created at the expense of budget appropriations of the federal budget.
- Rendering state services in the field of legal protection of inventions, utility models, industrial designs, computer programs, databases and topologies of integrated

microcircuits, trademarks, service marks, and also rendering state services in the respective field of activity.

Below is the list of the main functions of Rospatent in various fields.

1. Rospatent prepares and submits to the Ministry of Economic Development of the Russian Federation drafts of federal laws and other documents for which a decision of the Government of the Russian Federation is required regarding the issues related to the intellectual property.

2. Rospatent carries out:

- attestation and registration of patent attorneys of the Russian Federation, control of compliance of the activity of the patent attorneys to the norms of the Russian legislation;
- consideration of administrative disputes concerning filing and examination of applications for the state registration of IP rights, state registration of IP rights and issuance of the corresponding title documents, validity of IP rights.
- state registration of:
 - patents, industrial designs, trademarks, service marks, appellations of origin, computer software, databases, topographies of integrated circuits with the issuance of patents and certificates, as well as their duplicates;
 - assignment of patents, industrial designs, trademarks, service marks, registered topologies of integrated microcircuits, computer software, databases, mortgage of patents, industrial designs, trademarks, service marks, the registered topologies of integrated microcircuits, licensing of the said intellectual property rights;
 - transactions on the use of a sole technology outside the Russian Federation;
- consideration of applications for the recognition of a trademark or designation used as a trademark but not having legal protection in the territory of the Russian Federation commonly known in the Russian Federation as a trademark;
- extension of IP rights;
- termination of IP rights in cases provided by the Russian legislation and international treaties of the Russian Federation.

3. Rospatent maintains:

- State Register of Inventions of the Russian Federation;
- State Register of Utility Models of the Russian Federation;
- State Register of Industrial Designs of the Russian Federation;
- State Register of Trademarks and Service Marks of the Russian Federation;
- List of well-known trademarks in the Russian Federation;
- State Register of Appellations of Origin of the Russian Federation;
- Register of Computer Programs;
- Register of Databases;
- Register of Topologies of Integrated Microcircuits;
- Register of the results of scientific-research, development and technological works of military, special and dual use, the rights to which belong to the Russian Federation.

4. Rospatent publishes information:

- about filed patent, trademark, service mark, appellations of origin applications, about state registration of IP rights and about issued patents and certificates;
- about the validity, extension, termination and renewal of patents, industrial designs, trademarks, service marks, appellations of origin;
- about state registration of assignment, mortgage of IP rights, licensing IP rights on the bases of a contract, as well as the transfer of IP rights without a contract, transactions on the use of sole technology outside the Russian Federation.

5. Rospatent interacts with state authorities of foreign states and international organizations regarding the issues related to the intellectual property.

Cooperation with the World Intellectual Property Organization (WIPO) is one of the priority areas of Rospatent's international activities. To date, the Russian Federation is a party to the following international agreements in the field of intellectual property administered by WIPO:

- Paris Convention for the Protection of Industrial Property - since July 1, 1965
- Convention Establishing the World Intellectual Property Organization - since July 26, 1970
- Madrid Agreement Concerning the International Registration of Marks - since July 1, 1976
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks - since June 10, 1997
- Patent Cooperation Treaty (PCT) - since March 29, 1978
- Trademark Law Treaty (TLT) - since May 11, 1998
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure - since April 22, 1981
- Strasbourg Agreement Concerning the International Patent Classification - since October 3, 1976
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks - since July 26, 1971
- Locarno Agreement Establishing an International Classification for Industrial Designs - since December 15, 1972
- Nairobi Treaty on the Protection of the Olympic Symbol - since April 17, 1986
- International Convention for the Protection of New Varieties of Plants (co-administered by WIPO and UPOV) - since April 24, 1998
- Patent Law Treaty (PLT) - since August 12, 2009
- Singapore Treaty on the Law of Trademarks - since December 18, 2009

6. Rospatent operates as the International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) according to PCT. This work is carried out under the Agreement between Rospatent and International Bureau of the World Intellectual Property Organization (WIPO's IB) effective since January 1, 2008. Under the provisions thereof Rospatent performs the international-type search and international preliminary examination of applications in Russian and in English languages.

7. Rospatent acts as the searching authority for the Turkish Patent Institute (TPI).

8. Rospatent operates as a receiving office of PCT applications. Rospatent accepts PCT applications from the Russian Federation nationals or residents in conformity with Article 10 of the PCT and Rule 19 of the PCT Regulations.

Rospatent operates as a receiving office for Russian applicants filing Eurasian applications (the Eurasian Patent Convention, Article 15 (1) (ii)).

