

NOTICE FOR EU AND MEMBER STATE INTELLECTUAL PROPERTY OFFICES
ON ARTICLE 5s OF COUNCIL REGULATION 833/2014
(RUSSIA ECONOMIC SANCTIONS)

[NO FURTHER CIRCULATION BEYOND THE INTENDED RECIPIENTS]

This notice is intended to raise awareness on the new measures contained in Council Regulation (EU) 2024/1745 amending Regulation (EU) 833/2014 (14th package of sanctions following the full-scale invasion of Ukraine by the Russia Federation), which was adopted today 24 June 2024, with **entry into force at 00.00am of 25 June 2024**.

This sanctions package concerns, inter alia, intellectual property and requires actions from Union and Member State Intellectual Property Offices. In particular, the new Article 5s of Council Regulation 833/2014 establishes, inter alia, the following:

‘Article 5s

1. Intellectual property offices and other competent institutions constituted under the law of a Member State or the Union shall not accept:

(a) new applications for registration of trademarks, patents, industrial designs, utility models, protected designations of origin, and geographical indications filed by Russian nationals or natural persons residing in Russia, or by legal persons, entities or bodies established in Russia, including if jointly filed by a Russian national or natural persons residing in Russia, legal persons, entities or bodies established in Russia with one or more non-Russian natural or legal person resident or established outside of Russia;

(b) any requests or submission filed by Russian nationals or natural persons residing in Russia, or by legal persons, entities or bodies established in Russia during the registration procedures before such intellectual property offices related to any of the intellectual property rights referred to in point (a).

[...]

5. Paragraphs 1 to 4 shall not apply to nationals of a Member State, of a country member of the European Economic Area or of Switzerland, or to natural persons having a temporary or permanent residence permit in a Member State, in a country member of the European Economic Area or in Switzerland.’

Union and Member State Intellectual Property Offices (IPO) therefore must ensure that, as of the date and time of the entry into force, their procedures are adapted to comply with it. In particular, Intellectual Property Offices shall:

- identify applications concerning trademarks, patents, industrial designs, utility models, designations of origin and geographical indications that are filed or filed jointly as of the time and date of the entry into force by:
 - Russian nationals;
 - natural persons residing in Russia;
 - legal persons, entities or bodies established in Russia;

- identify requests and submissions concerning trademarks, patents, industrial designs, utility models, designations of origin and geographical indications that are filed as of the time and date of the entry into force during the registration procedure by the above-mentioned legal and

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natural persons, related to their own applications (e.g. request for patent examination) or related to third parties' applications (e.g. trademark oppositions). Requests and submissions filed after the grant of the above-mentioned intellectual property rights are not covered by this provision (e.g. trademark cancellation requests or patent post grant opposition requests).

- ensure that those applications, requests and submissions are not processed. Without prejudice with their administrative procedures, IPOs should not issue a decision on those applications, requests and submissions¹.

- IPO are entitled to request, in their application forms, the necessary information to carry out the required verifications².

The European Commission, in particular the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) for intellectual property and the Directorate-General for Financial Stability, Financial Services and Capital Markets Union (DG FISMA) for sanctions, stand ready to assist IPOs.

IPOs can also request information to the respective national competent authorities which are in charge of enforcing EU sanctions.

Info:

Council Regulation (EU) 2024/1745 amending Regulation (EU) 833/2014: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401745

Member States national competent authorities for sanctions enforcement:
<https://www.sanctionsmap.eu/#/main/authorities>

European Commission, DG FISMA, Sanctions Unit:

- Functional mail box: EC-RUSSIA-SANCTIONS@ec.europa.eu
- Website: https://finance.ec.europa.eu/eu-and-world/sanctions-restrictive-measures/sanctions-adopted-following-russias-military-aggression-against-ukraine_en

¹ Recital 20 of Council Regulation (EU) 2024/1745: 'In particular, and without prejudice to their procedural rules, Intellectual Property Offices and other competent institutions should not allow the filing of such applications. In complying with that obligation, if any such applications are filed, Intellectual Property Offices and other competent institutions should not be required to issue a formal decision of refusal, thereby allowing the possible re-filing once the current restriction is repealed'.

² Recital 20 of Council Regulation (EU) 2024/1745: 'In order to implement that restriction, Intellectual Property Offices and other competent institutions should be enabled to request the necessary information from natural persons and companies applying for registration of the relevant intellectual property rights.'