

Patent holders from non-friendly countries will not be compensated

In accordance with article 1360 of the Civil code of the Russian Federation Government of the Russian Federation has the right to, in case of emergency related to ensuring the defense and state security, the protection of life and health of citizens, make a decision to use an invention, utility model or industrial design without the consent of the patent owner with a notice about it in the shortest possible time and paying him an adequate compensation. The methodology for determining the amount of compensation and the procedure for its payment are approved by the resolution of the Government of the Russian Federation dated 10.18.2021 No1767.

On March, 06 2022 Prime Minister Mikhail Mishustin signed the Decree of the Government of the Russian Federation No. 299, changing the amount of compensation paid to the patent holder* when making a decision on the use of an invention, utility model or industrial design without his consent.

Until March 7 2022:

the use of an invention,
utility model or
industrial design without
the consent of the right holder when
the Government of the Russian Federation
makes an appropriate decision



payment of compensation in the amount of
0.5%
the actual income of the person who
exercised the right to use
from the production and sale of goods,
performance of work, provision of services, for
production, execution and provision
which used the relevant
invention, utility model or

After March 7 2022:

the use of an invention,
utility model or
industrial design without
the consent of the right holder when
the Government of the Russian Federation
makes an appropriate decision



payment of compensation in the amount of 0%
the actual income of the person who
exercised the right to use
from the production and sale of goods,
performance of work, provision of services, for
production, execution and provision
which used the relevant
invention, utility model or

*Resetting compensation payments will affect patent holders associated with foreign states that commit unfriendly actions against Russian legal entities and individuals (including if such patent holders have citizenship of these states, the place of their registration, the place of preferential conduct of their economic activities or the place of preferential extraction of profits from their activities are these states).

¹ The list of such unfriendly countries was approved by the Decree of the Government of the Russian Federation dated 03.05.2022 No. 430r. On 03.05.2022 it includes: Australia, Albania, Andorra, United Kingdom (including the island of Jersey (Crown Dependency of the British crown) and controlled overseas territories. island Anguilla, British Virgin Islands, Gibraltar), States. members of the European Union, Iceland, Canada, Liechtenstein, Micronesia, Monaco, New Zealand, Norway, Republic of Korea, San Marino, North Macedonia, Singapore, United States of America, Taiwan (China), Ukraine, Montenegro, Switzerland, Japan.

We hope that the information provided will be useful for you and your business!

For additional information and clarifications, you can contact our experts:

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