

**PATENT LAW
OF THE RUSSIAN FEDERATION
NO. 3517-1 OF SEPTEMBER 23, 1992
(with the Amendments and Additions of December 27, 2000,
December 30, 2001, February 7, 2003)**

Section I.	General Provisions	(Articles 1-3)
Section II.	The Terms of Patentability	(Articles 4-6)
Section III.	Authors and Patent Holders	(Articles 7-9)
Section IV.	The Exclusive Right to the Use of Inventions, Useful Models and Industrial Designs	(Articles 10-14)
Section V.	Obtaining a Patent	(Articles 15-28)
Section VI.	The Termination of Patents	(Articles 29-30)
Section VI.1	Peculiarities of Legal Protection of Secret Inventions	(Articles 30.2-30.5)
Section VII.	The Protection of the Rights of the Patent Holders and the Authors	(Articles 31-32)
Section VIII.	Concluding Provisions	(Articles 33-37.2)

Resolution of the Supreme Soviet of the Russian Federation
No. 3518-1 of September 23, 1992 on Putting into Effect the
Patent Law of the Russian Federation

Resolution of the Supreme Soviet of the Russian Federation
No. 3519-1 of September 23, 1992 on the Secondary
Consideration of the Patent Law of the Russian Federation

SECTION I. GENERAL PROVISIONS

Federal Law No. 22-FZ of February 7, 2003 amended Article 1 of this Law. The amendments shall come into force upon the expiration of one month from the official publication of said Federal Law
See the previous text of the Article

Article 1. Relations Subject to This Law

This law serves to govern relations which may arise in connection with the legal protection and use of inventions, useful models and industrial designs.

Also see the Recommendations on Correlating the Legal Protection of Production Designs with the Legal Protection of Trademarks, endorsed by Order of the Russian Agency for Patents and Trademarks No. 141 of August 19, 1999

Federal Law No. 22-FZ of February 7, 2003 amended Article 2 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law
See the previous text of the Article

Article 2. Federal Executive Agency For Intellectual Property

State policy pursued in the domain of legal protection of inventions, useful models and industrial designs and also the performance of functions in the said sphere envisaged under this law shall be entrusted to the federal executive agency for intellectual property.

The federal executive agency for intellectual property shall, in instances specified under this Law, issue within its respective competence, regulatory legal acts on the application of this Law.

According to Federal Law No. 194-FZ of December 30, 2001, the effect of part 2 of Article 2 of this Law is suspended from January 1, through December 31, 2002 in the part concerning the the use of patent duties as a source of funding for the activities of the Patent Agency

Federal Law No. 150-FZ of December 27, 20000 suspended for the year 2001 the effect of part 2 of Article 2 of this Federal Law in as much as it concerns the use of patent duties as the source of funding for the activities of the Patent Department

See the Regulations on the Russian Agency on Patents and Trade Marks approved by the Decision of the Government of the Russian Federation No. 1203 of September 19, 1997

Decree of the President of the Russian Federation No. 651 of May 25, 1999 abolished the Russian Agency for Patents and Trademarks, and transferred its functions to to the [Ministry of Justice of the Russian Federation](#)

The sources for financing the activity of the Patent Agency shall be patent duties, the resources of the Republican budget of the Russian Federation, and also payments made for the services and materials granted by the Patent Agency.

Rules for Submitting Objections and of Their Examination by the Chamber of Appeals of the State Committee of the Russian Federation for Patents were approved by the State Committee of the Russian Federation for Patents and Trademarks on April 19, 1995

Federal Law No. 22-FZ of February 7, 2003 amended Article 3 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law
[See the previous text of the Article](#)

Article 3. The Legal Protection of Inventions, Useful Models and Industrial Designs

1. The rights to an invention, useful model or industrial design shall be protected under the law and covered by a patent for an invention, patent for a useful model and patent for a design respectively.
2. The patent shall certify the priority or authorship of the said invention, useful model or industrial design and the exclusive right to the invention, useful model or industrial design
3. The patent for an invention shall be valid until the expiration of twenty years as from the filing of an application with the federal executive agency for intellectual property.

The term of a patent for an invention related to a medicine, pesticide or agrochemical whose use is subject to a permit to be obtained according to the legally-prescribed procedure, shall be extended by the federal executive agency for intellectual property at the patentee's [request](#) for a period to be counted from the filing of an application for an invention until the acquisition of the first such permit for use, minus five years. Moreover, the period for which a patent for an invention is extended may not exceed five years. The appropriate request shall be submitted during the lifetime of the patent, before the expiration of six months as from the acquisition of such a permit or the issuance of a patent, depending on whichever date is the latest.

The patent for a useful model shall be valid for five years as from the filing of an application with the federal executive agency for intellectual property. The term of a useful model patent may be extended by the federal executive agency for intellectual property at the patentee's request but for not more than three years.

The patent for an industrial design shall be valid for ten years as from the filing of an application with the federal executive agency for intellectual property. The lifetime of a design patent may be extended by the federal executive agency for intellectual property at the patentee's request but for not more than five years.

The [procedure](#) for extending the term of a patent for an invention, useful model or industrial design shall be such as established by the federal executive agency for intellectual property.

When counting the terms of patents, specified in this item, for an invention, useful model or industrial design granted under divisional applications, the filing date shall be the date of the initial application filed with the federal executive agency for intellectual property.

4. The extent of protection granted under a patent for an invention or useful model shall be determined by their respective formula. For the purposes of interpreting a formula of an invention and that of a useful model use may be made of specifications and drawings.

The extent of protection granted under a patent for an industrial design shall be determined by a totality of its essential features shown in pictures of the article and given in the list of essential features of the industrial design.

Paragraphs fourteen and fifteen of Item 2 of Article 1 of this federal law in the part concerning secret inventions shall [take effect](#) as from January 1, 2004

5. The provisions of this Law shall apply to secret inventions (inventions that contain data constituting a [state secret](#)) including the specificity of protection and use of same as established under [Section VI.1](#) of this Law.

Protection in accordance with this Law shall not be granted to useful models and industrial designs that contain data constituting a state secret.

SECTION II. THE TERMS OF PATENTABILITY

Federal Law No. 22-FZ of February 7, 2003 amended Article 4 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of said Federal Law
[See the previous text of the Article](#)

Article 4. The Terms of Patentability for an Invention

1. As an invention, protection shall be given to a technological conception in any field related either to the product (in particular, a device, substance, microorganism strain, plant or animal cell culture) or method (process of performing actions on a material object with the help of material means). The invention shall be granted legal protection if it is novel, possesses an inventive level and is commercially applicable.

The invention shall be deemed novel if it is not known on a technological level.

The invention shall be deemed to have an inventive level, if it is evident to a specialist that the invention does not clearly result from the technological level.

The level of technology shall include any information that had become universally available before the invention priority date.

When establishing the novelty of an invention, all applications concerning inventions and useful models whose documents any person has the right to familiarise themselves with as is stipulated by [Item 6 of Article 21](#) or [Part Two of Article 25](#) of this Law, and inventions and useful models patented in the Russian Federation, shall also be included in the technological level, provided their earlier priority has been established.

An invention shall be deemed to be industrially applicable, if it is able to be used in industry, in agriculture, in the health service or in other sectors.

The disclosure of information about an invention (i.e. when information on the merits of the invention has become generally available) by its author, the applicant, or any other persons who received it therefrom directly or indirectly shall not be deemed a circumstance which will prevent the recognition of the patentability of the given invention, if the application for the invention was filed with the federal executive agency for intellectual property not later than six months from the date on which the information was disclosed. In this case, the duty to prove the said fact shall rest with the applicant.

2. Not to be treated as inventions by implication of the provisions of this Law, are in particular:

- discoveries and also scientific theories and mathematical methods;
- conceptions concerning the appearance of products aimed only at meeting aesthetic requirements;
- rules and methods of games, of intellectual or commercial activity;
- programs for electronic computing machines;
- conceptions consisting in presentation of information only.

Under this Item said objects shall not be treated as inventions only in instances when an application for patent for an invention is related to said objects as such.

3. Not to be patentable by the implication of provisions of this Law shall be:

- plant varieties, animal breeds;
- topologies of integrated microcircuits;
- conceptions running counter to public interests, principles of humanity and morality.

[Federal Law No. 22-FZ of February 7, 2003 amended Article 5 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 5. The Terms of Patentability for a Useful Model

1. As a useful model, protection shall be given to a technological conception related to a device.

A useful model shall be recognized as meeting the requirements of patentability, if it is novel and industrially applicable.

The useful model shall be deemed novel, if its aggregate essential features are unknown on a technological level.

The technological level shall include universally published information that has become generally available before the priority date of the useful model, which concerns means of similar designation as that in the useful model filed, and also information about its use in the Russian Federation. All the applications concerning inventions and useful models whose documents any person has the right to familiarise them with in accordance with [Item 6 of Article 21](#) or [Part two of Article 25](#) of this Law and, and also those patented in the Russian Federation, shall be included in the technological level, provided they enjoyed earlier priority.

A useful model shall be industrially applicable, if it is able to be used in industry, in agriculture, in the health service or in other sectors.

The disclosure of information concerning the useful model (i.e. when the essence of the useful model has become generally available), by its author, by the applicant, or by any other persons who obtained it from them either directly or indirectly, if the application was filed with the federal executive agency for intellectual property not later than six months from the date on which the information was disclosed, shall not be regarded as a circumstance which prevents the useful model from being patentable.

