

# **A Comparison Study of the United States Patent System and the System of the former Soviet Union and Current Russia**

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## **1.0 United States Patent System**

In a time when inventions and ideas are born everyday, the impact of protection and rights to these properties are just as significant as the novel ideas themselves. Because of this, the importance of a stable and flawless system is not only advantageous but necessary to enforce protection and encourage intellectual endeavors. The United States, through the years, has established and fine-tuned a system that bestows property rights to inventors through the granting of patents.

The United States Patent and Trademark Office (USPTO) is solely responsible for the maintenance and enforcement of the patent system. As an agency of the U.S. Department of Commerce, one of the main functions of the office is to grant patents for the protection of inventions. This involves examining patent applications, publishing patent information, recording patent assignments, and maintaining a searchable record of U.S. and foreign issued patents. The USPTO maintains up-to-date copies of patents and official records for public use.

The United States grants three different types of patents: utility patents, design patents and plant patents. Utility patents can be granted “to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof.” Design patents can be granted “to any person who has invented any new and non-obvious ornamental design for an article of manufacture.” Design patents are granted to only protect the appearance of an item. Plant patents are

granted “to anyone who has invented or discovered and asexually reproduced any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber-propagated plant or a plant found in an uncultivated state.” (General Information Concerning Patents, p.3)

Since the year 1964, over 6.97 million applications for United States patents have been filed. Out of those, over 4.08 million patents have been granted by the United States Patent Office. The majority of the applications that have been filed were for utility patents. Of the 6.9 million applications that were filed, 93.3% of the applications that were filed were for utility patents, 6.4% of the applications that were filed were for design patents and 0.2% of the applications that were filed were for plant applications. Of the 4.08 million patents that were granted, 91.9% were utility patents, 7.5% were design patents, 0.3% were plant patents and 0.3% were reissue patent grants. Since 1964, the United States Patent and Trademark Office have accepted 57.6% of utility patent applications, 68.4% of design patents applications and 84.0% of plant patent applications.

(U.S. Patent Statistics Summary Table, p.1-3)

## **2.0 U.S. Patents Laws**

The first patent law was enacted in 1790. Congress has since then made additions and amendments involving patent laws by invoking the powers granted by the Constitution of the United States, in Article I, section 8, which declares "Congress shall have power... to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to

their respective writings and discoveries." The bulk of these laws pertaining to patents can be found in Title 35, of the United States Code, enacted July 19, 1952. In addition, Congress enacted the American Inventors Protection Act of 1999 on November 29, 1999 to further revise the patent laws.

The conditions for patentability of a United States patent can be found in 35 U.S.C. 102. According to this section of the constitution, an inventor loses the right to patent if his invention was known, patented or printed by another individual before the inventor came up with his idea. In addition, an inventor loses the right to patent his idea if it has been presented, used in public, or sold more than one year prior to his patent application date. (2131 Anticipation – Application of 35 U.S.C., p.1)

U.S. patents can be granted to U.S. citizens or foreigners. "The patent laws of the United States make no discrimination with respect to the citizenship of the inventor. Any inventor, regardless of his/her citizenship, may apply for a patent on the same basis as a U.S. citizen." For a U.S. Patent to be granted, it is necessary that if a patent application has already been filed in another country, that the U.S. patent application be filed within 12 months of the application date of the foreign patent application. (Treaties and Foreign Patents, p 27)

### **3.0 Processing a U.S. Patent**

In order to obtain a U.S. Patent, an application for a patent must be filed with the United States Patent and Trademark Office. There are three types of fees that are required. The three types of fees are a search fee, an examination fee and an issue fee. These fees differ depending on the type of patent

application that is being filed. The fees are also subject to change. (General Information Concerning Patents, p 12)

United States Patent applications can be filed using an electronic filing system over the internet. The system can be used to “file patent applications electronically almost 24 hours a day, 7 days a week.” (Prepare for EFS, p.1) The system can be used to submit utility patent applications and provisional applications; however, it can not yet be used to submit design patent applications, plant patent applications, and revision applications or reissue applications. (Electronic Filing System, EFS, p1)

After a U.S. patent application is filed and received as a complete application by the United States Patent and Trademark Office, the applications are given to examining technology centers. The examining technology centers, which are each in charge of specific areas of technology, receive the application and process them “in the order in which they have been filed or in accordance with examining procedures established by the Director.” (Examination of Applications and Proceedings in the United States Patent and Trademark Office, p19)

In the event that a patent application is rejected, the applicant will be notified stating the reasons, objections, and requirements for the deficiencies as may be useful in helping the applicant decide the propriety of continuing the prosecution of the application. Relatively few applications are approved at first filing and it is common for some or all claims to be initially rejected by the examiner. In this case, an applicant must request a reexamination of the

application in writing that specifically addresses the examiner's stated errors. To be reconsidered, the applicant must rectify every ground of objection and rejection of the examiner. In the revisions, an applicant must clearly identify why he thinks the amended claims avoid the alleged objections.

