



ROSPATENT



The Accession of the Russian Federation to the Geneva Act of the Hague Agreement

L.L. Kiriy
Deputy Director General,
Rospatent

Historical background

The Geneva Act of the Hague Agreement was signed by the Russian Federation in July 1999.

Reasons and factors preventing from the ratification:

- **some «rigid» requirements of the national legislation;**
- **a relatively low interest of Russian applicants in filing abroad;**
- **economic reasons.**

Important amendments to the Russian legislation facilitating the accession to the Hague Agreement

- **The claimed subject matter is determined by reproductions.**
- **No requirement for the applicant to submit verbal characteristics of essential features describing the claimed subject matter.**
- **Legal protection is granted for 5 years with the possibility of extension up to 25 years.**
- **One-year renewal period is replaced by a 5-year period.**
- **Grace period is increased to 12 months.**

Important amendments to the Russian legislation facilitating the accession to the Hague Agreement (continued)

- **Patentable subject matter is expanded (by including designs of buildings, objects of unstable or changing forms, etc.)**

1.1



Hotel building complex (Example from the International Designs Bulletin)

Important amendments to the Russian legislation facilitating the accession to the Hague Agreement (continued)

- **Patentable subject matter is expanded (by including designs of buildings, objects of unstable or changing forms, etc.)**



Buildings (Example from the International Designs Bulletin)

Important amendments to the Russian legislation facilitating the accession to the Hague Agreement (continued)

- Patentable subject matter is expanded (by including designs of buildings, objects of unstable or changing forms, etc.)



Fountain

Important amendments to the Russian legislation facilitating the accession to the Hague Agreement (continued)

Filing date

- The filing date of an application for an industrial design shall be the date of receipt by Rospatent of an application containing:
 - a request for the grant of a patent;
 - a set of reproductions of the industrial design.

- The description of the industrial design and the list of the verbal characteristics of the essential features of the industrial design were excluded from these requirements.

Important amendments to the Russian legislation facilitating the accession to the Hague Agreement (continued)

