

CHECKLIST OF ISSUES ON ENFORCEMENT¹

Responses from the Russian Federation

Civil and Administrative Procedures and Remedies

(a) Civil judicial procedures and remedies

1. Specify the courts which have jurisdiction over IPR infringement cases.

Jurisdiction of disputes on infringements of intellectual property rights is defined proceeding from the character of the dispute, and also depends on the nature of the dispute's participants.

According to part 1 of article 27 of the Administrative Procedural Code of the Russian Federation, cases on economic disputes and other cases dealing with economic activities of enterprises with participation of legal entities or individual entrepreneurs, are in the jurisdiction of the Arbitration Court.

According to part 3 of article 22 of the Civil Procedural Code of the Russian Federation all other disputes on infringements of intellectual property rights, not carried by the Arbitration Courts, are in the jurisdiction of the Courts of Law.

Thus according to part 4 of article 22 of the Civil Procedural Code of the Russian Federation at filing a lawsuit to the court with the lawsuit containing some connected among themselves requirements from which one are of the jurisdiction of the Courts of Law, others of the Arbitration Court and if the division of requirements is impossible, lawsuits are subject to consideration and the jurisdiction of the Courts of Law.

2. Which persons have standing to assert IPRs? How may they be represented? Are there requirements for mandatory personal appearances before the court by the right holder?

According to point 2 of article 1250 of the Civil Code of the Russian Federation, protection of intellectual property rights provided by the civil legislation can be applied on request of right holders, collecting management societies, and also other persons in the cases established by the Civil Code.

In particular according to article 1254 of the Civil Code of the Russian Federation, protection of the exclusive right infringed by the third parties on result of intellectual activity or on means of individualization can be carried out by the exclusive licensee (license of the exclusive right).

According to article 48 of the Civil Procedural Code of the Russian Federation in Court of Law persons have the right to plead a cause in court personally or through their representatives.

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According to article 49 of the Civil Procedural Code of the Russian Federation, representatives in Court of Law must be capable persons being properly empowered to file a lawsuit.

According to article 59 of the Administrative Procedural Code of the Russian Federation, persons have the right to plead a cause in court personally or through their representatives.

As representatives in the Arbitration Court, lawyers and other persons offering a legal service can act. Representatives in the Arbitration Court must be capable persons being properly empowered on filing a lawsuit.

The personal presence of the right holder in the Court of Law and in the Arbitration Court is not required.

3. What authority do the judicial authorities have to order, at the request of an opposing party, a party to a proceeding to produce evidence which lies within its control?

According to article 57 of the Civil Procedural Code of the Russian Federation, in cases when for persons participating in legal proceedings the submission of evidences is difficult, the Court of Law under their petition assists in collecting and requesting evidence.

The court gives out to the party a request for reception of the evidence or requests the evidence directly. The person, who has been requested by the court to submit evidence, submits it to the court or addresses it to the person who has mentioned a court request for representation of the evidence in the court.

Thus in conformity with part 2 of article 13 of the Civil Procedural Code of the Russian Federation, lawful orders and requirements of courts are obligatory for all without exception: public authorities, public associations, officials, citizens and organizations are subject to strict execution throughout the territory of the Russian Federation.

According to part 4 of article 66 of the Administrative Procedural Code of the Russian Federation, a person participating in legal proceedings and not capable of obtaining necessary evidence through his own means from the owner of these proofs, has the right to plead to the Administrative Court on obligatory submission of these proofs.

At satisfaction of the petition, the court will request the corresponding evidence from the owner of this evidence.

According to part 1 of article 16 of the Administrative Procedural Code of the Russian Federation, the arbitration court requirement on submission of proofs, data and other materials, related to the legal proceedings in consideration, are obligatory and are subject to execution by all bodies, organizations and persons to which they are addressed.

4. What means exist to identify and protect confidential information brought forward as evidence?

According to part 1 of article 10 of the Civil Procedural Code of the Russian Federation, legal proceedings in all courts of law are open to the public.