After reapplying, the application is reexamined and the applicant is notified as to the status of the amended claims, whether the claim is rejected or accepted, using the same criteria as the first examination. In most cases, the second action by the USPTO is the final decision.

The reply of the applicant to an application, both accepted and rejected, must be made within a determined time limit. The maximum period for reply is six months according to the statute (35 U.S.C 133) and can be truncated to a period of not less than 30 days. In most cases, the reply period is three months. If not reply is received within the allotted time period, the application is determined abandoned and no longer pending.

#### **4.0 Rights given by obtaining a U.S. Patent**

The length of time for which a U.S. Patent is valid is dependent upon the type of patent that is filed. Some types of patents are renewable and can be made valid for longer periods of time. Design patents, for example, are granted for 5 years and then can be renewed for an additional 5 years. Utility patents in the United States are granted for 20 years, but can not be renewed. (Patents – Invention Development Group Ltd., p1)

By obtaining a patent, an inventor gives himself the right to prevent any others from “unauthorized making, using, offering for sale, or selling of the

invention within the United States or U.S. Territories, or importing into the United States the invention during the term of the patent.” These rights are found in Title 35, of the United States Code.

If an inventor feels that another individual has infringed upon his patent, the inventor has the right to bring his case before the appropriate federal court. The federal court then considers the specific claims of the patent for which the inventor is claiming there to be infringement upon. If the claims of the patent are found to be infringed upon, the patentee may receive an award in return for the damages which were incurred because of the patent infringement. (Infringement of Patents, p25)

## **5.0 Foreign Patent Applications**

U.S. patents can be granted to U.S. citizens or foreigners. “The patent laws of the United States make no discrimination with respect to the citizenship of the inventor. Any inventor, regardless of his/her citizenship, may apply for a patent on the same basis as a U.S. citizen.” For a U.S. Patent to be granted, it is necessary that if a patent application has already been filed in another country, that the U.S. patent application be filed within 12 months of the application date of the foreign patent application. (Treaties and Foreign Patents, p27)

Since 1964, over 1.63 million U.S. patents have been granted to foreigners. These U.S. patents of foreign origin account for 39.8% of all U.S. patents granted. Of the U.S. patents that have been granted, 1.53 million have been for utility patents. (U.S. Patent Statistics Summary Table, p.1-3)

## **6.0 Russia/Former USSR Patent System**

Similar to the United States, issues dealing with the ideas created by its citizens were always at the forefront of the former USSR's policy. Yet, unlike the US, due to the socialist nature of rule, the protection was simply a façade put on for the rest of the world. The entire concept of the patent was forfeited for the strength of the country and the rights of the "State".

It is undeniable that the former Soviet Union has always had significant scientific and engineering potential. In fact, legal protection of intellectual property had its beginnings in czarist days as early as June 17, 1812 in the "Manifesto on Privileges for Inventions and Discoveries in the Arts and Sciences" signed by Emperor Alexander I. Following the issuance of the Manifesto, the development of intellectual property law continued in pace with other countries for a century. By the end of the 19<sup>th</sup> century, the Russian patent system contained most significant components of a modern patent system of that time period. These included enablement, novelty and utility requirements for patents as well as a fifteen year patent term (Zegelman 5-6).

Surprisingly, after the Bolshevik Revolution of 1917, the drastic political and economic changes did not have a strong effect on intellectual property law right away. At first, the leaders of the revolution were concerned with other matters of greater importance. But, as the monarchy gave way to the Soviet Socialist Republic, private ownership ideas began to slowly disappear. It was the view of the new government that all "property" belonged to "the people" or the State (Zegelman 5-6).

In 1931, the czarist intellectual property laws were replaced with a new version of the “Regulations on inventions and technological improvements”. The new regulations fully eliminated the private ownership of intellectual property rights. The individual no longer had the right to exploit and use his invention for commercial purposes. Instead, the inventor received a modest payment for giving up rights to the invention to the State ((Zegelman p.5-6).