Patent of the Russian Federation for Industrial design №66254

Filing date: 27.11.2006



Trade mark of the Russian Federation №421262

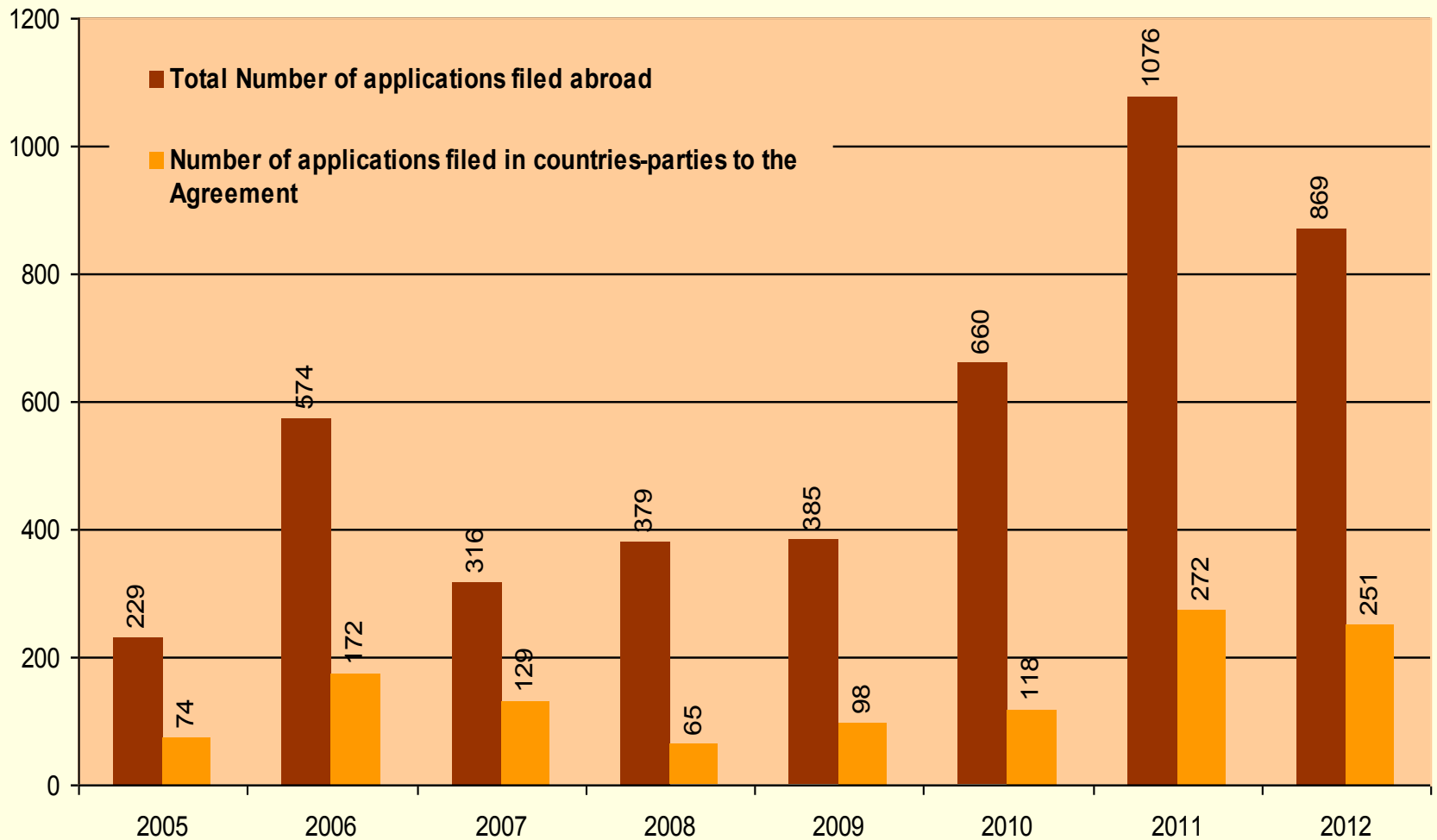
Filing date: 10.09.2009



New conditions and pre-requisites for the accession to the Hague Agreement

- **Adoption of amendments to the Civil Code of the Russian Federation which removed a number of “rigid” requirements.**
- **A considerable growth of interest of Russian users in obtaining the design protection abroad.**
- **The double fee scale was annulled.**

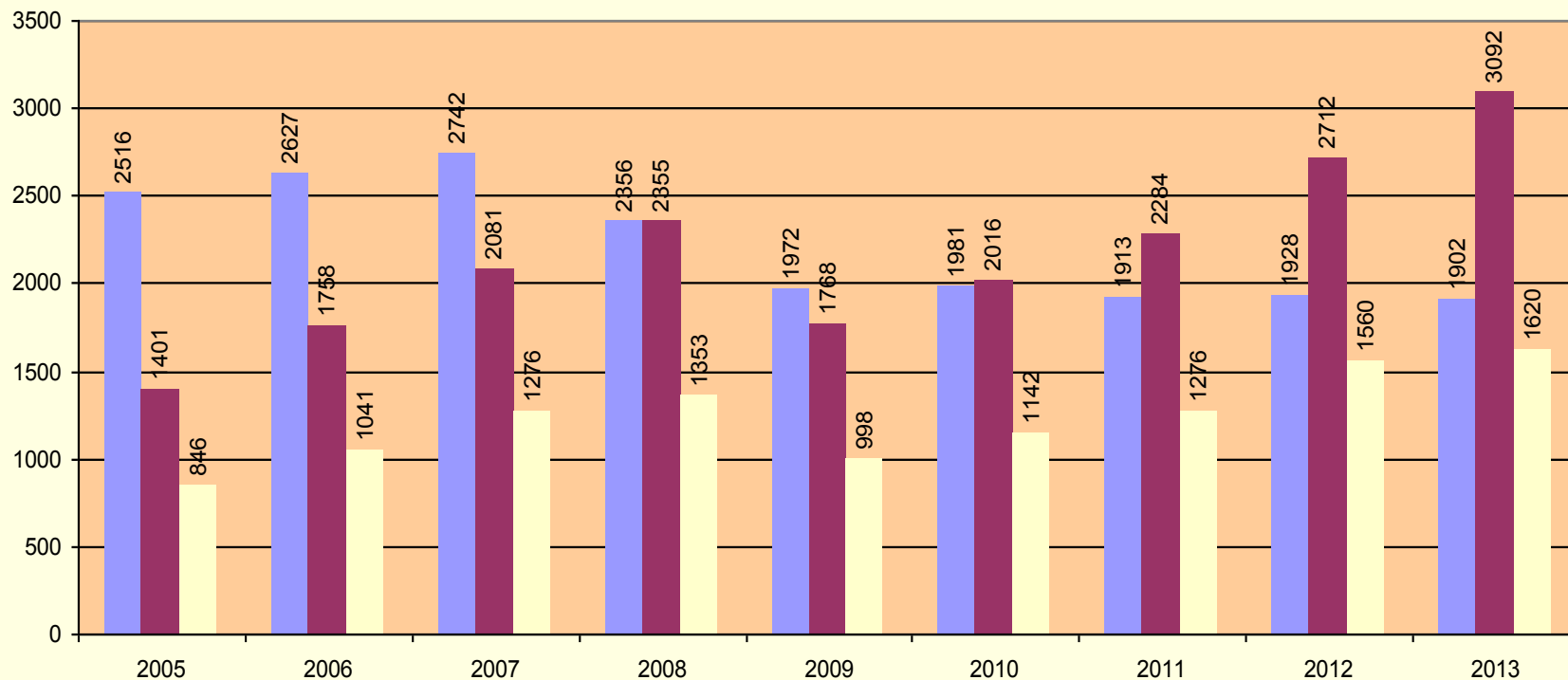
Investigation of potential interest of Russian applicants (dynamics of filing abroad)