At the same time according to part 2 of article 10 of the Civil Procedural Code of the Russian Federation, legal proceedings in the closed judicial sessions are admitted on the basis of satisfaction of the petition of the person participating in legal proceedings and referring to the necessity of

preservation of commercial or other secrets protected by the law which public discussion is capable to cause disclosure of the specified secrets or infringement of the rights and legitimate interests of the citizen. According to part 3 of article 10 of the Civil Procedural Code of the Russian Federation, persons participating in legal proceedings are warned by court on responsibility for their disclosure.

According to part 1 of article 11 of the Administrative Procedural Code of the Russian Federation, legal proceedings in all courts of law are open to the public.

At the same time according to part 2 of article 11 of the Administrative Procedural Code of the Russian Federation, legal proceedings in the closed judicial sessions are admitted on the basis of satisfaction of the petition of the person participating in legal proceedings and referring to the necessity of preservation of commercial or other secrets protected by the law.

In accordance with part 3 of article 11 of the Administrative Procedural Code of the Russian Federation, disclosure of the data making state, commercial, service or other secrets protected by the law, involves the responsibility established by the legislation of the Russian Federation.

5. Describe the remedies that may be ordered by the judicial authorities and criteria, legislative or jurisprudential, for their use:

According to paragraph 1 of article 1252 of the Civil Code of the Russian Federation, the protection of the exclusive rights to the result of intellectual activity and means of individualization shall be, *inter alia*, carried out by means of presenting a claim for:

- (1) recognition of the right: to a person that denies or otherwise does not recognize the right and by doing so violates the interests of the right holder;
- (2) stopping the actions that infringe the right or create the threat of infringement thereof: to a person committing such actions or making the necessary preparations for such actions;
- (3) payment of damages: to a person that has illegally used the result of intellectual activity or means of individualization without concluding an agreement with the right holder (use without a contract) or otherwise has violated the right holder's exclusive right and inflicted damage thereon;
- (4) seizure of a material medium in accordance with item 5 of the present article: to its manufacturer, importer, storer, carrier, seller, another distributor or non-bona fide acquirer;
- (5) publication of a court decision on the infringement committed with reference to the actual right holder: to a violator of the exclusive right.

In the cases envisaged in the Civil Code, for certain types of results of intellectual activity or means of individualization when an exclusive right is infringed the right holder is entitled to claim compensation from the infringer for the infringement of the said right. The compensation shall be collected if the fact of infringement is proven. In this case, the right holder that has applied for a remedy shall be relieved of the duty to prove the amount of damage inflicted thereon.

The amount of compensation shall be determined by the court within the limits set by the Civil Code, depending on the nature of the infringement and of the other circumstances of the case with due regard to the requirements of reasonability and justice.

The right holder is entitled to claim compensation from the infringer for each case when the result of intellectual activity or means of individualization has been used or for the infringement in its entirety.

According to paragraph 4 of article 1252 of the Civil Code of the Russian Federation, in a case when the manufacture, distribution or other use, and also the importation, carriage or storage of the material media in which the result of intellectual activity or means of individualization is expressed cause an infringement of the exclusive right to the result or means such material media shall be deemed counterfeit and subject under a court decision to withdrawal from circulation and destruction without any compensation whatsoever, except when other circumstances are envisaged by the Civil Code.

According to paragraph 5 of article 1252 of the Civil Code of the Russian Federation, the equipment, other apparatus and materials primarily used or intended for infringing the exclusive rights to the result of intellectual activity and means of individualization shall be subject under a court decision to withdrawal from circulation and destruction at the infringer's expense, except when being subject to be converted into revenue of the Russian Federation.