Legislation passed at the time introduced the concept of “protection” by an Inventor’s Certificate. The Inventor’s Certificate provided the State, not the individual, protection of the rights of a piece of intellectual property. The inventor’s role was reduced to simply authorship credit on an Inventor’s Certificate. All of the exclusive rights to utilize the invention were given to the State. Any individual in the USSR, one of “the people”, could use such an invention with an Inventor’s Certificate, without any interaction with the actual inventor. Thus, no fees existed relating to the patent – no filing fees and no selling or licensing fees for other individuals. The only compensation the “authors” of patents could expect were insignificant payments from their respective employment entities. Yet, the standard idea of a patent that protected the rights of the inventor still existed in the former USSR. Unfortunately, this concept pertained only to the inventions of foreigners (Karpova 2).

In order to maintain the semblance of strong patent system for the rest of the world, in 1955 the Soviet Council of Ministers created a Committee for Inventions and Discoveries (thereafter known as just “The Committee”). Officially, this government body was given the power to implement a centralized system in

the development of inventions and rationalizations in the country, the power to give out protective documents relating to inventions, trademarks, copyrights, as well as registration papers for new scientific discoveries. While on the surface these ideas looked promising, all this "Committee" did was protect the rights of the "State" by stringently implementing the idea of the Inventor's Certificate. Until the fall of the Soviet Union in 1991, the most notable changes of the Committee were its numerous renamings and the reassignment of responsibilities to other bodies of the government by the Council of Ministers (Роспатент 1).

Yet, even with the stringent regulations, around one-third of all the inventions in the world were created in the USSR. Each year, more than 80 thousand inventions were registered and the majority of these were created in the Russia (Figure 1).(Karpova 35).

In total, it is known that the number of Soviet inventions prior to 1991 exceeded 1.5 million. But in fact, a considerable increase in the number of applications for inventions during the time period of the existence of the Committee (1955-late 1980s) was very positive for the image of the Soviet Union around the world (Figure 2).(Rospatent 1).

### **7.0 Russia/Former USSR Invention and Patent Statistics in 1985-1991**

Yet, in order to fully understand the changes that took place after the fall of the Soviet Union in 1991, let us examine inventions in the last six years of the USSR. Starting with 1985, it was recorded that the number of registered inventions per year was 82 thousand and that a large percentage of them were “protected” by the Inventor’s Certificates. Only about 8% of these protective documents were real patents and were granted to foreign applicants (Karpova 2).

The insignificant number of foreign patent applicants was directly related to the difficulties foreign companies encountered in the realizing their patents for

commercial use in the former Soviet Union. At the time, all imports had to go through the Ministry of Foreign Economic Relations of the USSR, a section of the governing body that prohibited foreign investment and production the USSR (Karpova 2-3)

Examining the USSR inventors in this time period, it can be seen that the largest number of inventions were in the fields of machine building, mechanical processing of materials, chemistry, energetics, aerospace research, and arms. At the same time, foreign inventors contributed mostly in the fields of chemistry, technological processes, consumer goods, and arms. By and large, these foreign inventors came from eleven countries. Companies of these eleven countries had the greatest number of foreign patent applications in the USSR at the end of 1991 and totaled 6,956 (Figure 3). (Karpova 2-3).

Germany	1,643
USA	1,080
Japan	803
France	782
Switzerland	540
Italy	433
Great Britain	293
Finland	298
Sweden	298
The Netherlands	221
Austria	193

**Figure 3**

Still, the prohibitive legislation during this time period for both foreign and citizen applicants created a difficult environment for the use of patents in the Soviet Union. In fact, due to these laws, many ingenious Soviet inventions were blocked from being used in the newest and most exciting science and technology

fields. Similar difficulties were faced in the incorporation of significant and useful foreign patents for technologies used in the Soviet Union.

### **8.0 Russia/Former USSR Commercialization of Intellectual Property**

Due to the fact that all of the exclusive rights relating to the use and exploitation of intellectual property belonged to the State, all of the necessary procedures for patenting abroad and trading licensing were also done by the State. Thus, all necessary expenses involved in filing foreign patent/commercialization papers were also taken on by the State. Specifically, all of these activities were done by a specialized international economic organization "Licensintorg." (Karpova 4).