2. Legal protection as useful models shall not be given to:

- conceptions concerning only the appearance of products aimed at meeting aesthetic requirements;
- topologies of integrated microcircuits;
- conceptions running counter to public interests, principles of humanity and morality.

[Federal Law No. 22-FZ of February 7, 2003 amended Article 6 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 6. The Terms of Patentability for Industrial Designs

1. As an industrial design, protection shall be given to the artistic and design conception of the product of industrial manufacture or craftsmanship, determining its appearance.

An industrial design shall be given legal protection if it is novel and original.

The industrial design shall be deemed novel, if its aggregate essential properties which are shown in pictures of the product and given in the list of essential features of the industrial design are unknown from the information that has become universally available before the date of the industrial design priority.

When establishing the novelty of an industrial design, all applications filed as industrial designs whose documents any person shall have the right to familiarise themselves with in accordance with [Part two of Article 25](#) of this Law and those patented in the Russian Federation, shall be taken into account, provided they enjoyed earlier priority.

The industrial design shall be deemed original, if its essential properties determine the creative nature of the features of the item in question.

The essential features of an industrial design shall imply the features determining the aesthetic and/or ergonomic peculiarities of appearance of the product, in particular, the form, configuration, ornament and a combination of colours;

The disclosure of information related to the industrial design by its author, by the applicant or by any other person who obtained the said information therefrom either directly or indirectly shall not be deemed to be a circumstance which prevents the industrial design from being recognized as patentable, if the information concerning the essence of the industrial design has become generally available, and if the application for the industrial design was filed with the federal executive agency for intellectual property not later than six months from the date when the said information was disclosed. In this case, the duty to prove this fact shall rest with its applicant.

2. The following shall not be deemed patentable industrial designs:

- those dependent exclusively on the technical function of a given product;
- architectural objects (except for minor architectural forms), industrial, hydraulic engineering and other stationary structures;
- items of variable shape formed by liquid, gas, non-cohesive or similar materials;
- items contravening the public interest and the principles of humanity and morality.

SECTION III. AUTHORS AND PATENT HOLDERS

Article 7. The Author of an Invention, Useful Model, or of an Industrial Design

1. The author of an invention, useful model or industrial design shall be deemed to be a natural person by whose creative work they were developed.

Federal Law No. 22-FZ of February 7, 2003 amended Item 2 of Article 7 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of the said Federal Law
[See the previous text of the Item](#)

2. If several natural persons have taken part in the development of an invention, useful model or industrial design, they shall be deemed to be the authors. The procedure for using the rights that belong to authors shall be specified by the agreements between them.

Natural persons who have failed to make a personal creative contribution to the development of an object of industrial property, and have rendered the author (authors) technical, organisational or material assistance alone, or have only helped formalize his rights and its utilization, shall not be deemed to be authors.

3. The right of authorship shall be an unalienable personal right enjoying permanent protection.

Federal Law No. 22-FZ of February 7, 2003 reworded Article 8 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of the said Federal Law
[See the previous text of the Article](#)

Article 8. Patentee

1. A patent shall be issued to:

- the author of an invention, useful model or industrial design;
- an employer in instances envisaged under Item 2 of this Article;
- legal successors of said persons.

2. The right to acquire a patent for an invention, useful model or industrial design created by an employee (author) in connection with the performance of his official duties or of a specific task set by the employer (employee's invention, employee's useful model or employee's industrial design) shall belong to the employer, unless otherwise is envisaged in the contract made between the employer and employee (author).

Should the employer fail, within four months as from the notification given to him by his employee (author) of the result obtained by him which is protectable as an invention, useful model or industrial design, to file an application for a patent for such an invention, useful model or industrial design with the federal executive agency for intellectual property, to assign the right to a patent for an employee's invention, employee's useful model or employee's industrial design to other person and to inform the employee (author) of maintaining secrecy of information on the respective result, the right to acquire a patent for such an invention, useful model or industrial design shall belong to the employee (author). In that case, the employer shall, within the term of the patent, have the right to use the employee's invention, employee's useful model or employee's industrial design in his own production by paying to the patentee compensation to be fixed under a contract.

In the event the employer has acquired a patent for an employee's invention, employee's useful model or employee's industrial design or taken a decision to keep secret information about such invention, useful model or industrial design or assigned the right for a patent to any other person or has failed to acquire a patent under an application filed by him for reasons beyond his control, then the employee (author) who has no right to acquire a patent for such invention, useful model or industrial design, shall be entitled to remuneration. The amount of remuneration and procedure for payment of same shall be such as specified in the contract made between the employee (author) and the employer. Should they fail to reach an agreement on the terms and conditions of the contract within three months after one of the parties made a proposal to the other party in writing as to such conditions, the dispute on the remuneration shall be settled in court.

The Government of the Russian Federation shall have the right to fix minimal rates of remuneration for employee's inventions, employee's useful models or employee's industrial designs.

Federal Law No. 22-FZ of February 7, 2003 excluded Article 9 from this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law

~~Article 9. The Federal Inventions Fund of Russia~~

~~The Federal Inventions Fund of Russia shall select inventions, useful models and industrial designs, shall acquire the rights of patent holders thereon, on a contractual basis, and shall help to realize them in the interests of the state.~~

~~The sources for financing the Federal Inventions Fund of Russia shall be the proceeds from the sale of licenses for objects of industrial property, the patents for which belong to the Fund, and the voluntary contributions of enterprises and private citizens, and also the resources of the republican budget of the Russian Federation, and other incomes.~~

~~The Federal Inventions Fund of Russia shall perform its activity in conformity with the charter endorsed by the Government of the Russian Federation.~~

Federal Law No. 22-FZ of February 7, 2003 supplemented this Law with Article 9.1. The amendments shall come into force upon the expiration of one month as from the official publication of the said Federal Law

Article 9.1. Right to Acquire a Patent For an Invention, Useful Model or Industrial Design Developed in the Performance of Work Under a State Contract

1. The right to acquire a patent for an invention, useful model or industrial design developed in the performance of work under a state contract to meet the federal state needs or the needs of a subject of the Russian Federation shall belong to the implementor (the contractor) unless it is envisaged in the state contract that the right belongs to the Russian Federation or the subject of the Russian Federation on whose behalf the state customer is acting.

If, under the state contract the right to acquire a patent belongs to the Russian Federation or a subject of the Russian Federation, the state customer shall be free to file an application for a patent within six months as from the time he is notified in writing by the implementor (the contractor) of obtaining a result which is legally protectable as an invention, useful model or industrial design. If, within the said period, the state customer fails to file an application, the right for a patent shall belong to the implementor (the contractor).

2. If a patent for an invention, useful model or industrial design developed in the performance of work under the state contract to meet the federal state needs or the needs of a subject of the Russian Federation, as is provided under Item 1 of this Article, has been acquired not by the Russian Federation or a subject of the Russian Federation, the patentee shall, at the request of the state contractor, be obligated to grant to the person (persons) designated by him a nonexclusive uncompensated license to use the data of the invention, useful model or industrial design with the objective of carrying out work or supplying products for meeting the federal state needs or the needs of the subject of the Russian Federation.

3. The author of an invention, useful model or industrial design who is not a patentee shall be paid a remuneration by the person who acquired a patent in accordance with Item 1 of this Article. In payment of remuneration, the relevant provisions of Item 2 of Article 8 of this Law shall apply.

In the case of granting a nonexclusive uncompensated license according to the procedure envisaged under Item 2 of this Article, the remuneration to the author shall be paid by the state customer, at whose request such a license was granted. The remuneration shall be paid by using the funds allocated to the state customer to carry out the work under the state contract.

Federal Law No. 22-FZ of February 7, 2003 amended the title of Section IV of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of the said Federal Law

See the previous text of the title

SECTION IV EXCLUSIVE RIGHT TO AN INVENTION, USEFUL MODEL OR INDUSTRIAL DESIGN

Federal Law No. 22-FZ of February 7, 2003 amended Article 10 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law

See the previous text of the Article

Article 10. The Rights and Duties of the Patent Holder

1. The patentee shall have an exclusive right to an invention, useful model or industrial design. No one is entitled to use a patented invention, useful model or industrial design without the permission of the patentee, including performing the following actions, if such actions, as is provided under this Law, constitute an infringement of the patentee's exclusive right, viz:

- to import into the territory of the Russian Federation, manufacture, use, offer to sell, sell, put into civil turnover in any other way or to store for the said purposes a product which uses a patented invention, useful model or articles which uses a patented industrial design;
- to perform actions specified in Paragraph Two of this Item regarding a product obtained directly through a method which has been patented. Moreover, when the product obtained through the patented method, is novel, an identical product shall be deemed to having been obtained by using the patented method in the absence of proof to the contrary;
- to perform actions specified in Paragraph Two of this Item in respect of a device which, in the process of its functioning (or when it is operated) according to its purpose, automatically reproduces the patented method;
- to reproduce a method which uses the patented invention.

The procedure for using an invention, useful model or industrial design, when the patent for such an invention, useful model or industrial design belongs to several persons, shall be such as specified under a contract made between them. In the absence of such a contract, each of the patentees may use the patented invention, useful model or industrial design at its own option, but shall have no right to grant a license or assign an exclusive right (cede a patent) to any other person without the consent thereto of the other patentees.

2. A patented invention or useful model shall be declared as having been used in a product or method if and when the product contains and the method uses each feature of the invention or useful model indicated in the independent claim of formula of invention or useful model or a feature equivalent to it which became known as such in the given field of technology prior to the perpetration of actions specified in [Item 1](#) of this Article, in respect of the product or method.