According to paragraph 6 of article 1252 of the Civil Code of the Russian Federation, if various means of individualization (a firm name, trademark, service mark or commercial name) turn out to be identical or similar to the point of confusion, and as a result of this identity or similarity consumers and/or parties under a contract may be misled, then preference shall be given to the means of individualization to which the exclusive right came into being earlier. In the procedure established by the present Code, the owner of this exclusive right may claim as invalid the granting of legal protection to the trademark (service mark) or claim a full or partial ban on the use of the company name or commercial name.

For the purposes of the present item, "partial ban on use" has the following meaning:

in respect of a company name: a ban on the use thereof in certain types of activity;

in respect of a commercial name: a ban on the use thereof within a certain territory and/or in specific types of activity.

According to article 1253 of the Civil Code of the Russian Federation, if a legal entity several times or grossly infringes the exclusive rights to the results of intellectual activity and means of individualization, the court may take a decision in accordance with item 2 of Article 61 of the Civil Code of the Russian Federation on liquidating the legal entity at the demand of a prosecutor. If such infringements are committed by a citizen, his activity as an individual entrepreneur may be terminated by a court decision or judgment in the procedure established by law.

6. In what circumstances, if any, do judicial authorities have the authority to order the infringer to inform the right holder of the identity of third persons involved in the production and distribution of the goods or services found to be infringing and of their channels of distribution?

Within the limits of civil process the court does not have powers to oblige the infringer to inform the legal owner about the person of the third parties involved in the manufacture and sale of the goods, recognized as infringing, and also about the channels of their distribution.

7. Describe provisions relating to the indemnification of defendants wrongfully enjoined. To what extent are public authorities and/or officials liable in such a situation and what "remedial measures" are applicable to them?

According to article 12 of the Civil Code of the Russian Federation, in the Russian Federation civil rights shall be protected by way of:

- the recognition of the right;

- the restoration of the situation, which existed before the given right was violated, and the suppression of the actions that violate the right or create the threat of its violation;
- the recognition of the disputed deal as invalid and the implementation of the consequences of its invalidity, and the implementation of the consequences of the invalidity of an insignificant deal;
- the recognition as invalid of an act of the state body or of the local self-government body;
- the self-defence of the right;
- the ruling on the execution of the duty in kind;
- the compensation of the losses;
- the exaction of the forfeit;
- the compensation of the moral damage;
- the termination or the amendment of the legal relationship;
- the non-application by the court of an act of the state body or of the local self-government body, contradicting the law;
- using the other law-stipulated methods.

According to article 13 of the Civil Code of the Russian Federation, a non-normative act of the state body or of the local self-government body, and also, in the law-stipulated cases, a normative act, which does not correspond to the law or to the other legal acts and which violates the civil rights and the law-protected interests of the citizen or of the legal entity, may be recognized by the court as invalid.

In case the act has been recognized by the court as invalid, the violated right shall be liable to restoration or to protection by the other means, stipulated by Article 12 of the Civil Code.

8. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost.

According to article 154 of the Civil Procedural Code of the Russian Federation, civil cases shall be considered and resolved by the court before the expiry of two months as from the day of submission of the application to the court.

According to article 152 of the Administrative Procedural Code of the Russian Federation, cases as a general rule shall be considered by an arbitration court of the first instance within a time period of at most three months from the day when the arbitration court receives an application, including the time-period for preparing the case for hearing and for adoption of a decision.

In general, duration of a case depends on the quantity of judicial instances in which this case will be proceeded, quantities of breaks and adjournments, and also their duration which depends on circumstances of any individual cases. In practice the duration of proceeding on a case can take from several months to several years.

According to article 88 of the Civil Procedural Code of the Russian Federation, the costs of the court consist of the state duty and of the expenditures connected with the consideration of the case. The amount and the procedure for the payment of the state duty shall be established by the federal laws on taxes and fees.