In fact, no company or entity within the USSR had permission to enter any international market by itself. If an individual or company wanted to patent or utilize its invention abroad or license the patent to a foreign company, it would have to go through the only Soviet organization that was allowed to participate in foreign patenting – the Chamber of Commerce of the USSR. It was also no secret that most such requests to the Chamber of Commerce were almost immediately rejected and future requests of similar nature were discouraged (Karpova 4).

Still, while the individual was at a significant disadvantage, the State was still able to license technologies in the international market and quite successfully. In 1976, the USSR actually became quite active in this export of technology. In total, around five thousand licenses on new USSR technologies were sold by the year 1992. If we look at Figure 4 (Karpova 36), we can see the

geographic structure of the USSR license imports and exports from 1976-1990, which includes 69 different countries in the world (Karpova 4-5).

At the time, the largest portion of exports, about 68%, fell into the hands of the former socialist countries. Such a large percentage is not surprising due to the less stringent regulations regarding interactions between the USSR and non-capitalist countries during the given time period. In addition, the main importers of technology from the USSR were Bulgaria, Czechoslovakia, German Democratic Republic, and Hungary. Yugoslavia and China also had strong license agreements with the USSR at the time (Karpova 4).

The situation is quite a bit different for the capitalist and developing countries. About 21% of the USSR license export volume went to these countries. These numbers include a total of twenty-three capitalist countries that

imported Soviet technologies during the time period of 1976-1990. For the developing countries, the total export volume equals about 11%. The main developing countries involved in the import of Soviet technologies during this time period include companies from India, Iraq, Yemen, Syria, Turkey, and Afghanistan. Closer to 1990, exports to Latin American countries such as Brazil started growing as well (Karpova 4).

### **9.0 Changes after the fall of the Soviet Union in 1991**

The almost non-existent intellectual property protection system, where all of the rights of the patents were held by the State, remained intact until the late 1980s or the time of "Perestroika". At the time, Mikhail Gorbachev began to expand the inflexible laws placed on private enterprises and the patent system of the Committee became no longer sufficient. Even before the fall of the Soviet Union, the patent system of the USSR began to change. In early 1991, the State Committee for inventions and discoveries of the USSR was officially abolished and the Russian Agency For Patents and Trademarks (Rospatent) was set up (Роспатент 1-2). The culmination of reform that year occurred with the issuance of the law "On Inventions in the USSR" which established that the only form of protection for an invention was a patent. The legislation fully replaced the outdated idea of the Inventor's Certificates with patents, finally returned to the inventor the exclusive right of using his invention for a specified time period, and abolished the automatic assignment of the invention to the State. Additionally, a law "On Foreign Investments in the USSR" was issued, which permitted the use of foreign investments in the national economy (Zegelman 6).

Unfortunately, the official dissolution of the Soviet Union in December of 1991 put the development of the Soviet intellectual property system on hold. For about a year, the system and the country were both in a state of complete disarray. Since the new legislation mentioned above was never officially enacted but the old idea of Inventor's Certificates no longer applied, inventors were at a loss. In addition, the geographic definition of the location of the inventors also became uncertain due to the creation of the newly independent republics (Zelgman 6).

Finally, in late 1992, an official new Russian patent system was established with the passage of a whole series of laws regulating the protection of intellectual property. Even today, this body of laws remains the basis of intellectual property protection in the Russian Federation (Zegelma 6).

## **10.0 New Russian Patent System**

### **Rospatent**

At the head of the new Russian Patent system rests Rospatent. Similar to the USPTO in many ways, Rospatent is responsible for the maintenance and enforcement of the patent system. Upon its creation in 1991, Rospatent became the leading group with the authorization "to grant, register, and maintain rights to inventions, utility models, industrial design, trademarks, service marks, appellation of origin, as well as to affect registration of computer programs, databases, and topographies of integrated circuits in the Russian Federation" (Karpova 6).

In order to run smoothly, Rospatent is divided into a few structural components or sections:

- **The Central Body** – this is the executive group of Rospatent which works on proposals for the development of state patent policies related to a given field, financial matters of the patent system, registration policies for licenses, attorneys and inventors, as well as answers most general questions (Karpova 7).
- **The Federal Institute of Industrial Property (FIPS)** – this group deals with the actual examination of the applications and subsequent rejections and/or acceptances. In addition, FIPS is responsible for official data publication and participation in legislation development in the area (Karpova 7).
- **The Board of Appeals** – this group deals with the inventor's appeals that are made against the decisions or objections of the examiner in FIPS (Karpova 7).
- **The Higher Patent Chamber** – this group also deals with examining appeals as well as other requests of applicants and other individuals involved in the process (Karpova 7).
- **The State Anti-Monopoly Committee** – this group particularly deals with examining how closely businesses follow the legislation of Rospatent (Karpova 7).