9. Rospatent exercises other powers in the field of intellectual property, if such powers are provided for by federal laws, normative legal acts of the President of the Russian Federation and the Government of the Russian Federation (Part II of the Regulations).

SUBORDINATE INSTITUTIONS OF ROSPATENT

Rospatent carries out its activities directly and through its subordinate federal state institutions. There are three subordinate institutions of Rospatent, namely:

- (i) Federal State Budgetary Institution "Federal Institute of Industrial Property";
- (ii) Federal State Budgetary Institution "Federal Agency for the Legal Protection of the Results of Intellectual Activities of Military, Special and Dual Function"
- (iii) Federal State Budget Educational Institution of Higher Education "Russian State Academy of Intellectual Property"

ROSPATENT ACTIVITIES AS EXAMINING BODY

The examining body within Rospatent is the Federal Institute of Industrial Property. Its activities comprise:

- carrying out preparatory work for the attestation and registration of patent attorneys of the Russian Federation;
- receipt and examination of patent, industrial design, trademark, service mark, appellation of origin, computer software, database and topography of integrated circuit applications;
- receipt and consideration of the documents filed for the state registration of assignment, mortgage, license, transfer without agreement of IP rights;
- consideration of petitions on extension of the term of IP rights;
- preparation of drafts of the decisions;
- issuance of the official bulletins on registered IP rights, filed applications and registered agreements concerning IP rights;
- consideration of appeals against the decisions taken on the results of the examination of applications for registration of IP rights, invalidation or early termination of legal protection;
- library, bibliographic, reference-informational, scientific-methodical services on the basis of the state patent fund and the unified system of automated data banks.

THE STRUCTURE OF THE EXAMINING BODY OF ROSPATENT

The structure of the Federal State Budgetary Institution “Federal Institute of Industrial Property” includes such departments as:

1. Department of chemistry, biotechnology and medicine, which comprises the following sections:
 - section of metallurgical industry and machine building;
 - section of organic compounds;
 - section of inorganic and polymeric compounds;
 - section of biochemistry;
 - section of food industry and agriculture;
 - section of medicine and medical technology;
 - pharmaceutical section.
2. Department of physics and applied mechanics which includes the following sections:
 - section of mining and construction;
 - section of energy;
 - section of electrical engineering and communications;
 - section of computer technology;
 - section of transport;
 - section of textile and light industry;
 - section of measuring technology.
3. Department of trademarks and industrial designs which includes the following sections:
 - section of processing of trademark applications;
 - section of registration of means of individualization;
 - section of industrial designs;
 - section of examination of trademark applications;
 - section of formal examination of trademark applications and examination of appellations of origin applications;
 - section of development of trademark examination search tools.
4. Department All-Russian patent-technical library;
5. Department Chamber for Patent Disputes.
(http://www1.fips.ru/structure_fips/index2.htm)

STATISTIC DATA OF ROSPATENT

Information about the quantity of patents granted and applications filed in 2016 may be found in the English version of the Annual Report of Rospatent for 2016.

On January 01, 2017 Rospatent's staff consisted of 86 employees, the staff of the Federal State Budgetary Institution "Federal Institute of Industrial Property" consisted of 2091 employees. Information about Rospatent's staff is available in the English version of the Annual Report of Rospatent for 2016.

PATENT EXAMINATION IN ROSPATENT

Patent application is examined by one examiner. Prior art search may be carried out at a petition of the applicant. The examiner carries out prior art search by him/herself. The examiner in charge may issue office action by him/herself. The work of the examiner is supervised by his or her supervisor.

At the request of the examiner or at the petition of the applicant the examination meeting may be held during patent application examination. The examination meeting at the petition of the applicant is held only in case the expert considers expedient holding such examination meeting. The examiner's supervisor and the examiner are always present at the examination meeting. The applicant (or applicant's representative) may take part in the examination meeting. It is not possible to discuss any issue on the merits of the application with the examiner by phone, but it is possible to discuss them during the examination meeting. Only formal issues may be discussed with the examiner by phone.

The examiner prepares and signs conclusion on the results of the examination. The said conclusion is attached to the decision on patent grant, decision on rejection, decision on withdrawal of the patent application. The said decisions are approved and signed by an authorized Rospatent's employee. The said decisions may be appealed with the Chamber for Patent Disputes.

References:

English short version of Rospatent's website is available at:

<http://www.rupto.ru/en>

Full Russian version of Rospatent's website is available at:

www.rupto.ru

English short version of the website of the Federal State Budgetary Institution "Federal Institute of Industrial Property" is available at:

<http://new.fips.ru/en/>

Full Russian version of the website of the Federal State Budgetary Institution "Federal Institute of Industrial Property" is available at:

<http://new.fips.ru/>