

Jeffrey Wolfson in IP and Technology Law Journal: ‘Practical Considerations About Russian IP’

July 27, 2022 Jeffrey Wolfson

PRACTICES Intellectual Property Litigation, Patents, Trademark and Advertising, Copyright, Intellectual Property

Partner [Jeffrey Wolfson](#) authored an article in *Intellectual Property and Technology Law Journal* about Russian IP in the wake of sanctions. Read an excerpt below:

In the wake of financial sanctions by the United States, the United Kingdom, European Union nations, and various other countries against Russia for its unprovoked attack on Ukraine, companies might be considering what, if anything, to do about their patents, trademarks, utility models, industrial designs, etc., in Russia. Companies may have already decided to write off their Russian intellectual property (IP) as a complete loss. Is it possible that surrendering a company’s Russian IP might be the courageous decision and the best advice?

Unfriendly Countries

First, aside from the invasion of Ukraine, consider that President Vladimir Putin of Russia issued his own executive order around March 8, 2022, declaring various countries and regions “unfriendly.” Russia now designates almost a quarter of the world’s countries, including the United States, U.K., EU nations, Japan, Canada, and many more, as “engaging in unfriendly activities toward Russia.” This is not merely name calling – it is a response to the sanctions imposed by many of those countries.

IP Enforcement

Second, and even worse for Russian IP rights holders, the Russian government has taken the rare step of using those IP rights more directly in responding to the sanctions. How? By saying “no” to any pretense of IP enforcement.

Specifically, President Putin’s executive order has eliminated all requirements to compensate the owner of any Russian patent, utility model, industrial design, trademark or other IP if the owner is from an “unfriendly” country or region. The equation on evaluating Russian IP might now be as simple as: No compensation = No value! Most IP rights holders obtain those rights not merely for the “bragging rights” of having a patent or trademark, but for a legally enforceable right to stop others from infringing on those rights and to pursue associated damages. Russia’s track record on IP enforcement was weak at best, placing it on many a watchlist even before the Ukraine invasion. Saying goodbye to compensation for Russian IP infringement will be the final straw for many IP rights holders.

Excerpted from *Intellectual Property and Technology Law Journal*. To read the full article, click [here](#).