One of the most significant legislations passed in this time period, and closely examined by The State Anti-Monopoly Committee, was the “**Patent Law of Russian Federation No. 3517-1 as of 23.09.1992**”. The Patent Law defined legal protection of intellectual property as well as the idea of “examining” inventions, utility models (UM) and industrial design (ID). A utility model is a structural embodiment of a means of production and of consumer goods. The industrial design concerns the outer appearance of an object determined by its artistic/structural embodiment (Karpova 8). It finally classified these entities as things that could be privately owned as well as protected by either patents or certificates. The established that the exclusive right to use an invention, ID, or UM belongs to only the patentee and that no one has the right to use the invention without the consent of the patentee (Karpova 8).

According to this Patent Law, a formal definition of an invention was provided. An invention had the opportunity for protection if it followed three rules. First, the invention had to be new, which meant that it was not known from any prior information available before the date of the invention. The establishment of the novelty of an invention involved the examination of all other applications filed by other individuals in the same area of study prior to the date of the examined invention as well as of already granted patents in the same field. A small exception to novelty was also provided – a 6 month grace period after the discovery of the invention. Second, the invention had to be of a certain inventive level. And finally third, the invention had to be applicable in industry (Karpova 8).

The subject matter of allowed inventions was defined in detail. Devices, methods, substances, strains of microorganism, cultures of cells of plants and animals and new application of previously known devices, methods, substances, and strains were all acceptable. There are solutions which are not regarded as patentable inventions. Only scientific theories and mathematical methods were not considered to be patentable inventions (Karpova 8).

The terms of the patents and certificates were also provided - patents for inventions were defined to be effective for 20 years, patents for IDs were defined to be effective for 10 years, and the certificates for UMs were defined to be effective for 5 years (Karpova 8).

The law also described the process through which an inventor, someone whose creative work resulted in an invention, ID, or UM, would go about obtaining a patent. First, the inventor has to apply for a patent with Rospatent. The office's examiners then scrutinize the application and either grant a patent or reject it with or without corrections. If rejected, the applicant has the right to submit an appeal to the Appellate Board of the patent office. If the Appellate Court rejects the appeal, the applicant has one more route – to submit an appeal to the Patent Court of Rospatent. Once approved by Rospatent, the patent is granted to either the inventor, a national or legal entity agreed upon by the inventor, the heir of the inventor, or to the employer of the inventor (Karpova 9).

### **Immediate Results of the Patent Law**

The implementation of the Patent Law described above actually resulted in a reduction of inventive activity. The number of applications for patents

submitted by Russians actually dropped from about 200,000 in 1989 to about 28,000 in 1993 (Table 1) (Karpova 13). The significant drop could be explained by many things. First of all, the post-fall Russia was still in a very unstable economic environment. Second, the new laws required payment for examination, maintenance, and development of a patent while the older Inventor's Certificates did not cost the government or the inventor anything. Finally, the Patent Law added requirements for inventions to actually be considered for patents – thus only the true inventors were filing applications (Karpova 13).

Number of applications for a patent submitted to ROSPATENT	1993	1994	1995	1996	1997	1998	1999
Total number	32216	23081	22202	23211	19992	21362	24659
Russian applicants	28478	19482	17551	18014	15106	21362	19900
Foreign applicants	3738	3599	4651	5197	4886	4908	4759

From Table 1, it is easily seen that a significant increase in foreign applicants occurred after the patent laws of 1992-93 were implemented. In fact, the share of the foreign applications increased from about 1.2% in 1989 up to 20% in 1999. The reason for this increase is that as part of the Patent Laws implemented, international cooperation with intellectual property policies was imperative. Thus, from the early nineties, Russia became a member of many international intellectual property conventions. One of these is known as the Paris Convention and lets the inventor file a patent application his home country and provides him with a 12-month period to file corresponding applications in other countries. Another is the more recent regional Eurasian Patent Convention which produces

Eurasian patents. The Eurasian Patent Convention is actually made up of most of the former USSR republics such as Ukraine. Unlike the European patent, the Eurasian patent remains undivided and never breaks into national patents. After the Eurasian patent is issued, the inventor is obliged to pay a combined fee which sums all of the applicable national maintenance fees (Karpova 12-13).

