

SUBMISSION OF THE RUSSIAN FEDERATION ON TRADEMARKS AND THE INTERNET

Rospatent would like to make the contribution to the document "Trademarks and Internet" and inform the Secretariat of WIPO and other delegates of the Russian national legislation relating to domain names. According to Article 1484 (Exclusive Right to a Trademark) of Part 4 of the Civil Code of the Russian Federation:

1. A person in whose name the trademark is registered (the rightholder) shall enjoy the exclusive right to use a trademark in accordance with Article 1229 of the present Code in any manner not contrary to a law (the exclusive right to a trademark) including by the means indicated in Paragraph 2 of the present Article. The rightholder may dispose of the exclusive right to the trademark.

2. The exclusive right to a trademark may be disposed for the individualization of the goods, work, or services with respect to which the trademark has been registered, in particular by using a trademark:

a) on goods including labels and packaging of goods, that are produced, offered for sale, sold, displayed at exhibitions and fairs, or otherwise introduced into civil circulation within the territory of the Russian Federation, or are kept or transported for this purpose, or imported into the territory of the Russian Federation;

b) while performing work or rendering of services;

c) on documents introducing goods into civil circulation;

d) while offering goods for sale, work for performance, and services for rendering as well as in announcements, on signboard, and in advertising;

e) in the Internet, including in a domain name and for other means of addressing.

3. No one has the right to use, without the permission of the rightholder, signs similar to his trademark with respect to the goods for the individualization of which the trademark has been registered or similar goods if such use would result in a likelihood of confusion.

So according to the Russian legislation the protected trademark can be used in the Internet only by the rightholder or any other person with the permission of the rightholder. While considering cases of infringement of rights of a trademark used in the Internet the competent authorities rely upon the same provisions (par.3, Article 1484 of the Civil Code) that are used when considering similar cases relating to usual commercial activity outside the Internet.