

Russian government approves agreement on regional Eurasian trademarks

The Russian government approved and submitted to the State Duma a draft law of ratification of the agreement on trademarks, service marks and appellations of origin of goods of the Eurasian Economic Union (EAEU). The State Duma scheduled the draft law for review in October 2020.

The agreement introduces regional Eurasian trademarks and appellations of origin effective simultaneously in Armenia, Belarus, Kazakhstan, Kyrgyz Republic and Russia.

The agreement will come into force after ratification by all member states of the EAEU, which is expected to be in the first half of 2021.

Key takeaways

- The agreement introduces legal protection of trademarks, service marks and appellations of origin of goods in all five member states of the EAEU based on one single registration — registration of the union mark and union appellation of origin.
- Notably, the new regime significantly simplifies the process of obtaining legal protection of trademarks in the territory of the EAEU. After the agreement comes into force, the applicant may file an application with a trademark office of any member state of the EAEU to register the union mark and enjoy the legal protection of the mark in all five member states of the EAEU.
- If there are five different registrations for the same trademark in each member state, the applicant may apply to replace such five different registrations with a single registration of the union mark.
- Legal protection of the union mark may be terminated based on non-use of the mark within three consecutive years preceding the filing of the non-use cancellation action. To safeguard the union mark, a registrant needs to use the trademark in at least one member state of the EAEU.
- The union mark or appellation of origin may be invalidated on the basis of a decision of an authorized authority (a court or a trademark office) of any member state.

Eugene Arieovich
Senior Counsel
Moscow
Eugene.Arieovich
@bakermckenzie.com

Denis Khabarov
Partner
Moscow
Denis.Khabarov
@bakermckenzie.com

Margarita Divina
Partner
Moscow
Margarita.Divina
@bakermckenzie.com

Pavel Gorokhov
Partner
Moscow
Pavel.Gorokhov
@bakermckenzie.com

Maxim Kalinin
Partner
St. Petersburg
Maxim.Kalinin
@bakermckenzie.com