### **11.0 Comparison Between the Current U.S. and Russia Patent Systems**

The most profound difference between the United States and Russian patent systems is the development of the patent systems relative to their respective governments. United States has had a fairly stable patent law structure with minor additions amended along the way in order to better define and remedy issues of ambiguity. On the other hand, the Russian system is fairly new and juvenile in terms of its clarity on what is patentable and who owns possession. This is a result of the fall of the USSR and the complete change in government. As a result, a large fluctuation was apparent in the number of patent applications in parallel to the instability of the government. The patent system reflected the type of government at the time. Because the former USSR was socialist, patent criteria was drastically different in the sense that there were no fees, the examination period was non-existent, and the decision of the patent was largely in favor of approval since the sole rights were granted to the State. After the fall of the USSR, the Russian government remodeled the patent system causing a huge stir among inventors. Applications greatly declined because it was no longer in the best interest of Russia to accept almost any application

since the rights were now granted to individuals. Additionally, because the Russian government did not have a lot of money, patent application fees were high, especially to the lower and middle-classes. Inventors could no longer afford to protect their inventions and, thus, a great decline in patent applications was seen. However, during the same time period, since 1983 through 2001, there has been a significant increase in patent applications at the USPTO from about 100,000 to more than 326,000. At the same time, while the number of domestic patent applications slightly fell from 58% to 56%, applications of foreign origin grew from 42% to 44%. (Mogee 4).

Both patent systems do have similar definitions in what they consider to be patentable. According to the Russian system, devices, methods, substances, strains of microorganisms, culture of cells of plants and animals and new application of previously known devices, substances, and strains were all acceptable. Likewise, the US holds these to be patentable; however, the Russians do not consider scientific theories and mathematical methods to be patentable. Scientific methods are accepted in US (i.e. software). Although, there is still an uncertainty in the protection of these technologies, there is a general sense of the direction in which legislation is heading. Because Russia ignores these aspects of inventions altogether, there is no starting point for advancement in this area.

In terms of the types of protection available, there are patents for the ID and inventions and there are certificates for UM. The length of the protection is 20 years for the patenting of inventions and 10 years for the patenting of ID.

However, certificates for UM are 5 years. In the US system, there are instead three different types of patents granted: utility patents, design patents, and plant patents. Generally, the patent term for a utility patent is 20 years and 5 years for a design patent. These are generally the same time frame as the Russian system.

## **7.0 Suggestions**

An issue facing the Russian patent system is directly related to the economic situation of the country. Due to the great divide created between the wealthy and poor after the fall of the Soviet Union, an unfortunate number of scientists and inventors do not have the funds to pay for patent applications and protection. The novelty of the Rospatent system also makes it very difficult to gauge fees, especially those related to litigation protecting a specific patent. While the development of such a system takes time, Russia simply does not have it and needs help. Either with the help of WIPO or the USPTO, Rospatent needs to restructure in order to make themselves more accessible to both their own citizens and foreigners.

Currently, it takes about half a year to register a patent with Rospatent (Zura 5). Considering the poor economic level of the country, this time period is more than respectable. However, taking into account the significant growth of the Russian economy, the number of patent applications is set to increase by quite a significant amount in the near future. This is another significant issue that Rospatent has to deal with. Unfortunately, the existing infrastructure of Rospatent and other patent resources is simply not sufficient. Necessary changes, such as

education of the officials running the system, are imperative and should occur sooner rather than later - again, possibly with the help of the USPTO or WIPO. Yet, it is important to note that while slowly, Rospatent is still developing well on its own. Rospatent is currently working on introducing information technologies into their system. In addition, Rospatent is also developing an electronic system for patent applications (Zura 5). Unfortunately, this is a very small step in technology transfer development in the Russian Patent system. Rospatent still does not have any legislation to start from regarding technology transfer - something that is becoming more and more prevalent in the USPTO system. It seems once again that Rospatent would benefit from looking more closely at the structure of the USPTO and adapting some of the strategies and laws as their own. Overall, Russian patent legislation is moving along nicely and actually corresponds to the international standards. In fact, Russia has joined 14 out of 24 international treaties related to this issue. The Russian Criminal Code also now contains two articles specifically addressing patents: Article 146, Violation of Copyright, and Article 147, Violation of Patent Rights. The Interior Ministry is responsible for ensuring compliance with these articles. (Zura 5)

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