

GEOGRAPHICAL INDICATIONS IN RUSSIA

On 27 July 2020, amendments to the Civil Code of the Russian Federation came into force which allow registration of a new type of intellectual property – geographical indication (“GI”).

What is new? Initially the amendments were focused on Russian regional manufacturers and their aim was to provide adequate legal protection for the growing market of authentic local products. From the perspective of foreign rightsholders, the new amendments may be used to provide legal protection in Russia for foreign manufacturers which already have protected geographical indications (PGI) registered in their countries of origin. Before the amendments, foreign rightsholders could register another type of intellectual property – appellation of origin (“AO”), but due to the differences in regulations in order to obtain AO it was necessary to obtain protection of protected designation of origin (“PDO”) in the country where the goods were produced. Now, Russian law has more accurate parallels with foreign jurisdictions (especially EU laws): a foreign PDO can be registered as an AO in Russia, and a foreign PGI can receive protection as a GI.

Who can register GI? A foreign organization can apply for registration of GI in Russia if it has already been registered in its country of origin as a PGI. Any organization or group of organizations can be protected by a GI, not only manufacturers, but also producers of raw materials, as well as those providing storage, transportation and distribution as part of an association which already has its own PGI.

What are the rules for GI registration? The GI registration rules appear to be much easier than AO registration. Unlike AO, GI provides protection to any sign which can indicate the manufacturing of a product within a specific area. By contrast, AO should be a verbal designation representing the name of a geographic object or a derivative from such a name. Moreover, there is no need for all stages of production to take place within one region. For GI registration, at least one of the stages of production, which affects the quality, reputation or other characteristics of the goods, should be carried out in the specific territory. By comparison, for an AO registration, it is obligatory to confirm that all production stages take place in that exact same territory.

What is the registration process? The only way to obtain the exclusive right to a GI in Russia is through registration with the Federal Executive Authority for Intellectual Property (Rospatent). The registration process generally includes two steps: 1) formal examination of documents; 2) examination of the sign claimed as a GI for the compliance of such a sign with the requirements of the Russian Civil Code. The term for registration is 11 months + 5 working days. For more information on the registration process, please visit: <https://rospatent.gov.ru/>

Please do not hesitate to contact the Moscow office of PETERKA PARTNERS for further details.