According to article 94 of the Civil Procedural Code of the Russian Federation, to the expenses involved in the consideration of a case shall be referred: the sums to be paid to the witnesses, experts, specialists and interpreters; the outlays on the remuneration of the interpreter's services incurred by foreign citizens and by stateless persons, unless otherwise stipulated in the international treaty of the Russian Federation; the outlays on the fares and on the accommodation of the parties and of the third persons made by them in connection with the summons to court; outlays on the remuneration of the services of the representatives; the outlays on carrying out an examination on the spot; the

compensation for the actual loss of time in conformity with Article 99 of the Civil Procedural Code of the Russian Federation; the postal expenditures incurred by the parties in connection with the consideration of the case; the other outlays recognized by the court as necessary.

According to article 101 of the Administrative Procedural Code of the Russian Federation, court costs of a legal proceeding in the Arbitration Court shall consist of state duty and court costs related to the consideration of a case by the Arbitration Court.

According to article 106 of the Administrative Procedural Code of the Russian Federation, to the costs of justice connected with considering a case in an Arbitration Court shall be referred amounts of money payable to experts, specialists, witnesses, and interpreters, expenses connected with an inspection of evidence on-site, expenses connected with payment for the services of lawyers and of other persons rendering legal assistance (of representatives), expenses of a legal entity on notification of a corporate dispute where federal law provides for the duty of such notification, and other expenses incurred by persons participating in a case in connection with considering a case by an Arbitration Court.

In general, the cost of a legal proceeding in a Court of Law and in the Arbitration Court of the Russian Federation depends on the quantity of judicial instances in which the case will be proceeded, complexities of case, quantity of representatives and other circumstances of any individual case.

(b) Administrative procedures and remedies

9. Reply to the above questions in relation to any administrative procedures on the merits and remedies that may result from these procedures.

(1) In the cases provided in the Civil Code of the Russian Federation, the protection of intellectual rights in relationships that have to do with filing and examining patent applications for inventions, utility models, industrial designs, plant varieties, trademarks and service marks and the appellations of origin of goods with the state registration of these results of intellectual activities and means of individualization, the issuance of the relevant right-establishing documents, the disputing of granting legal protection to, or termination of the legal protection of, these results and means shall be carried out by administrative means by the federal executive governmental body in intellectual property (Rospatent).

(2) Objections on decisions of Rospatent on refusal in granting protection of a right to objects of a patent right and individualization means are submitted by the applicant.

The issuance of a patent for an invention, utility model or industrial design may be challenged by any person, by means of filing an objection with the chamber for patent disputes.

Objections against the grant of legal protection to a trademark on the grounds set out in the Civil Code of the Russian Federation may be filed with the chamber of patent disputes by the person concerned.

On the grounds set out in the Civil Code of the Russian Federation, any person may file an application with the federal executive governmental body in intellectual property asking for termination of the legal protection of an appellation of origin of goods and of a certificate of exclusive right to such appellation of origin of goods.

According to point 1 of article 1247 of the Civil Code of the Russian Federation, dealings with the federal executive governmental body charged with intellectual property matters may be carried out by an applicant, right holder, or other person concerned on his/its own or through a patent attorney registered with the said federal body or through another representative.

According to point 2 of article 1247 of the Civil Code of the Russian Federation, citizens who permanently reside outside the territory of the Russian Federation and foreign legal entities shall carry out their relations with the federal executive governmental body charged with intellectual property matters through patent attorneys registered with the said federal body, unless otherwise envisaged by an international treaty of the Russian Federation. The competence of a patent attorney or another representative shall be certified by a document issued by the applicant, right holder or other person concerned.

The personal presence of the right holder in legal proceedings of disputes by the Federal Authority on Intellectual Property is not required.

(3) The Federal Authority on Intellectual Property is not empowered to demand any evidence from persons.

(4) According to article 13 of the Federal Law from 29 July 2004 No. No. 98-FZ "On commercial secrets" the state power bodies, other state authorities, and bodies of local self-government shall, in accordance with this Federal law and other federal laws, be obligated to create conditions providing for the protection of the confidentiality of information passed over to them by legal persons or individual entrepreneurs.

