

Unofficial Translation

To the President of the Russian Federation
VLADIMIR PUTIN

Dear Vladimir Putin!

We, representatives of business and rightsholders - copyright and neighboring rights holders, owners of trademarks and other objects of industrial property, as well as specialists in the sphere of intellectual property rights (lawyers and patent attorneys), would like to express our deep concern in regard to the draft of Part Four of the Civil Code of the Russian Federation, which is currently being prepared by the Presidential Administration for introduction to the State Duma.

In our opinion the proposed legislation is not consistent with the needs for protection of intellectual property rights and does not enhance entrepreneurial security, increase the effectiveness of the fight against counterfeit products or strengthen the rule of law in the Russian Federation.

Over the past few years the legislation concerning intellectual property rights has to a large degree been harmonized with international agreements. And efforts toward further improvement are proceeding. Thanks to the efforts of professional business associations and federal bodies (the publication of methodological guidelines, hosting of seminars, etc.) representatives of law enforcement organs are well prepared to utilize existing legislative and regulatory statutes. Radical changes in legislation concerning intellectual property rights will unavoidably require the retraining of judges and law enforcement officers and will for a significant period of time decrease the effectiveness of the legislation.

The negotiations over Russia's entry into the WTO are oriented toward existing legislation, which as a result of the negotiations has been significantly modified. In addition, some legislation is currently under consideration by the State Duma as a result of these negotiations.

The speed of the process for improving legislation in the sphere of intellectual property rights must correspond with the development dynamics of the sphere of intellectual property itself; thus, the regulation of this sphere exclusively by the Civil Code would not be prudent. The inclusion in the Civil Code of a part that regulates intellectual property should not lead to the annulment of existing federal laws in this area (Law on Copyright and Neighboring Rights; Law on Trademarks, Service Marks and Appellations of Origin of Goods; Patent Law; and others). Only the General Provisions (Chapter 69) of the proposed Part Four should be included in the Civil Code and all existing laws should remain in force.

The detriments of this legislation are of a conceptual nature and cannot be eliminated by the introduction of separate amendments.

We are requesting that you postpone introduction of the draft of Part Four of the Civil Code into the State Duma until a thorough public discussion has been completed.

Attachment: Expert Analyses of Mr. Alexander Sergeev, Head of the Civil Code Faculty, St. Petersburg State University, and the UNESCO Faculty.

Signatures

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**List of Signatories
Letter to RF President Putin**

- 1) Coalition for Intellectual Property Rights (CIPR)
Representative in Russia
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- 2) Russian Phonographic Association
General Director
Botnaryuk B.
- 3) Business Software Alliance
Chairman of the Committee, BSA Russia
Jean-Paul Seuren
- 4) Inter-regional League on Protecting the Consumer Market from Counterfeit Goods and Poor-Quality Products
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- 5) "Tulubev, Osipov & Partners" Law Firm
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- 6) Patent & Law Firm "YUS"
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- 8) Russian State University for the Humanities, Faculty of Information and Law Information Protection
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15) Committee on intellectual property, All-Russian Public Organization of Small & Medium Business (OPORA)
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