Potential interest of foreign applicants in designation of the Russian Federation in case of accession to the Hague Agreement

- **The total number of applications received annually by Rospatent amounts to over 4000, including more than 2000 applications filed by non-residents.**
- **Assumingly, 1000 applications received currently from non-residents will be re-routed via the Hague system designating the Russian Federation.**
- **Filing of applications will be possible without patent attorneys, in one of the accessible languages.**

Dynamics of filing of applications for industrial designs in the RF by residents/non-residents



- Number of applications filed by Russian applicants
- Number of applications filed by non-residents
- Including, filed by applicants from countries-party to The Hague Agreement

Results of the questionnaire: Survey of potential interest of Russian applicants in the use of the Hague system

Evident advantages (preferences are given in descending order of interest):

- **one** Office for filing the application;
- **one** set of fees paid in **one** currency;
- **one** language of filing;
- filing of the international application **without** a patent attorney or patent agent;
- **one** procedure for renewal;
- **one** procedure for changes;
- willingness to pay an average size of the fee for an international registration (from one to two thousand CHF) was confirmed.

Results of the questionnaire: Choice of alternative possibilities offered by the Hague system for Russian applicants

- English was preferred as the language for filing and correspondence.
- Possibility of self-designation was confirmed.
- Filing of an international application via Rospatent in addition to the main mode of filing (via the IB) was requested.
- Mode of fee payment (in two parts or in whole) the wholesale payment was preferred.

List of declarations which are planned to be made by the Russian Federation

1	Article 5(2)(b)(i) (indication concerning the identity of the creator (author) of the design)
2	Article 5(2)(b)(ii) (submission of a brief description of the reproduction or of the characteristic features)
3	Article 7(2) (choice of individual Designation fee)
4	Article 11(1) (deferment of publication)
5	Article 13(1) (special requirements concerning unity)
6	Article 16(2) (concerning special requirements for any change in ownership of the international registration to have effect in the territory of the Russian Federation)

List of declarations which are planned to be made by the Russian Federation (continued)

7	Rule 9(3)(a) (specified views of the design or product)
8	Rule 18(1) (b) (concerning extending the time period for notification of refusal up to 12 months)
9	Article 14(2)(a), Rule 18(1)(c)(i) (concerning the date from which the international registration has the effect as a grant of protection)
10	Article 17(3)(c) (maximum duration of protection)
11	Article 4(2) (transmittal fee in case of indirect filing)

Additional functions to be carried out by the Patent Office

- **A weekly selection of international applications.**
- **Processing and examining of applications filed in a foreign language.**
- **Monitoring of changes of recording status of international registrations designating Russia.**

Organizational measures to be taken in order to ensure the accession of Russia to the Hague system

- **Preparing the required batch of documents (presumably by the end of 2014).**
- **Establishing a special organizational unit for handling and examining international applications, personnel training.**
- **Incorporation of substantial provisions of the Geneva Act of the Hague Agreement into the normative Acts of Rospatent.**
- **Preparing special Guidelines for examiners and applicants for facilitating the examination and filing of the international applications.**
- **Revising and adapting of the existing technology and documentation taking into account the interaction with the International Bureau.**

**Thank you
for
attention!**

E-mail: Lkiry@rupto.ru