The officials of the federal executive bodies, other state authorities, bodies of local self-government, civil or municipal servants of the said bodies shall have, in the absence of consent thereto of the holder of information constituting a commercial secret, no right to disclose or transfer to other persons, federal executive bodies or other state authorities, bodies of local self-government, information constituting a commercial secret that became known to them by virtue of performance of official obligations, except for instances provided under this Federal law and also have no right to use that information for self-interest or other personal purposes.

In case of infringement of the confidentiality of information by officials of the federal executive bodies, other state authorities, bodies of local self-government, by civil or municipal servants of said bodies, those persons shall bear responsibility in accordance with the legislation of the Russian Federation.

Besides point 4.7 of the Rules of submission of objections and statements and their consideration in the Chamber on the Patent Disputes, adopted by the order of Rospatent from 22 April 2003 No. 56, recording equipment at sessions of boards of chamber on patent disputes can be used with the consent of the members of the board and all persons participating in consideration of objection or the statement.

In addition the current legislation of the Russian Federation does not provide acquaintance of the third parties with materials of objections and the statements considered by the federal authority on intellectual property.

(5) Upon consideration of objections and statements, the Federal Authority on Intellectual Property can make decisions:

- on refusal in satisfaction of objection and keeping in force the decision of Rospatent on refusal in delivery of the protection document;
- on satisfaction of objection or the statement and a recognition of a right (granting of the patent, registration of a trade mark, appellation of origin of goods);

- on refusal in satisfaction of objection or the statement and keeping in force of a right to protection of object of the intellectual right;
- on satisfaction of objection and a recognition invalid of granted protection of rights to object of the intellectual right;
- satisfaction of the statement on early termination of a right on protection of intellectual property.

(6) Within the limits of dispute consideration by the Federal Authority on Intellectual Property, a similar possibility is not provided.

(7) According to article 1248 of the Civil Code of the Russian Federation, decisions of the Federal Authority on Intellectual Property can be contested in court and may be recognized as invalid. The court has the right to oblige the Federal Authority on Intellectual Property to eliminate the admitted infringements of the rights and legitimate interests of the applicant.

(8) The term of administrative consideration of disputes in the Federal Authority on Intellectual Property is not regulated by law. In practice, a consideration term takes from two to six months from the date of objection or statement acceptance to consideration and depends on the volume of evidence and petitions of the parties for necessity of time for their studying.

The cost of administrative consideration of disputes in the Federal Authority on Intellectual Property depends on the size of the duty paid for consideration of corresponding objection or the statement, and also other expenses of persons participating in the dispute consideration, in case of their presence.

Provisional Measures

(a) Judicial measures

10. Describe the types of provisional measures that judicial authorities may order, and the legal basis for such authority.

Security Measures - the measures directed on maintenance of the claim or property interests of the applicant (claimant). Security Measures can be accepted at any stage of consideration of a dispute in the Arbitration Court and Court of Law, if non-acceptance of these measures can complicate or make impossible execution of the judicial act including if execution of the judicial act is supposed to be outside of the Russian Federation, and also with a view to the prevention of causing of considerable damage to the applicant.

Under the statement of the person participating in judicial proceedings, and in the cases provided by the Administrative Procedural Code of the Russian Federation and Civil Procedural Code of the Russian Federation, under the statement of other persons the arbitration court and court of law can accept urgent time security measures (measures on claim maintenance).

According to part 1 of article 91 of the Administrative Procedural Code of the Russian Federation and article 140 of the Civil Procedural Code of the Russian Federation, security measures (measures on claim maintenance) can be:

- forbidding the respondent or other persons to commit certain actions concerning the subject of the dispute;

- placing on the respondent the duty to commit certain actions for the purpose of preventing damage to, or deterioration of the condition of, disputable property;
- transfer of disputable property to the claimant or other person for keeping custody thereof;
- and other measures.