The patented industrial design shall be declared as having been used in the product if and when the product contains all the essential features of the industrial design shown in pictures of the product and given in the list of essential features of the industrial design.

If, when using the patented invention or useful model use is made of all the features given in the independent claim of formula of other patented inventions or useful models and when using the patented industrial design - of all the features given in a list of essential features of other patented industrial design, then the other patented invention, useful model or industrial design shall also be recognized as having being used.

3. If the patented invention or industrial design is not used or used insufficiently by the patentee and persons to whom the rights thereto were assigned, within four years as from the issuance of the patent and in the case of a patented useful model - within three years as from the issuance of the patent, which results in insufficient supply of the relevant goods and services in the commodity market or the market of services, any person desirous and ready to use the patented invention, useful model or industrial design shall, upon patentee's refusal to make a license agreement with such person on terms and conditions corresponding to the universally established practice, have the right to file a suit with a court of law against the patentee for a compulsory nonexclusive license to use such invention, useful model or industrial design in the territory of the Russian Federation by specifying in the statement of claim the terms and conditions proposed by him for granting such a license, including the extent of use, amount of, procedure for and dates of payments. If the patentee fails to prove that the non-use or insufficient use of invention, useful model or industrial design is due to a valid excuse, the court shall make a ruling to grant such a license and also regarding the terms and conditions of such granting. The aggregate amount of payments shall be not less than the value of a license habitually fixed in similar circumstances.

The effect of the compulsory non-exclusive license may be terminated in due course of law in compliance with a suit lodged by the patentee when the circumstances due to which such license was granted have ceased to exist and when the emergence of same is not likely. In that case, the court shall fix a period and procedure for termination of the use by the person who acquired a compulsory non-exclusive license, of the rights that arose in connection with the acquisition of such a license.

4. When the patentee is in no position to use an invention for which it has an exclusive right, without violating in so doing, the rights of the holder of other patent for an invention or useful model, who refused to make a license agreement on terms and conditions corresponding to the established practice, the patentee shall have the right to apply to a court with a suit against the holder of that other patent for a compulsory non-exclusive license to use an invention or useful model of the holder of the other patent in the territory of the Russian Federation by specifying in the statement of claim the terms and conditions for granting such license proposed by him, including the extent of use, amount of, procedure for and dates of payments, provided the invention for which it has an exclusive right constitutes an important technical achievement offering considerable economic advantages as against the invention or useful model of the holder of the other patent.

In granting such a license by court ruling, the aggregate payments shall be fixed at an amount not less than the value of license habitually fixed in similar circumstances. In the case of granting a compulsory nonexclusive license as is provided under this clause, the holder of a patent for an invention or useful model the right of use of which was granted on the basis of said license, shall also have the right to acquire a nonexclusive license to use the invention in connection with which the compulsory nonexclusive license was granted, on terms and conditions corresponding to established practice.

5. The patentee shall have the right to assign an exclusive right for an invention, useful model or industrial design (to cede a patent) to any individual or legal person. The contract on assignment of the exclusive right (cession of patent)

shall be registered with the federal executive agency for intellectual property and shall, without such registration, be deemed invalid.

See the [Rules of Registration of Contracts On the Assignment of the Exclusive Right for Invention, Industrial Design, Useful Model, Trademark, Service Mark, Registered Integrated Circuit Topology and of the Right to Utilization of Same, On the Absolute or Partial Assignment of the Exclusive Right to the Electronic Computer Programs and Data Bases approved by Order of the Russia's Patent Agency No. 64 of April 29, 2003](#)

6. The invention, useful model or industrial design patent, and the right to obtainment thereof shall be inheritable.

Federal Law No. 22-FZ of February 7, 2003 reworded Article 11 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of said Federal Law
[See the previous text of the Article](#)

Article 11. Actions Not Treated As Violation of the Patentee's Exclusive Right

The following are not to be treated as violation of the patentee's exclusive right:

- the use of a product which used a patented invention or useful model or of an article which used a patented industrial design, in the construction, auxiliary equipment or during the operation of transport vehicles of foreign states (water, air, motor and railway transport and spacecraft), provided such transport vehicles are located in the territory of the Russian Federation either temporarily or fortuitously and the said product or article is used exclusively to meet the needs of the transport vehicle. Such action shall not be treated as violation of the patentee's exclusive right in respect of transport vehicles of foreign states which grant the same rights in respect of transport vehicles registered in the Russian Federation;
- the performance of scientific research of a product, method which used a patented invention, useful model or of article which used a patented industrial design or of an experiment on such product, method or article;
- the use of a patented invention, useful model or industrial design in emergency circumstances (natural calamity, disaster, accident) by giving notice to the patentee within the shortest possible time and subject to subsequent payment to the latter of adequate compensation;
- the use of a patented invention, useful model or industrial design to meet personal, family, domestic or other needs not connected with business activity unless the objective of such activity is to derive profits (income);
- the one-off manufacture in pharmacies in accordance with doctor's prescriptions of medicines by using the patented invention;
- the bringing into the Russian Federation, use, offering to sell, sale, introduction into civil circulation in any other way or storage for the said purposes of a product which used the patented invention, useful model or of an article which used the patented industrial design, provided that product or article was earlier introduced into civil circulation in the territory of the Russian Federation by the patentee or another person with the permission of the patentee.

Federal Law No. 22-FZ of February 7, 2003 amended part 1 of Article 12 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of said Federal Law
[See the previous text of the part](#)

Article 12. The Right of Prior Use

Any natural or legal person that prior to the priority date of the invention, useful model and/or industrial design has voluntarily used on the territory of the Russian Federation an identical solution developed independently of its author, or has made due preparations therefor, shall retain the right to further use it free of charge without expanding the scope of such use.

The right of prior use may be transferred to another natural or legal person only jointly with the product, in which an identical solution was used or the necessary preparation for the use of which was made.

Federal Law No. 22-FZ of February 7, 2003 amended Article 13 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of said Federal Law
[See the previous text of the Article](#)

Article 13. The Granting of the Right to Use an Invention, Useful Model or Industrial Design

1. Any person who is not a patent holder shall have the right to use a patent-protected invention, useful model and/or industrial design only with the permission of the patent holder (on the basis of a license contract). In accordance with said license contract, the patent holder (licensee) shall pledge to grant the right to use the protected invention, useful model or industrial design in the scope envisaged by the contract to another person (licensor), and the latter shall take on the duty to make the payments stipulated by the contract to the licensor and execute other acts envisaged by the contract.

With the licensee, the licensor shall be granted the exclusive right to use an invention, useful model or industrial design within the limits specified by the contract, with the retention by the licensor of the right to use the part not transferred to the licensee; with the nonexclusive license, the licensor, in granting the licensee the right to use an object

of industrial property, shall retain all the rights confirmed by the patent, including when granting licenses to the third persons.

2. The patentee shall have the right to file with the federal executive agency for intellectual property an application for giving any person the right to use an invention, useful model or industrial design (open license). The amount of patent duty for maintaining the patent shall in that case be diminished by 50 per cent, beginning the year following the year of publication by the federal executive agency for intellectual property of the data on such application. The person who expressed the wish to use the invention, useful model or industrial design shall be obligated to conclude with the patentee a contract on payments. If the patentee, within two years as from such publication, received no proposals in writing on concluding a contract on payments, then, after the expiration of two years he is free to make a request to the federal executive agency for intellectual property to withdraw his application. In that case, the patent duty for maintaining the patent shall be subject to an extra charge due for the period that elapsed from the date of publication of the data on the application and shall, henceforth, be paid in the full amount. The federal executive agency for intellectual property shall publish the data on the withdrawal of the application.

See [Rules for the Consideration and Registration of Agreements of Cession of Patents and of License Agreements on Granting the Right to Use an Invention, a Useful Model and Industrial Design, endorsed by the State Committee of the Russian Federation for Patents and Trademarks on April 21, 1995](#)

3. An applicant who is an author of an invention, upon filing an application for issuance of a patent for an invention, is free to attach to its documents also an application to the effect that in the event of issuance of a patent he shall be obligated to assign an exclusive right to the invention (to cede a patent) on conditions corresponding to established practice to the person a citizen of the Russian Federation or Russian legal person who was first to have expressed a wish and to have advised to that effect the patentee and the federal executive agency for intellectual property. Given such application, patent duties provided under this Law, as regards the application for invention and patent granted under such application shall not be charged. The federal executive agency for intellectual property shall publish data on the said application. The patentee shall be obligated to conclude a contract on assignment of an exclusive right to an invention (cession of patent) with a person who expressed such a wish.

A person who concluded a contract with the patentee on the assignment of an exclusive right to an invention (cession of patent) shall be obligated to pay all patent duties that the applicant (patentee) was absolved from. Henceforth, patent duties shall be paid in the established procedure.

To enable the registration by the federal executive agency for intellectual property of the contract on the assignment of exclusive right to an invention (cession of patent), an application for registration of the contract shall also have attached a document confirming the payment of all patent duties whose payment the applicant (patentee) was absolved from. If within two years from the publication of data on the issuance of such patent the federal executive agency for intellectual property has received no notification in writing of the wish to conclude a contract on the assignment of the exclusive right to an invention (cession of patent), then, upon the expiration of two years, the patentee shall be free to file a request requesting the withdrawal of his application with the federal executive agency for intellectual property. In that case, patent duties which are provided under this Law and whose payment the applicant (the patentee) was absolved from, shall be paid. Henceforth, patent duties shall be paid in the established procedure. The federal executive agency for intellectual property shall publish in the official bulletin data on the withdrawal of said application.

