

Implementation of the Federal Law No. 46-FZ “On Introduction of Amendments to Various Laws” dated 8 March 2022

Paragraph 1 (13) Article 18 of the Federal Law No. 46-FZ “On Introduction of Amendments to Various Laws” dated 8 March 2022 allows the Russian Government to determine the list of goods or groups of goods to be excluded from the certain provisions of the Civil Code of the Russian Federation concerning the protection of exclusive rights to the results of intellectual activity expressed in such goods and means of individualization labeling such goods.

This provision will be implemented through the adoption of the Act of the Government of the Russian Federation on the application of the international exhaustion principle in relation to the specified list of goods or groups of goods. The relevant federal executive authorities are now involved in drafting this list.

Under the international exhaustion principle, its implementation cannot be considered as the violation of the exclusive rights to the goods which were sold under the rightsholder’s authorization in any other country of the world. The international exhaustion principle allows the parallel import of original goods, that is the import of goods protected by intellectual property rights can be carried out by the person not authorized by the rightsholder.

The international treaties, including the 1994 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), allow the implementation of the international exhaustion principle. Most states in the world apply this instrument to prevent anticompetitive practices and abuse of the rightsholders’ market position.