According to point 2 of article 1252 of the Civil Code of the Russian Federation, in the arrangement of provision of security for a claim in a case of infringement of exclusive rights the material media, equipment and materials that are allegedly involved in an infringement of the exclusive right to the result of intellectual activity or means of individualization may be subjected to the security measures established by the procedural legislation, for instance, seizure of material media, equipment and materials.

According to article 1302 of the Civil Code of the Russian Federation on cases of infringement of copyrights and related rights, a court may forbid a defendant, or a person believed on sufficient grounds to be an infringer of copyright, from carrying out of certain actions (manufacture, reproduction, sale, hiring out, importation or other use envisaged by the present Code, and also the transportation, storage or possession of copies of a work for the purpose of using them in civil-law transactions if the copies are understood to be counterfeit).

Also the court may order the seizure of all copies of a work that are assumed to be counterfeit, and also of materials and equipment used or intended for the manufacture or reproduction/playback thereof.

11. In what circumstances may such measures be ordered *inaudita altera parte*?

According to article 141 of the Civil Procedural Code of the Russian Federation, an application for providing for a claim shall be considered on the day of its submission to the court without notifying the defendant and the other persons taking part in the case. The judge or court shall issue a ruling on taking measures to provide for the claim.

According to article 93 of the Administrative Procedural Code of the Russian Federation, an application for securing a claim shall be considered by an arbitration court trying the case, this to be done by a single judge at the latest on the day following the date when the application comes to the court without notifying the parties thereto of it.

Thus, the court of law and arbitration court have the right to accept provisional measures immediately without notifying the party of the dispute on which measures are imposed.

12. Describe the main procedures for the initiation, ordering and maintenance in force of provisional measures, in particular relevant time-limits and safeguards to protect the legitimate interests of the defendant.

The statement for acceptance security (provisional) measures can be submitted both simultaneously with the statement of claim, and already in the course of judicial process.

By the general rule an application for securing a claim shall be considered by an arbitration court considering the case, this to be done by a single judge at the latest on the day following the date when the application comes to the court without notifying the parties thereto of it including if the statement for claim maintenance is submitted simultaneously with the statement of claim (article 93 of the Administrative Procedural Code of the Russian Federation, article 141 of the Civil Procedural Code of the Russian Federation). In that case the question on acceptance of the statement of claim to

consideration is examined by the arbitration court not later than the next day after the day of receipt of the statement of claim by the arbitration court.

Upon consideration of the statement for securing a claim, the arbitration court takes out a court decision on securing of the claim or on refusal of claim securing.

Securing measures hold action for all of the period of a legal proceeding before their cancellation. In case of satisfaction of the claim, securing measures hold the action upon execution of the judicial act which finalizes this legal investigation. In case of refusal of satisfaction of the claim, keeping the claim without consideration, cessation of case, securing measures hold the action upon the entering into force of the corresponding judicial act. After the entering into force of the judicial certificate, the arbitration court, at the petition of the person participating in the case, takes out a decision on the cancellation of measures on securing of the claim or specifies it in a judicial act.

As measures of protection from the statement for securing the claim, the other party (respondent) can declare objections in essence in judicial session when the specified petition is considered with a call of both parties. In other cases, the interested person has the right:

- to present counter security measures (article 94 of the Administrative Procedural Code of the Russian Federation);
- to dispute imposition of security measures (article 97 of the Administrative Procedural Code of the Russian Federation, article 144 of the Civil Procedural Code of the Russian Federation);
- to put the statement for replacement of one security measure by another (article 95 of the Administrative Procedural Code of the Russian Federation, article 143 of the Civil Procedural Code of the Russian Federation);
- to file a suit on indemnification or payments of indemnification, caused by securing claim (article 98 of the Administrative Procedural Code of the Russian Federation, article 146 of the Civil Procedural Code of the Russian Federation).

