RUSSIAN FEDERATION-COUNTRY REPORT

by

Mr. Irik Moukhamedchine,
Professor of law,
Russian Institute of Intellectual Property, Moscow

Dear ladies and gentlemen,

I'd like to thank the World Intellectual Property Organization, the Ministry of Human Resource Development, Government of India and the Indian Institute of Technology for the possibility to participate in this brilliantly organized international conference. It seems to me that the most appreciable result of this conference is our intercourse, the possibility of personal contacts. You understand how Antoine de Saint-Exupery was right asserting that human contacts were the most luxurious thing in the world.

I'm more than sure that all those present at the conference are devoted to one charming Lady. As any Lady, She is unexpected and not predictable in Her actions. Sometimes, She is desirable and attractive. In such cases we strive for legalization the rights to Her. Sometimes, She is unbearable, irritates and we become ready to assign rights to Her or to grant license to use Her. The name of this charming Lady is Intellectual Property.

At this conference, we discuss the problems of Intellectual Property education and training. As far as any lady, Intellectual Property (IP) is unexpected and unpredictable. Teaching how to treat IP requires skill, qualification and is some kind of know-how.

To the right degree, solving the problem of whom and how to teach IP is determined by demand for specialists in this sphere.

As to IP, significantly demand for specialists in this field depends on economic and even political situation in the country.

As regards Russia, two main factors should be taken into consideration.

First of all, expansion of domestic industrial production is the most serious problem of Russian economy. This task can't be solved without operative and effective use of scientific and technological intellectual product realization of which in production is capable of securing its competitiveness. Thus activization of innovation activities is an indispensable condition of expansion of domestic industrial production. This problem becomes especially pressing taking into consideration steady purpose of Russia to join the World Trade Organization.

Secondly, under the conditions of transition to the market economy, intellectual product of any kind (including works of science, literature, art, objects of industrial property, know-how) becomes a specific kind of goods. Intellectual property can be evaluated, assigned, licensed, franchised, brought as a contribution to the authorized funds of partnerships and stock companies, etc. As a matter of fact, intellectual property becomes an object of commercialization.

Depending on perspectives and purposes of intellectual product utilization, its owners or potential users are interested in finding the optional way to realize and legally protect it.

Namely, in this situation, qualified specialists capable to take appropriate and adequate decision are required. Patent specialists, managers in the field of intellectual product realization, lawyers in the sphere of IP protection, patent attorneys, specialists in intellectual product valuation, judges, etc., are these specialists. As to judges, Russian practice shows that they may be highly qualified in general aspects of civil law, criminal law, but as a rule don't possess enough knowledge in the field of intellectual property. Besides, qualified settlement of disputes in the sphere of industrial property is possible only in the case if judges possess not only special knowledge in jurisprudence but also in appropriate technical fields. One of the conditions of joining the World Trade Organization is the availability of legal system capable to ensure operative and effective protection of the rights of those who create intellectual product.

Choice of the optional way of training and education specialists in the field of intellectual property depends on the specific needs of an organization interested in the utilization and/or the intellectual protection of a product. Traditional way of training, enough discussed today at the Conference, is widely applied in Russia. Practically, it comes to the fact that corresponding organizations train their specialists at specially organized courses, seminars where lectures are delivered by invited specialists in the sphere of protection and commercialization of intellectual property.

Education and training of problems of intellectual property is provided in programs of some universities, law schools, polytechnical educational institutions, etc.

Distinctive feature of Russia is the fact that there is a unique functioning institute: the Russian Institute of Intellectual Property (the Institute) on its territory and I represent the Institute here.

The founder of the Institute is the Russian Agency for Patents and Trademarks (ROSPATENT). The Institute functions on the base of the Central Institute of Advanced Training of managers and specialists of national economy in the field of patent work (CIPK) which was established in 1968.

There are three faculties in the Institute:

1. Law Faculty offers programmes of higher education in law speciality. They provide day-time, part-time and correspondence forms of education. Specialization: legal protection of intellectual property.

2. Economics Faculty offers programmes of higher education in management speciality. They provide day-time, part-time and correspondence forms of education. Specialization: commercialization of intellectual property.

3. Faculty of Additional Education, consisting of two sectors: professional retraining and advanced training. This faculty offers programmes of additional education in the field of intellectual property.

The syllabus includes:

1. Russian law, foreign law and international law in the field of intellectual property and practical activities in this field.