4. In the interests of national security, the Government of the Russian Federation shall enjoy the right to allow the use of an invention, useful model or industrial design without the patent holder's consent with him being notified to that effect within the shortest possible time and the payment of the commensurate compensation to the patent holder.

5. The license agreement for the use of patented invention, useful model or industrial design shall be registered with the federal executive agency for intellectual property. In the absence of said registration the license agreement shall be considered to be invalid.

*[Federal Law No. 22-FZ of February 7, 2003 amended Article 14 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)*

Article 14. Infringement of a Patent

1. Any natural or legal person using a patented invention, useful model or industrial design in violation of this Law shall be deemed to be a patent infringer.

2. The patentee shall have the right to demand that:

the violation of patent be terminated;

the person guilty of violation of the patent compensate for the inflicted damages as envisaged under civil legislation;

a court judgement be published with the objective of protecting its business reputation;

other remedies be resorted to in accordance with the procedure envisaged under the legislation of the Russian Federation.

3. Claims against the patent infringer may also be filed by the exclusive license holder, unless otherwise stipulated for by the license contract.

SECTION V. OBTAINING A PATENT

[Federal Law No. 22-FZ of February 7, 2003 reworded Article 15 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 15. Submission of an Application for a Patent for an Invention, Useful Model or Industrial Design

1. An application for the issuance of a patent for an invention, useful model or industrial design shall be filed with the federal executive agency for intellectual property by a person possessing the right to obtain a patent in accordance with this Law (hereinafter referred to as an applicant).

2. The handling of matters with the federal executive agency for intellectual property may be carried out by the applicant, the patentee, another interested person either on its own or through a patent attorney duly registered with the federal executive agency for intellectual property or any other representative.

Natural persons permanently residing outside the Russian Federation or foreign legal persons or their patent attorneys shall handle matters with the federal executive agency for intellectual property through patent attorneys registered with the federal executive agency for intellectual property. In instances envisaged under an international agreement of the Russian Federation, natural persons permanently residing outside the Russian Federation or foreign legal persons shall have the right to file applications, pay patent duties and carry out other actions in accordance with the international agreement of the Russian Federation on their own.

If, as is envisaged under this Item, the applicant, the patentee or other interested person is handling matters with the federal executive agency for intellectual property on its own or through a representative other than a patent attorney registered with the federal executive agency for intellectual property, the federal executive agency for intellectual property may require that an address in the territory of the Russian Federation be indicated for purposes of correspondence.

The powers of the patent attorney and other representative shall be certified by a power of attorney issued by the applicant, the patentee or other interested person.

A citizen of the Russian Federation who is permanently residing in its territory may be registered as a patent attorney. Other requirements for a patent attorney, the procedure for his assessment and registration and also the authorization to handle matters associated with the legal protection of an invention, useful models or industrial designs shall be such as prescribed by the Government of the Russian Federation.

3. An application for the issuance of a patent for an invention, useful model or industrial design shall be submitted in the Russian language. Other documents of the application shall be presented either in Russian or in other language. In the event that documents of the application are submitted in another language, the application shall also have as an attachment a translation of same into Russian.

4. An application for a patent shall be signed by the applicant and where the application is submitted through a patent attorney or other representative - by the applicant or patent attorney or other representative.

[Federal Law No. 22-FZ of February 7, 2003 amended Article 16 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 16. The Application for the Issue of an Invention Patent

[See the Rules for Compiling, Filing and Considering an Application for the Issue of a Patent on an Invention approved by Order of the Russian Patent Agency No. 82 of June 6, 2003](#)

1. An application for an invention patent (hereinafter referred to as an invention application) shall concern only one invention or a group of inventions interconnected to such an extent as to form a single invention scheme (the requirement for the unity of an invention).

2. The invention application must contain:

- the [application](#) for the patent, indicating the author (authors) of the invention and person (persons) in whose name (names) the patent is requested, and also his (their) place of residence or location;
- a [description of the invention](#) disclosing it in full, to an extent which is sufficient for it to be implemented;
- the [formula of the invention](#) expressing its substance and which is fully based on its description;
- drawings and other [materials](#), if they are necessary to understand the substance of the invention; and
- a [summary](#).

The application for an invention shall have as an attachment a document confirming the payment of patent duty in the pre-set amount or a document confirming the grounds for exemption from patent duty or the decreased amount of same or deferment of its payment;

The date of submission of application for an invention shall be the date of receipt by the federal executive agency for intellectual property of an application containing a request for a patent, specification and drawings, if there is a reference thereto in the specification, or the date of receipt of the latest document, if said documents are not submitted at the same time.

3. The requirements for the documents that are to be included in the invention application shall be established by the federal executive agency for intellectual property.

[Federal Law No. 22-FZ of February 7, 2003 amended Article 17 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 17. The Application for a Patent for a Useful Model

1. The application for a useful model certificate (hereinafter referred to as application for a useful model) shall concern only one useful model or a group of useful models interconnected with each other so as to form a single scheme (the requirement for the unity of the useful model).

2. The application for the useful model must contain:

- an application for the patent indicating the author (authors) of the useful model and the person (persons) in whose name (names) the certificate is being requested, and also his (their) place of residence or location;
 - a description of the useful model disclosing it in full, to an extent which is sufficient for it to be implemented;
 - the useful model formula expressing its substance and which is fully based on its description;
- drawings if these are required to understand the essence of a useful model;
- a summary.

The request for a useful model shall have as an attachment a document confirming the payment of patent duty in the specified amount or a document confirming the grounds for exemption from patent duty or reduction of its amount or deferment of its payment.

The date of submission of an application for a useful model shall be the date of receipt by the federal executive agency for intellectual property of an application containing a request for a patent, specification and drawings, if there is a reference thereto in the specification, or the date of receipt of the latest document, if the said documents are not submitted at the same time.

3. The requirements for the documents that are to be included in the application for a useful model shall be established by the federal executive agency for intellectual property.

See the [Rules](#) for Compiling, Submitting and Considering an Application for the Issue of a Patent for an Industrial Sample, and on Cancelling the Formerly Operating Rules approved by [Order](#) of the Russian Agency on Patents and on Trademarks No. 84 of April 17, 1998

[Federal Law No. 22-FZ of February 7, 2003 amended Article 18 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 18. Application for an Industrial Design Patent

See [Regulations](#) of Compilation, Filing and Consideration of Applications for Granting a Design Patent, endorsed by [Order](#) of the Russia's Patent Authority No. 84 of June 6, 2003

1. The application for an industrial design patent (hereinafter referred to as application for an industrial design) shall concern a single industrial design or a group of industrial designs interconnected between themselves so much that they constitute a single creative conception (the requirement for the unity of the industrial design).

2. The application for an industrial design shall include the following:

a request for a patent stating the author or authors of the industrial design and person or persons on behalf of whom the patent is requested and also their place of residence or location;

a set of images of article providing a full and detailed idea of the outward appearance of the article;

a general view drawing of the article, ergonomic scheme, confection chart if these are essential for disclosing the essence of the industrial design;

a list of the essential features of the industrial design. The application for industrial design shall have attached thereto a document confirming the payment of patent duty in the specified amount or a document confirming the grounds for exemption from patent duty or reduction of its amount or deferment of its payment. The date of submission of the application for an industrial design shall be a date of receipt by the federal executive agency for intellectual property of application containing a request for a patent, a set of pictures of the article, specification and a list of essential features of the industrial design or a date of receipt of the latest document if the said documents are not presented at the same time.

3. The requirements for the documents to be included in the application for an industrial design shall be specified by the federal executive agency for intellectual property.

[Federal Law No. 22-FZ of February 7, 2003 amended Article 19 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 19. The Priority of an Invention, Useful Model or Industrial Design

1. The priority of an invention, useful model or industrial design shall be established by the date of filing an application with the federal executive agency for intellectual property.

2. The priority of an invention, useful model or industrial design may be established by the first filing date in a member state of the [Paris Convention](#) for Protection of Industrial Property (Conventional priority), provided the application for an invention or useful model was lodged with the federal executive agency for intellectual property within twelve months as from said date and an application for an industrial design - within six months as from said date.

An applicant desirous of making use of the right of conventional priority in respect of an application for a useful model or industrial design shall be obligated to report such to the federal executive agency for intellectual property prior to the expiration of two months as from the date of such application and to present a duly certified copy of the first application prior to the expiration of three months as from the date of filing an application with the federal executive agency for intellectual property requesting conventional priority.

An applicant desirous of making use of the right of conventional priority in respect of an application for an invention, shall report such to the federal executive agency for intellectual property and present to the federal executive agency for intellectual property a duly certified copy of the first application not later than within sixteen months as from the filing of same with the patent office of a member-state of the [Paris Convention](#) for Protection of Industrial Property. In the case of failure to present a duly certified copy of the first application within a specified period, the right of priority may be re-established at the request of the applicant made by it to the federal executive agency for intellectual property prior to the expiration of the said time limits, on the condition that a copy of the first application was requested by the applicant at the patent office where the first application was filed, not later than within fourteen months as from the date of filing of the first application and was submitted to the federal executive agency for intellectual property within two months as from receipt of same by the applicant. The federal executive agency for intellectual property may require that the applicant submit a translation of the first application into the Russian language if it is made in another language only when the verification of validity of claim to priority is linked to the establishment of patentability of the claimed invention.

