

New Russian Intellectual Property Court is Open

Article By:

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The new **Russian Intellectual Property (IP)** Court has officially opened its doors and begun hearing cases. The opening of this court represents a significant milestone in the advancement of intellectual property protection in Russia.

On July 2, 2013, the Plenum of the Supreme Commercial Court of the Russian Federation approved the commencement of the new IP Court. The IP Court is located in the center of Moscow (Mashkova St., 13), near the Supreme Commercial Court.

The IP Court is part of the larger system of *arbitrazh* or commercial courts and will perform many functions including: (1) reviewing decisions made by ROSPATENT (the Russian Federal Service for Intellectual Property), including patent and trademark grant and revocation cases first tried by the Chamber for Patent Disputes, an administrative body within ROSPATENT; (2) determining issues of IP ownership and authorship; (3) determining the cancellation of trademark registrations for non-use (among other things); and (4) acting as a cassation (second appeal) court for IP infringement cases decided in commercial courts of first instance and first appeal courts.

The IP Court is headed by Lyudmila A. Novoselova, an ex-judge of the Supreme Commercial Court. Ms. Novoselova was an unusual choice, as she was previously a corporate law specialist. In addition to Judge Novoselova, the IP Court consists of 12 other judges, several of whom have some IP experience or a technical background.

The opening of this new specialized IP Court evidences the Russian Government's commitment to IP protection and improved harmonization of its laws with those of other countries. In fact, over the last few years, Russia has been steadily fostering a more friendly and conducive environment for innovation and entrepreneurship. The creation of the IP Court follows the recent creation of the Skolkovo Foundation by former President Medvedev. The Skolkovo Foundation is the agency responsible for the Skolkovo Innovation Center, a giant government-funded technology and innovation hub that is located just outside of Moscow.

Finally, it is expected that the IP Court will play a significant role in helping to protect the IP rights of innovators and brand owners during the upcoming Sochi Olympics (the 22nd Winter Olympics) to be held in February 2014. Typically, at such events, there is a very significant need to enforce IP rights against ambush marketers, counterfeiters and parallel importers (although the right for parallel import is currently a hot topic in Russia). The new IP Court is expected to provide an efficient, reliable and

transparent mechanism for combating any abuses of IP.

This article is a guest post from the Moscow office of the Gowlings law firm on the opening of the new Russian Intellectual Property Court.

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