2. Registration of intellectual property rights (obtaining patents, certificates and keeping them in force).

3. Technology transfer organization, services to support market competitive stability.

4. Work with patent and commercial information sources.

5. IP economics: accounting of nonmaterial assets; IP marketing; modern technologies in choosing profitable ways of IP commercial use; IP pricing policy and management; license price calculation.

6. IP organization and management in Russia.

7. Marketing and patent research in innovation activities.

Chairs of the Institute:

1. Legal protection of intellectual property (of specialization);
2. Private law disciplines;
3. Public law disciplines;
4. Economics and commercial use of intellectual property;
5. Patent and information research and examination;

6. Mathematics and computer studies (informatics);
7. Social and humanitarian problems of intellectual property;
8. Foreign languages;
9. Physical training and health.

There is the Post-graduate Department in the Institute. It has three branches:

1. Civil Law, Business Law, Family Law, International Private Law,
2. Economics and National Economy Management,
3. Sociology of Management.

There are three Examining Boards awarding the Candidate of Science degree (PhD) in the above-mentioned fields.

In the Institute, we have a school training IC evaluators and a training course for the would be patent attorneys. We also have a retraining course for specialists in the field of "Organization of IC Safety System." At the end of the course the graduates are given both Russian and International Certificates (Affidavit of Service and Apostille).

Seminars on various topics of Intellectual Property are held.

There are a computer class (access to Internet), a library with a reading room, a Publishing Department.

The Institute has a hostel and provides support in getting visas and registration for foreign students and post-graduates.

The total number of students in 2001 is more than 300, the total number of post-graduates is more than 200.

Number of foreign post-graduates who defended their thesis in our Institute

	Country	Speciality			Total
		Law	Economy	Sociology	
1.	Vietnam	17	7	1	25
2.	Jordan	5	1	-	6
3.	Sudan	4	1	-	5
4.	Lebanon	1	1	-	2
5.	Nigeria	-	2	-	2
	Total	27	12	1	40

The Institute graduates and post-graduates work in state and private organizations and deal with manufacture and realization of competitive products.

They:

– provide legal protection of IC objects to prevent their unauthorized copying by competitors;

– carry out market research, including requirement of consumers and market development trends, evaluation of technological level and competitiveness of products, selection of highly efficient inventions (utility models) to be used for developing a particular product, determining the conditions of smooth realization of the product both in domestic and foreign markets;

– execute license agreements related to transfer or acquisition of industrial property rights and know-how;

– seek potential partners, negotiate on cooperation and so on;

– work in Patent Offices of the Russian Federation and CIS countries and as patent attorneys.

A few words about our plans for future. Here, attention should be paid to two elements.

The first one: now, in collaboration with the Russian Agency for Patents and Trademarks, the method of distance learning is taking root in the Institute. This program was proposed by WIPO and is orientated to education and training of specialists from CIS countries.

The second one: we are improving the program of post-graduate courses. For example, we've concluded bilateral agreement with Vietnam. The Vietnamese side keeps the position that those who would like to get post-graduate courses in Russia should be selected on competition basis as there is a stable increase in the number of those who desire to pass post-graduate courses in our Institute. Thus the method of private initiative is changed into some kind of state policy.

As to the methods of teaching and education, choice of the method depends on whom and what we teach. Almost all my previous years were devoted to scientific and research work and practical activities as a lawyer. My teaching activities before the Institute were connected with retraining and highering qualification of practicians in spheres of patent and foreign economic activities. Most of specialists of such kind are interested in analysis of practical aspects and case studies. A three-year experience of contacts with students (I deliver lectures on law fundamentals at the economics faculty, business law, legal protection of intellectual property at all faculties and courses) confirms that these contacts are very interesting.

Firstly, students influence me greatly. I feel I become younger and my blood is refreshed. Naturally, I influence the students as well – they become more adult, serious and I hope that I have a wholesome effect on their blood. But we shouldn't forget that students (first of all, first-year students) are children in substance. They become tired after 15-20 minutes of lecture course and I feel this moment. It's important to switch the conversation over from theoretical problems to some pure practical aspects. That's why only combination of theory, case studies, telling practical situation is the most justified method of teaching.

For those who get professional retraining and advanced training case studies and analysis of particular practical situations are more important than penetration into theoretical aspects of the problem.

Thank you for your attention.