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Patent Court Planned for Skolkovo

By Olga Razumovskaya

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Protection of intellectual property rights in Russia should get a significant boost thanks to a special new court, which could be located at Skolkovo.

The Supreme Arbitration Court formalized most of its amendments to a bill on a specialized intellectual property court Thursday. It plans to formally approve the legislation at its next meeting and then submit a final draft to the State Duma.

“The whole world has similar bodies. Why should we be any different?” Irina Tulubyeva, an intellectual property rights lawyer told The Moscow Times. "Russia has been a black hole for intellectual property rights for too long.

“The Russian Copyright Society votes 'yes' for the proposed bill," she said, referring to an organization she is a member of that represents 27,000 Russian and more than 1 million foreign intellectual property rights owners.

Thursday's meeting of the Supreme Arbitration Court focused on finalizing the details of the

bill.

Once it is signed into law, the new court will start its work by 2012 and have 30 judges working on intellectual property disputes related to manufacturing, research and development, including patents on inventions — which is especially relevant for projects like Skolkovo. Copyright and related rights will continue to be handled by arbitration courts.

After years of debates and dreams about such a body — the idea has been around since the mid-1990s but found renewed popularity in recent years — the bill will finally make it to the Duma within the next two months, Svetlana Popova, a head consultant at the Supreme Arbitration Court, said by telephone.

Under the Soviet system, where collective ownership was ingrained, intellectual property rights were not taken seriously, Tulubyeva said, but Russia has slowly come to understand their importance.

The new court will help take the burden off arbitration courts, which are already overloaded with work, Popova said.

Arbitration court judges are generalists and often lack expertise when ruling on complicated intellectual property rights cases, which are filled with legal intricacies, lawyers said.

Skolkovo, the site just outside Moscow where the Kremlin plans to build a Silicon Valley-style innovation center, is the most likely candidate to house the new court, Popova said.

“It is quite possible that the court will be situated in Skolkovo," she said. "Since the bill [establishing the innovation center] has already been signed into law, things would happen a lot faster with our bill if it were chosen as the site for the new court.

"Skolkovo will be a center for intellectual elite, so it only makes sense to have the intellectual property court there,” Popova said.

A lack of intellectual property protections has been a sore spot for foreign investors and a hurdle in Russia's bid to join the World Trade Organization, but the new court would help solve the problem, lawyers said.

“The new court is necessary at the moment because everybody complains about the quality of judgments in Russia and because, while judges here are competent, they are generalists,” said Maxim Kulkov, a partner at Goltsblat BLP.

The new judges will come from within the arbitration courts system and have expertise in intellectual property rights cases. According to the proposed bill, the new court will start to function once the first 15 judges are on board.

“This step will also have a positive impact on the international business community because international businesses currently tend to not trust Russian courts, partly because they are not confident about the professional quality of judges and partly because of perceived corruption,” Kulkov said. "This move to set up specific courts would definitely improve professional quality — and judgments, but it may not necessarily have an impact on corruption."

Editor's note: This article has been amended to say Svetlana Popova is a head consultant at the Supreme Arbitration Court, not a department head there.

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