3. Priority may be established from the date of the arrival of the additional materials, if the latter have been drawn up by the applicant as an independent application filed before the expiry of the three-month term from the date of the receipt by the applicant of the notification from the federal executive agency for intellectual property concerning the impossibility of taking into consideration the additional materials in connection with the recognition thereof as changing the substance of the declared decision and unless, on the date of filing of such independent application, the application containing the said supplementary materials has been withdrawn and has been declared to have been withdrawn.

4. The priority of an invention, useful model or industrial design may be established by the date of filing by the same applicant with the federal executive agency for intellectual property of an earlier application disclosing such invention, useful model or industrial design not withdrawn and not declared as having been withdrawn on the date of filing an application requesting such priority, provided the application was filed not later than within twelve months as from the date of filing of such earlier application for an invention and within six months as from the date of filing of an earlier application for a useful model or industrial design. Upon filing an application requesting such a priority, an earlier application shall be declared to be withdrawn.

Priority may not be established from the date of the arrival of an application which has already been requested for earlier priority.

5. The priority of an invention, useful model or industrial design under a divisional application shall be established by the date of filing by the same applicant with the federal executive agency for intellectual property of an initial application disclosing the said invention, useful model or industrial design and, given the right to establish an earlier priority under an initial application - by the date of such priority, unless, on the date of filing a divisional application, the initial application for an invention, useful model or industrial design has been withdrawn or declared to have been withdrawn and provided the filing of a divisional application took place prior to the use of a possibility provided under this Law to file objections against a decision to reject a patent under an initial application or prior to the date of registration of an invention, useful model or industrial design as is envisaged under [Article 26](#) of this Law in the case of taking a decision to issue a patent under an initial application.

6. The priority of an invention, useful model or industrial design may be established on the basis of several applications filed earlier or supplementary materials thereto subject to observance in relation to them of conditions specified respectively in [Items 2, 3, 4](#) and [5](#) of this Article.

7. Should the examination establish that different applicants have filed applications for identical inventions, useful models or industrial designs and the applications have the same date of priority, then the patent for an invention, useful model or industrial design may be granted only under one such application to a person to be designated by agreement between the applicants. Should such applications be filed by the same applicant, the patent shall be issued under an application to be chosen by the applicant.

The applicants shall, within twelve months as from receipt of a respective notification, inform of the agreement reached between them and the applicant shall advise of the choice made. In issuing a patent under one of the applications, all the authors specified in the applications shall be recognized to be co-authors in relation to identical inventions, useful models or industrial designs. Should, within the specified time limits, the federal executive agency for intellectual property fail to receive from the applicants (applicant) the said notice or a request to extend the specified time period in the procedure established under [Item 8 of Article 21](#) of this Law, the applications shall be declared to have been withdrawn.

In the case of coincidence of the dates of priority of an invention and of a useful model identical to it under applications of the same applicant following the issuance of a patent under one of such applications, the issuance of a patent under another application shall be possible only if the holder of an earlier issued patent files with the federal executive agency for intellectual property a request for termination of patent in respect of the identical invention or identical useful model. The effect of the earlier patent for an identical invention or identical useful model shall terminate as

from the date of publication of data on the issuance of a patent under another application in accordance with [Article 25](#) of this Law. The publication of data on issuance of a patent under an application for an invention or a useful model and the publication of data on termination of an earlier issued patent for an identical invention or identical useful model shall take place at the same time.

Federal Law No. 22-FZ of February 7, 2003 reworded Article 20 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of said Federal Law
[See the previous text of the Article](#)

Article 20. Amending Documents of the Application for an Invention, Useful Model or Industrial Design

1. The applicant shall have the right to amend documents of the application for an invention, useful model or industrial design without altering the essence of the invention, useful model or industrial design applied for, prior to a decision taken on that application to grant or refuse a patent for an invention, useful model or industrial design.

On the Introduction of Amendments into the Application Documents, see the [Rules for Compiling, Filing and Considering an Application for the Issue of a Patent on an Invention approved by Order of the Russian Patent Agency No. 82 of June 6, 2003](#)

Supplementary materials shall be deemed to amend the essence of the claimed invention or useful model, provided they encompass the features subject to inclusion in the formula of invention or useful model and missing on the date of filing in the specification and also in the formula of invention or useful model if the application on the date of its filing, contained a formula of invention or useful model.

Supplementary materials shall alter the essence of the claimed industrial design, provided they contain features subject to inclusion in a list of essential features of the industrial design and missing on the date of filing the pictures of the article.

2. Modification when assigning the right to a patent or as a result of alteration of its denomination and also of rectification of obvious and technical errors in application documents may be made by the applicant prior to the date of registration of an invention, useful model or industrial design as is envisaged under [Article 26](#) of this Law.

3. In the event application documents were amended at the initiative of the applicant within two months as from the date of filing an application, the patent duty for making such amendments shall not be charged.

4. Amendments made by the applicant in the documents of an application shall be taken into account when publishing data on application for an invention, provided such amendments were submitted to the federal executive agency for intellectual property within twelve months as from the date of filing an application.

Federal Law No. 22-FZ of February 7, 2003 reworded Article 21 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of said Federal Law
[See the previous text of the Article](#)

Article 21. Examination of an Application for an Invention

1. An application for an invention received by the federal executive agency for intellectual property shall be subject to examination as to form to verify the availability of documents provided for under [Item 2 of Article 16](#) of this Law and compliance with the requirements made for them.

2. If the applicant presents supplementary materials to the application for an invention, one shall, as provided under [Article 20](#) of this Law, make sure that they do not alter the essence of the claimed invention.

Supplementary materials partially altering the essence of the claimed invention shall not be taken into account when considering the application for an invention and may be executed by the applicant as an independent application, which fact shall be brought to the notice of the applicant.

3. The applicant shall be immediately notified of a positive result of the formal examination and of the filing date of the application for an invention following the examination as to form.

4. In the event the application for an invention is executed in violation of the requirements for the documents of same, the applicant shall receive a request requiring that he present, within two months as from the receipt of same, documents duly rectified or those that were missing. Should the applicant fail to present within the specified time frame documents as required or a request for extending the specified time limits, then the application shall be deemed as withdrawn. The specified time period may be extended by the federal executive agency for intellectual property for no more than ten months as from the expiration of same.

On the Extension of the Term for Submitting Documents and Materials, see the [Rules for Compiling, Filing and Considering an Application for the Issue of a Patent on an Invention approved by Order of the Russian Patent Agency No. 82 of June 6, 2003](#)

5. If the application for an invention was filed in violation of the requirements for the unity of invention, the applicant shall be required to inform, within two months as from receipt by him of a respective notification, which of the claimed inventions is to be examined and to make, so far as possible, amendments in the application documents. Other

inventions claimed under that application may be executed as divisional applications. Should the applicant fail to inform within the specified time period which of the claimed inventions is to be examined and to submit relevant documents, if necessary, then consideration shall be given to the invention first mentioned in the claim.

6. The federal executive agency for intellectual property shall, upon the expiration of eighteen months as from the filing of an application for an invention subjected to the formal examination with a positive result, publish in its official bulletin data on the application for an invention, unless, prior to the expiration of twelve months as from the filing of such application, it was withdrawn or declared to have been withdrawn or unless it was recorded as an invention in accordance with [Article 26](#) of this Law. The content of the data to be published shall be such as prescribed by the federal executive agency for intellectual property.

On terms, on which information on an application is published, see the [Rules for Compiling, Filing and Considering an Application for the Issue of a Patent on an Invention approved by Order of the Russian Patent Agency No. 82 of June 6, 2003](#)

Any person, following the publication of data on the application for an invention shall have the right to familiarize himself with the documents of same, unless the application was withdrawn or declared to have been withdrawn on the date of publication of data thereabout. In the event of publication of data on the application for an invention which, on the date of publication, was withdrawn or declared to have been withdrawn, such data shall not be included in the [state of art](#) in respect of subsequent applications of the same applicant filed with the federal executive agency for intellectual property prior to the expiration of twelve months as from the publication of data on the application for an invention. The procedure for familiarising oneself with documents of the application shall be such as established by the federal executive agency for intellectual property.

At the request of the applicant submitted prior to the expiration of twelve months since the filing of application, the federal executive agency for intellectual property may publish data on an application for an invention prior to the expiration of eighteen months as from its filing date.

The inventor shall have the right to refuse to be mentioned as such in the data to be published on an application for an invention.

7. At the request of the applicant or third persons, which may be submitted to the federal executive agency for intellectual property within three years as from the filing of an application for an invention and subject to completion of an examination as to form with a positive result, the examination of an application for an invention shall be conducted on its merits. The applicant shall be advised of the requests of third persons by the federal executive agency for intellectual property.

The term of request for examination of an application for an invention on its merits may be extended by the federal executive agency for intellectual property for by no more than two months at the request of the applicant made upon the expiration of three years as from the filing of application for an invention, subject to submission together with such request of a document confirming payment of patent duty in the prescribed amount.

Should the request for examination of an application for an invention on its merits not be submitted within the specified time limits, the application shall be deemed as withdrawn.

The examination of an application for an invention on its merits shall consist in information search in respect of the claimed invention to establish the state of art and the verification of compliance of the claimed invention with the terms and conditions of patentability prescribed under [Article 4](#) of this Law.

Upon the expiry of six months as from the commencement of examination of an application for an invention on its merits the applicant shall receive a report on the information search, unless such application requests a priority earlier than the date of filing and provided the request for examination of application for an invention on its merits was submitted together with the filing of the application.

The time limits for forwarding a report to the applicant on the information search may be extended by the federal executive agency for intellectual property if and when it is required to inquire with other organizations for a source of information which is missing in the files of the federal executive agency for intellectual property or when the claimed invention is described in a way which makes it impossible to carry out the information search according to the established procedure, which fact shall be communicated to the applicant.

