



Rospatent Registration of Change of a Legal Entity's Legal Form as Part of its Name

On February 2, 2015 Rospatent (Russian PTO) issued its Information Letter "On Amendment of Applications and Registers of Registered IP Items in Connection with Change of a Legal Entity's Legal Form as Part of Its Name, as Required by Amendments to Part One of the Civil Code of the Russian Federation".

The amendments to the Russian Civil Code ("CC") requiring *i.a.* change of description of legal entities' legal form as part of their names went into force on September 1, 2014. The names of legal entities incorporated before September 1, 2014 and their constitutive documents must be changed to be compliant with the new provisions of CC.

Each legal entity which owns any IP registered by Rospatent and/or has filed with Rospatent an IP application is required to make amendments to the relevant Rospatent's register and/or its application in connection with the required change of the IP owner's or application holder's legal form as part of its name.

The fees payable for amendments are as follows:

(1) For amendments to the national registers of:

- inventions, utility models and industrial designs: RUR 2,050 (Section 1.24 of the Appendix to the Fee Schedule);
- trademarks and service marks, appellations of origin of goods: RUR 2,050 (Section 2.10 of the Appendix to the Fee Schedule);
- trademarks recognized as well known in Russia: RUR 2,050 (Section 2.11 of the Appendix to the Fee Schedule);
- computer programs, databases, integrated circuit layout designs: RUR 2,600 (Section 333.30 (1.6) of the Russian Tax Code);

(2) For amendments to applications filed for registration of:

- trademarks, service marks or appellations of origin of goods: RUR 4,900 (Section 2.6.1 of the Appendix to the Fee Schedule);
- computer programs, databases, integrated circuit layout designs: RUR 1,200 (Section 333.30 (1.2) of the Russian Tax Code).

No fee is required for amendment of applications for inventions, utility models or industrial designs.

In order to register such amendments, a company should file an application stating its registration details (main state registration number (OGRN) and taxpayer registration number (TIN)) together with a document evidencing payment of the relevant amendment fee. We recommend to attach a copy of a document evidencing registration of the amendments in the Consolidated State Register of Legal Entities, which may facilitate and speed up processing of the application.

Please note that IP applications need to be amended before registration by Rospatent of IP rights in the relevant IP register.

According to Article 1232 of CC, the rightholder bears risks of unfavorable consequences of the rightholder's failure to take required actions mentioned above. In particular, failure to ensure that the rightholder's name in Rospatent's registers matches its actual name recorded in the Consolidated State Register of Legal Entities may affect timelines for consummation of a contemplated assignment, pledge and/or licensing of IP rights.



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This newsletter is not intended to provide legal advice and/or any other form of legal assistance that may be rendered by attorney-at-law to client. The exclusive purpose of this review is to make aware its recipient of certain recent changes in Russian laws and regulations, and of the development of law application practice. Any use of the information contained herein for particular purposes may require more detailed case-specific explanations. Further information can be obtained via +7 (495) 933 75 67 or office@agp.ru



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