

List of the points for the report
"Protection of individualization in the Russian Federation"

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1. General characteristic of the Russian legislation on the means of individualization:

1.1. Legal institute for protection of the means of individualization in the system of Russian law

1.2. The principles of the legal institute for protection of the means of individualization:

- the principle of independence of individual means of individualization from each other;
- the principle of priority in case of conflict between the means of individualization;
- the principle of obligatory use of the means of individualization in practice;
- the principle according to that rightholders have not any non-property rights in respect of the means of individualization;
- the principle of prohibition of misleading other participants of the civil commerce circulation and consumers.

1.3 The Civil Code of the Russian Federation as a basic source of legal regulation of relations connected with the protection and the use of the means of individualization.

- the structure of Chapter 76 of the Civil code of the Russian Federation “Rights to Means of Individualization of Legal Persons, Goods, Work, Services and Enterprises”;
- advantages and disadvantages of Chapter 76 of the Civil Code of the Russian Federation.

1.4. Other sources of legal regulation of relations connected with the protection and the use of the means of individualization:

- the Statutes, protecting the means of individualization, not provided by Chapter 76 of the Civil code of the Russian Federation;
- by-laws regulating patent procedures.

1.5 Judicial practice as a source of legal regulation.

2. What peculiarities should be taken into account by foreign rightholders of the means of individualization doing business in Russia:

2.1 Peculiarities of legal protection of the individual means of individualization in the Russian Federation:

- special procedure for recognition a trade mark as well-known;
- the principle of national exhaustion of the exclusive right to a trade mark;
- the consequences of the coincidence of trademark priority day;
- the prohibition of disposition of the exclusive right to a firm name to another person ;
- the exclusive right to a commercial designation may pass to another person only in a composition of the enterprise;

-protection for the commercial designations shall be granted only for the enterprises located in the territory of the RF.

2.2 The typical mistakes of foreign rightholders doing business in the RF:

- the use of trademarks which are not protected in the RF, including the use of trademarks which are registered in the EU and marks registered in the Madrid procedure but without extending of their effect in the territory of the RF;**
- the use of a trademark not of the same type as it is registered;**
- the use of a trademark not for the same goods as it is registered.**

3. . Settlement of disputes relating to the means of individualization:

3.1 . Disputes settled by the Patent Office;

3.2. Disputes settled by the court. The issue concerning the Patent Court.

3.3. Abuse of right or unfair competition as grounds for the recognizing the registration of the trademark as invalid.

4. Protection of right to the means of individualization:

4.1 General provisions on the protection of right to the means of individualization;

4.2 Compensation for losses;

4.3 Security measures ;

\$.4 Measures of criminal and administrative liability.