No information search in respect of a claimed invention related to the objects specified in [Items 2 and 3 of Article 4](#) of this Law shall be conducted, which shall be communicated to the applicant prior to the expiration of six months as from the date of commencement of the examination of the application for an invention on its merits.

The [procedure](#) for conducting the information search and submission of a report thereon shall be such as prescribed by the federal executive agency for intellectual property.

8. In the case of examination of an application for an invention on its merits the applicant may be requested to produce supplementary materials (including an amended formula of invention) without which it is impossible to conduct the examination. The supplementary materials shall, at the request of examining experts, be furnished without altering the essence of the invention within two months as from receipt by the applicant of a request or copies of materials opposed to the application, provided said copies were requested by the applicant within a month as from receipt by him of a request from the examining experts. In the event that the applicant fails, within the specified time frame, to produce materials requested or to make a request for extension of the specified time frame, the application shall be declared to have been withdrawn. The specified deadline for submission by the applicant of materials requested may be extended by the federal executive agency for intellectual property by not more than ten months as from its expiration date and if it was confirmed

that there existed valid reasons preventing compliance with the specified deadline, it may be extended by the federal executive agency for intellectual property by more than ten months as from its expiration date.

When the examination of an application for an invention on its merits establishes that the claimed invention expressed with a formula suggested by the applicant conforms with the terms of patentability, a decision shall be taken to grant a patent for an invention with such formula indicating the date of priority of the invention.

When the examination of an application for an invention on its merits reveals the non-compliance of the claimed invention expressed with a formula suggested by the applicant with the terms of patentability, a decision shall be taken to reject a patent.

Pending the decision-taking, the applicant shall be notified of the results of verification of patentability of the claimed invention together with a proposal to submit his arguments concerning the motives referred to therein. The arguments of the applicant shall be taken into account when taking a decision as to the results of examination of the application on its merits, provided they are submitted within six months as from the date of such notification.

9. In the case of disagreement with a decision to reject a patent for an invention, to grant a patent for an invention or to declare an application as withdrawn, the applicant shall be free to file an objection with the Chamber for Patent Disputes under the federal executive agency for intellectual property (hereinafter referred to as the Chamber for Patent Disputes) within six months as from receipt of such decision or submission of request to the federal executive agency for intellectual property for copies of materials opposed to the application stated in the decision to reject a patent, provided a request for such copies was made within two months from receipt by the applicant of a decision on the application for an invention.

The [procedure](#) for filing an objection with the Chamber for Patent Disputes and the procedure for considering the same shall be such as prescribed by the federal executive agency for intellectual property.

The decision of the Chamber for Patent Disputes shall be approved by the head of the federal executive agency for intellectual property, take effect as from the date of its approval and carry the right of appeal in court.

10. The applicant and any third persons shall have the right to request in respect of the application for an invention that passed the examination as to form with a positive result, an information search to establish the state of art to serve as a basis to evaluate the novelty and inventor's level of the claimed invention. The [procedure](#) for and terms of conducting such an information search and of submission of data on its results shall be such as prescribed by the federal executive agency for intellectual property.

11. The applicant shall have the right to familiarize himself with all the materials indicated in the request for examination, decision of the examining experts or report on the information search. Copies of the patent documents requested by the applicant from the federal executive agency for intellectual property shall be forwarded to the applicant within a month as from receipt of the applicant's request.

12. The time limits for submission of documents or supplementary materials requested by the examining experts, the period of making a request for examination of an application for an invention on its merits and the period for lodging an objection to the Chamber for Patent Disputes, which have been missed by the applicant, may be reinstated by the federal executive agency for intellectual property, subject to confirmation of valid reasons for non-compliance with the said time limits and payment of patent duty.

A request for reinstatement of the missed time limits may be made by the applicant not later than within twelve months as from the expiration of the specified time limit. Such request shall be made to the federal executive agency for intellectual property together with the documents requested or supplementary materials or a request for extension of the period of submission of those documents or materials, a request for examination of an application for an invention on its merits or at the same time as an objection made to the Chamber for Patent Disputes.

On Restoration of the Missed Term in Considering an Application, see the [Rules for Compiling, Filing and Considering an Application for the Issue of a Patent on an Invention approved by Order of the Russian Patent Agency No. 82 of June 6, 2003](#)

[Federal Law No. 22-FZ of February 7, 2003 amended Article 22 of this Law. The amendments shall come into force upon the expiration of \[one month\]\(#\) as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 22. Temporary Legal Protection

1. A filed invention shall be given temporary legal protection within the scope of the published formula from the date of the publication of the information about the application to the date of the publication of the information about the granting the patent, but not more than in the scope determined by the formula contained in the decision to grant a patent for an invention.

2. The temporary legal protection shall be regarded as having failed to commence if an application for an invention is withdrawn or declared to have been withdrawn or a decision was made on an application for an invention to reject a patent and the possibility provided under this law to object against said decision has been exhausted.

3. The natural or legal person using the claimed invention during the period indicated in Item 1 of this Article shall pay monetary compensation to the patent holder after he has received the patent. The amount of the compensation shall be specified by the agreement of the parties concerned.

4. The provisions of Item 3 of this Article shall be applicable to inventions, useful models and industrial designs from the date when the applicant has informed the persons who use them that the application for the issue of the patent has been filed, if with regard to inventions that date was set before the date of the publication of the information on said

claim, and with regard to useful models and industrial designs that date was set earlier than the date of the publication of the information about the issue of the patent.

Federal Law No. 22-FZ of February 7, 2003 reworded Article 23 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of said Federal Law
[See the previous text of the Article](#)

Article 23. Examination of Application for a Useful Model

1. An application for a useful model received by the federal executive agency for intellectual property shall be subject to examination to verify the availability of documents envisaged under [Item 2 of Article 17](#) of this Law, the observance of the prescribed requirements for such documents and the absence of violation of the requirement as to the unity of a useful model and also to consider whether the claimed conception can be treated as protectable as a useful model. No verification shall be made as to the compliance of the claimed useful model with the terms and conditions of patentability established under [Item 1 of Article 5](#) of this Law.

In conducting the examination of an application for a useful model, the provisions of [Items 2, 4, 5, 9, 11](#) and [12](#) of Article 21 of this Law shall apply respectively.

2. In the event the examination reveals that the application for a useful model was filed for a technological conception protectable as a useful model and the application documents were executed in compliance with the prescribed requirements, a decision shall be made to grant a patent by indicating the date of filing an application for a useful model and the established priority. When the formula of a useful model offered by the applicant contains the features missing from the specification on the filing date and when the application for a useful model on the date of its filing contained a formula in the claim of a useful model, the applicant shall be requested to exclude said features from the formula.

In the event the examination establishes that an application for a useful model was filed for a conception not protected as a useful model, a decision shall be made to refuse a patent for a useful model.

3. The applicant and third persons shall have the right to request an information search in respect of the claimed useful model in order to establish the state of art against which to evaluate the patentability of a useful model. The procedure and terms of conducting the information search and of submission of data on its results shall be such as prescribed by the federal executive agency for intellectual property.

Paragraph eight of Item 23 of Article 1 of this federal law in the part concerning secret inventions shall [take effect](#) as from January 1, 2004

4. If it is established in considering an application for a useful model that the data contained therein constitute a state secret, the application documents shall be classified according to the procedure prescribed under the legislation on [state secrets](#). Moreover, the applicant shall be advised that he has the right to withdraw an application for a useful model or to convert it into an application for a secret invention. The consideration of such application shall be suspended until receipt from the applicant of a relevant declaration or until the application has been declassified.

Federal Law No. 22-FZ of February 7, 2003 reworded Article 24 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of said Federal Law
[See the previous text of the Article](#)

Article 24. Examination of an Application for an Industrial design

1. An application for an industrial design received by the federal executive agency for intellectual property shall be subject to a formal examination, which verifies the availability of documents provided under [Item 2 of Article 18](#) of this Law and their compliance with the established requirements and also, given a favourable result of the formal examination, to examination on its merits which verifies the compliance of the claimed industrial design with the terms of patentability laid down by [Article 6](#) of this Law.

2. In the process of formal examination and examination of an application for an industrial design on its merits, the provisions of [Items 2, 3, 4, 5, 8, 9, 11](#) and [12 of Article 21](#) of this Law shall apply.

Federal Law No. 22-FZ of February 7, 2003 amended Article 25 of this Law. The amendments shall come into force upon the expiration of [one month](#) as from the official publication of said Federal Law
[See the previous text of the Article](#)

Article 25. The Publication of Information Concerning the Issue of a Patent

The federal executive agency for intellectual property shall publish in its official bulletin information about the granting of a patent, which includes the name of the author (authors), if he (they) agreed to be mentioned as such, and of the patent holder, the name and formula of the invention or useful model, or the list of the essential features of the industrial design and its image. The full composition of the information to be published shall be specified by the federal executive agency for intellectual property.

On composition of the published information on the issue of a patent, see the Rules for Compiling, Filing and Considering an Application for the Issue of a Patent on an Invention approved by Order of the Russian Patent Agency No. 82 of June 6, 2003

Following the publication of data on granting a patent for an invention, useful model or industrial design any person shall have the right to familiarize himself with the application documents and report on the information search. The [procedure](#) for examining the application documents and report on the information search shall be such as prescribed by the federal executive agency for intellectual property.

[Federal Law No. 22-FZ of February 7, 2003 amended Article 26 of this Law. The amendments shall come into force upon the expiration of \[one month\]\(#\) as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 26. The Registration of Inventions, Useful Models and Industrial Designs and the Issue of Patents

1. The federal executive agency for intellectual property shall enter in the State Register of Inventions of the Russian Federation, the State Register of Useful Models of the Russian Federation or the State Register of Industrial Designs of the Russian Federation (hereinafter referred to as the registers) an invention, useful model or industrial design and issue a patent for such invention, useful model or industrial design.

In the event that there are several persons in whose name the patent was claimed, they shall all be issued a single patent.

The registration of an invention, useful model or industrial design and the granting of a patent shall be subject to payment of a respective patent duty. In the case of failure to produce in accordance with the established procedure a document confirming the payment of a patent duty, no registration of an invention, useful model or industrial design nor granting of a patent shall be made while a respective application shall be declared null and void.

2. The form of the patent and the composition of the information indicated therein shall be specified by the federal executive agency for intellectual property.

3. The federal executive agency for intellectual property shall make correction of obvious and technical errors in the issued patent for an invention, useful model or industrial design and/or the respective register.

4. The federal executive agency for intellectual property shall publish in its official bulletin data on any amendments of entries in registers.

[Federal Law No. 22-FZ of February 7, 2003 reworded Article 27 of this Law. The amendments shall come into force upon the expiration of \[one month\]\(#\) as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 27. Withdrawal of an Application for an Invention, Useful Model or Industrial Design

The applicant shall have the right to withdraw an application for an invention, useful model or industrial design filed by him, not later than the date of registration of such invention, useful model or industrial design in the respective register.

See the [Rules](#) for Compiling, Filing and Considering an Application for the Issue of a Patent on an Invention approved by [Order](#) of the Russian Patent Agency No. 82 of June 6, 2003

[Federal Law No. 22-FZ of February 7, 2003 reworded Article 28 of this Law. The amendments shall come into force upon the expiration of \[one month\]\(#\) as from the official publication of said Federal Law](#)
[See the previous text of the Article](#)

Article 28. Conversion of Applications

Prior to publication of data on an application for an invention, but not later than the date of taking a decision to grant a patent for an invention, the applicant shall have the right to convert it into an application for a useful model by filing a relevant declaration, except when the application encloses a declaration envisaged under [Item 3 of Article 13](#) of this Law. The conversion of an application for a useful model into an application for an invention shall be allowed prior to the date of taking a decision to grant a patent and in the event it is decided to reject a patent - prior to the use of the possibility provided under this law to file an objection against such decision.

Given such conversion, the priority of invention or useful model and the date of filing an application shall be preserved.

[Federal Law No. 22-FZ of February 7, 2003 amended the title of Section VI of this Law. The amendments shall come into force upon the expiration of \[one month\]\(#\) as from the official publication of said Federal Law](#)
[See the previous text of the title](#)

SECTION VI. THE TERMINATION AND RENEWAL OF PATENTS

Federal Law No. 22-FZ of February 7, 2003 reworded Article 29 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law
See the previous text of the Article

Article 29. Invalidation of a Patent for an Invention, Useful Model or Industrial Design

1. The patent for an invention, useful model or industrial design may, within the whole period of its validity, be declared as invalid either fully or in part, in the event of:

1) non-compliance of the patented invention, useful model or industrial design with the terms of patentability laid down under this Law;

2) availability in the formula of the invention or useful model or in the list of essential features of the industrial design mentioned in a decision granting a patent of features which were missing on the date of filing from the specification of invention or useful model or the formula of the invention or useful model, provided the application on the date of its filing contained a formula or pictures of the article;

3) granting a patent, given several applications for identical inventions, useful models or industrial designs enjoying the same date of priority, in violation of the terms specified in Item 7 of Article 19 of this Law;

4) granting a patent by indicating therein as an author or patentee a person who may not act as such in accordance with this law or without indicating in the patent as an author or patentee a person who acts as such in keeping with this law.

2. Objections against the granting of a patent on the grounds provided under Subitems 1 through 3 of Item 1 of this Article shall be filed with the Chamber for Patent Disputes.

The procedure for filing objections against the granting of a patent with the Chamber for Patent Disputes and procedure for consideration of same shall be such as prescribed by the federal executive agency for intellectual property.

The decision of the Chamber for Patent Disputes shall be approved by the head of the federal executive agency for intellectual property, shall take effect as from the date of such approval and may be appealed against in court.

3. A patent for an invention, useful model or industrial design shall be declared to be invalid either wholly or in part on the basis of a decision taken on an objection filed in accordance with Item 2 of this Article or of a legally valid court decision, including a court decision taken on the results of consideration of a dispute on the grounds specified in Subitem 4 of Item 1 of this Article.

A patent for an invention, useful model or industrial design declared to be invalid either wholly or in part shall be cancelled. In the event the patent is declared to be invalid in part, it shall be replaced with a new patent.

Federal Law No. 22-FZ of February 7, 2003 reworded Article 30 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law
See the previous text of the Article

Article 30. Early Termination of a Patent for an Invention, Useful Model or Industrial Design

The effect of patent for an invention, useful model or industrial design shall be terminated early:

on the basis a declaration made by the patentee to the federal executive agency for intellectual property - as from receipt of such a declaration. When a patent is issued for a group of inventions, useful models or industrial designs and the declaration made by the patentee does not concern all such group, the effect of the patent shall terminate only in relation to the invention, useful model or industrial design mentioned in the declaration;

in the case of non-payment within the specified time limit of the patent duty to maintain the patent for an invention, useful model or industrial design - as from the date of expiration of the specified time limit for payment of patent duty for maintaining the patent.

Federal Law No. 22-FZ of February 7, 2003 supplemented Section VI of this Law with Article 30.1. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law

Article 30.1. Renewal of a Patent for an Invention, Useful Model or Industrial Design. Right of Subsequent Use

1. The effect of a patent for an invention, useful model or industrial design, which was terminated in connection with the fact that the patent duty to maintain the patent was not paid within the prescribed time limit, may be renewed at the request of the person who held the patent for the invention, useful model or industrial design. Such request shall be submitted to the federal executive agency for intellectual property within three years as from the expiration of the deadline for payment of the said patent duty but prior to the expiration of the period of the patent fixed under this law. The request shall enclose a document confirming payment in the specified amount of patent duty due for renewal of the patent.

2. The federal executive agency for intellectual property shall publish in its official bulletin data on the renewal of patents for inventions, useful models or industrial designs.

3. Any person who, in the period between the termination of the patent for an invention, useful model or industrial design and the publication in the official bulletin of the federal executive agency for intellectual property of data on the renewal of the patent, started to use the patented invention, useful model or industrial design or made in the said period arrangements therefor, shall retain the right for its further free use without expanding the extent of such use (right of subsequent use).

Federal Law No. 22-FZ of February 7, 2003 supplemented this Law with Section VI.1. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law

Article 30.2. Submission and consideration of applications for patents for secret inventions

1. Applications for patents for secret inventions which are classified as being "of special importance" or "top secret" and for secret inventions related to armaments and military hardware, methods and facilities of reconnaissance, counter-intelligence and also to operative and retrieval activities which are classified as being "secret" shall be lodged, depending on the type of classification of the subject-matter, with the federal executive authorities duly authorized by the Government of the Russian Federation (hereinafter referred to as the authorized bodies). Other applications for a patent for secret inventions shall be filed with the federal executive agency for intellectual property.

2. When the examination conducted by the federal executive agency for intellectual property of an application for an invention has established that the data contained therein constitute a state secret, the application for such invention shall be classified as secret in accordance with the procedure envisaged under the legislation on state secrets and shall be deemed as an application for a patent for a secret invention.

Applications filed by foreign nationals or foreign legal persons can not be classified as secret.

3. When considering an application for a patent for a secret invention (hereinafter an application for a secret invention) the provisions of Article 21 of this Law shall apply. Moreover, no publication shall be made concerning such application as is envisaged under Item 6 of Article 21 of this Law.

Objections against a decision taken on an application for a secret invention by the authorized body shall be considered in compliance with the procedure prescribed by said body. A decision taken on such objection may be appealed against before a court of law.

4. When establishing the novelty of a secret invention, the state of art shall, subject to earlier priority of same, also include secret inventions patented in the Russian Federation and secret inventions which USSR author's certificates were issued for, provided such are classified as no more secret than the inventions whose novelty is being established.

5. Applications for secret inventions shall not be subject to the provisions of Article 28 of this Law concerning the conversion of application for an invention into an application for a useful model.

6. The filing of applications for secret inventions, examination and handling of same shall be subject to the requirements of the legislation on state secrets.

Article 30.3. Registration and Issuance of a Patent for a Secret Invention. Dissemination of Data on Secret Inventions

1. The registration of a secret invention with the State Register of Inventions of the Russian Federation and the issuance of a patent for a secret invention shall be effected by the federal executive agency for intellectual property or, when a decision to grant a patent for a secret invention is taken by the authorized body, by that body. The authorized body which registered a secret invention and issued a patent for a secret invention shall advise the federal executive agency for intellectual property about this.

The federal executive agency for intellectual property or the authorized body shall correct obvious and technical errors in a patent for a secret invention issued by them and/or register.

2. Data on applications and patents for secret inventions and also on amendments in registers related to secret inventions shall not be published. The transfer of data on such patents shall be made in accordance with the legislation on state secrets.

Article 30.4. Alteration of degree of secrecy and declassification of inventions

1. The alteration of degree of secrecy and declassification of inventions and also the alteration and lifting of secrecy from application documents and the patent for a secret invention shall be done in accordance with the procedure established under the legislation on state secrets.

2. In the case of upgrading the degree of secrecy for an invention, the federal executive agency for intellectual property shall pass the application documents for a secret invention, depending on the type of classification of the subject-matter, over to a respective authorized body. Further consideration of an application, the proceedings on which were not completed by the federal executive agency for intellectual property by the time of upgrading the secrecy, shall be pursued by the authorized body. In the case of downgrading the degree of secrecy for an invention, further consideration of the application for a secret invention shall be pursued by the same authorized body which considered the application.

3. In the case of declassification of an invention, the authorized body shall pass the declassified documents of an application for a secret invention over to the federal executive agency for intellectual property. Further consideration of an application the proceedings on which were not completed by the authorized body by the time of declassification, shall be pursued by the federal executive agency for intellectual property.

Article 30.5. Invalidation of a Patent on a Secret Invention

The objection against the issuance by the authorised body of a patent on a secret invention on the grounds stipulated by Subitems 1-3 of Item 1 of Article 29 of this Law shall be lodged to the to the said authorised body and shall be considered in the procedure established by it. The decision of the authorised body made on the objection shall be approved by the head of the body, shall enter into force from the date of its approval and may be appealed to a court.

Article 30.6. Exclusive Right to a Secret Invention

1. The use of a patented secret invention, the assignment of an exclusive right to a secret invention (cession of patent) and the granting of the right to use a secret invention to other persons shall be subject to the legislation on [state secrets](#).

2. The license agreement for the use of a patented secret invention shall be subject to registration with the body that issued the patent for the secret invention or its legal successor and in the absence of a legal successor - with the federal executive agency for intellectual property. The license agreement shall be regarded as null and void without said registration.

3. It is not allowed to make declarations on an open license and the assignment of an exclusive right to an invention (cession of patent), envisaged under [Items 2 and 3 of Article 13](#) of this Law respectively, in relation to a secret invention. Declarations made in relation to such an invention shall entail no consequences provided under said Items.

4. The compulsory license envisaged under [Items 3 and 4 of Article 10](#) of this Law shall not be granted in relation to a secret invention.

5. Apart from the actions specified under [Article 11](#) of this Law, the use of patented secret invention by a person who was unaware and was not in a position to be aware on legal grounds of the presence of a patent for the given invention shall not be regarded as violation of the exclusive right of the patentee to a secret invention. Following declassification of an invention or notification of the said person by the patentee of the presence of a patent for that invention, the person shall be obligated to cease the use of the patented invention or to conclude a license agreement with the patentee, unless the right of prior use applies.

SECTION VII. THE PROTECTION OF THE RIGHTS OF PATENT HOLDERS AND AUTHORS

[Federal Law No. 22-FZ of February 7, 2003 amended Article 31 of this Law. The amendments shall come into force upon the expiration of \[one month\]\(#\) as from the official publication of said Federal Law](#)

[See the previous text of the Article](#)

Article 31. Adjudication of disputes

The following disputes shall be subject to adjudication:

about authorship of an invention, useful model or industrial design;

about establishment of the patentee;

about violation of an exclusive right to invention, useful model or industrial design;

about conclusion and execution of contracts on assignment of an exclusive right (cession of patent) and license agreements on the use of invention, useful model or industrial design;

about the right of prior use;

about the right of subsequent use;

about the amount, time limits and procedure of payment for remuneration to the author of an invention, useful model or industrial design in accordance with this Law;

about the amount, time limits and procedure for payment of compensation fixed under this Law;

other disputes related to the protection of rights certified by a patent.

[Federal Law No. 22-FZ of February 7, 2003 amended Article 32 of this Law. The amendments shall come into force upon the expiration of \[one month\]\(#\) as from the official publication of said Federal Law](#)

[See the previous text of the Article](#)

Article 32. Responsibility for Infringement of This Law

The infringement of this Law entails civil, administrative or criminal liability as provided under the legislation of the Russian Federation.

SECTION VIII. CONCLUDING PROVISIONS

[Federal Law No. 22-FZ of February 7, 2003 amended Article 33 of this Law. The amendments shall come into force upon the expiration of \[one month\]\(#\) as from the official publication of said Federal Law](#)

[See the previous text of the Article](#)

Article 33. Patent Duties

Patent duties shall be collected for the execution of the legal acts connected with patents. The list of acts, for the execution of which patent duties shall be collected, and the amounts, procedure and terms of payment thereof, and also the grounds for the exemption from the payment of duties or for the diminishment of their amounts, or for the return of duties, shall be specified by the Government of the Russian Federation.

[Federal Law No. 22-FZ of February 7, 2003 amended Article 34 of this Law. The amendments shall come into force upon the expiration of \[one month\]\(#\) as from the official publication of said Federal Law](#)

[See the previous text of the Article](#)

Article 34. State Incentives for Developing and Using Inventions, Useful Models and Industrial Designs

The state shall promote the development and use of inventions, useful models and industrial designs and shall establish taxation and credit privileges, as well as other allowances in accordance with the legislation of the Russian Federation, for authors and persons engaged in economic activity who use said objects.

Federal Law No. 22-FZ of February 7, 2003 amended Article 35 of this Law. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law
See the previous text of the Article

Article 35. Patenting Inventions or Useful Models in Foreign Countries

1. An application for an invention or useful model made in the Russian Federation may be filed to in foreign countries or with international organizations upon the expiry of six months as from the filing of the respective application with the federal executive agency for intellectual property, unless within the specified time frame the applicant has been notified that the application contains data constituting a state secret. The application for an invention or useful model may be filed prior to the said term but after the application has been examined at the request of the applicant for the data constituting a state secret. The procedure for conducting the examination for the data constituting a state secret shall be such as prescribed by the Government of the Russian Federation.

2. Patenting an invention or useful model made in the Russian Federation in compliance with the Patent Cooperation Treaty or European Asian Patent Convention shall be allowed without prior filing of a respective application with the federal executive agency for intellectual property, provided the application, as is required under the Patent Cooperation Treaty (international application), has been filed with the federal executive agency for intellectual property as a receiving agency and mentions the Russian Federation as a state in which the applicant intends to obtain a patent and a Eurasian application has been filed through the federal executive agency for intellectual property.

Article 36. The Rights of Foreign Natural and Legal Persons

Foreign natural and legal persons shall enjoy the rights envisaged by this Law on an equal basis with the natural and legal persons of the Russian Federation by virtue of the international treaties of the Russian Federation or on the basis of the principle of reciprocity.

Article 37. International Treaties

If an international treaty signed by the Russian Federation has established rules other than those contained in this Law, the rules of the international agreement shall apply.

Federal Law No. 22-FZ of February 7, 2003 supplemented this Law with Articles 37.1 and 37.2. The amendments shall come into force upon the expiration of one month as from the official publication of said Federal Law

Article 37.1. International and Eurasian Applications to Have the Status of Applications Subject to This Law

1. The federal executive agency for intellectual property shall proceed to consider an international application for an invention or useful model, which was filed as envisaged under the Patent Cooperation Treaty and which refers to the Russian Federation as a state in which the applicant intends to obtain a patent for invention or useful model, upon the expiry of thirty one months as from the date of priority requested in the international application or, given a corresponding request therefor from the applicant, prior to the expiry of same, on condition that the international application was filed in the Russian language or the applicant provided, prior to the expiry of the said term, the federal executive agency for intellectual property with a translation into Russian of the petition for a patent for an invention or useful model made in an international application filed in other language.

Providing the federal executive agency for intellectual property with a translation into Russian of petition for a patent for an invention or useful model made in international application may be replaced with submission of a petition as provided under this Law.

Should said documents be not presented within the specified timeframe, the effect of the international application as regards the Russian Federation shall be terminated in accordance with the Patent Cooperation Treaty.

The time frame fixed under Item 3 of Article 20 of this Law for making amendments in the application documents shall be counted from the commencement of consideration by the federal executive agency for intellectual property of the international application as is stipulated hereunder.

2. The consideration of a eurasian application for an invention which enjoys under the Eurasian Patent Convention the status of an application for an invention subject to this Law, shall commence as from the date when the federal executive agency for intellectual property received a duly certified copy of the eurasian application from the Eurasian patent agency. The term set under Item 3 of Article 20 of this Law for making amendments in application documents shall run from the same date.

3. The publication in the Russian language of an international application by the International Bureau of the World Intellectual Property Organization as is provided under the Patent Cooperation Treaty or publication of a eurasian application by the Eurasian Patent Agency as is provided under the Eurasian Patent Convention shall replace the publication of data on an application envisaged under Item 6 of Article 21 of this Law.

On Filing and Considering International and Eurasian Application, see the [Rules](#) for Compiling, Filing and Considering an Application for the Issue of a Patent on an Invention approved by [Order](#) of the Russian Patent Agency No. 82 of June 6, 2003

Article 37.2. Eurasian Patent and Russian Federation Patent for Identical Inventions

In the event that a Eurasian patent and Russian Federation patent for identical inventions or an identical invention and useful model, having the same date of priority, are held by different patentees, such inventions or invention and useful model may be used only subject to observance of the rights of all the patentees.

In the event that a Eurasian patent and Russian Federation patent for identical inventions or an identical invention and useful model having the same date of priority are held by the same person, that person shall have the right to grant to any person the right to use such inventions or invention and useful model under a license agreement made on the basis of those patents.

President of the Russian Federation

B. Yeltsin

Moscow, House of the Soviets of Russia