According to article 98 of the Administrative Procedural Code of the Russian Federation, the respondent and other persons whose rights and/or legitimate interests are violated by securing a claim shall be entitled after entry into legal force of the judicial act of an arbitration court on the refusal to allow the claim to demand of the person that has applied for taking the precaution measures repair of damages in the procedure and in the amounts which are provided for by the civil legislation or payment of compensation.

13. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost.

According to article 141 of the Civil Procedural Code of the Russian Federation, an application for providing for a claim shall be considered on the day of its submission to the court without notifying the defendant and the other persons taking part in the case.

According to article 93 of the Administrative Procedural Code of the Russian Federation, an application for securing a claim shall be considered by an arbitration court considering the case, this to be done by a single judge at the latest on the day following the date when the application comes to the court without notifying the parties thereto of it.

The period of validity of securing measures depends on the duration of the legal proceeding in which framework measures have been introduced and other circumstances.

According to subparagraph 9 of point 1 of article 333.21 of the Tax Code of the Russian Federation, the size of state duty on the filing of an application on securing claim is 2,000 roubles (appr. US\$65).

(b) *Administrative measures*

14. Reply to the above questions in relation to any administrative provisional measures.

Within the limits of the administrative consideration of a dispute in the Federal Authority on Intellectual Property, acceptance of securing (provisional) measures is not provided.

Special Requirements related to Border Measures

15. Indicate for which goods it is possible to apply for the suspension by the customs authorities of the release into free circulation, in particular whether these procedures are available also in respect of goods which involve infringements of intellectual property rights other than counterfeit trademark or pirated copyright goods as defined in the TRIPS Agreement (footnote to Article 51). Specify, together with relevant criteria, any imports excluded from the application of such procedures (such as goods from another member of a customs union, goods in transit or *de minimis* imports). Do the procedures apply to imports of goods put on the market in another country by or with the consent of the right holder and to goods destined for exportation?

In accordance with article 305 of the Federal Law from 27 November 2010 No. 311-FZ «On Customs Regulation in the Russian Federation», customs bodies shall take measures to protect rights to intellectual property items relating to the suspension of release of goods, in accordance with Chapter 46 of the Customs Code of the Customs Union and the Chapter 42 of the law from 27 November 2010 No. 311-FZ.

Measures for protecting rights to intellectual property items shall be taken in respect of the goods containing subjects of copyright law and related rights, trademarks, service marks and appellation of origin of goods. Customs bodies are entitled to take measures to protect rights to intellectual property items without an application of the right holder in accordance with Chapter 42 of the law from 27 November 2010 No. 311-FZ.

In accordance with article 328 of the Customs Code of the Customs Union, measures for the protection of rights for the objects of intellectual property are not applied by customs bodies to goods moved across the customs border:

- by natural persons for personal use, including those sent to them in international postal dispatches;
- under the customs transit customs procedure;
- by diplomatic representations, consular institutions, other official representations of foreign states, by international organizations, personnel of these representations, institutions and organizations for official and personal use.

The measures for the protection of rights for the objects of intellectual property taken by customs bodies do not prevent right holders from using any other means of protection of their rights in compliance with the legislation of the member-states of the Customs Union.

16. Provide a description of the main elements of the procedures relating to the suspension of the release of goods by customs authorities, in particular the competent authorities (Article 51), the requirements for an application (Article 52) and various requirements related to the duration of suspension (Article 55). How have Articles 53 (security or equivalent assurance), 56 (indemnification of the importer and of the owner of the goods) and 57 (right of inspection and information) been implemented?

In accordance with articles 306 and 307 of the Federal Law from 27 November 2010 No. 311-FZ, a right holder, having sufficient ground to believe that his right may be infringed in connection with the import of goods into the Russian Federation or the export thereof out of the Russian Federation or when other actions take place involving goods being under customs control, is entitled to file an application with the federal executive governmental body empowered in the area of customs affairs asking for inclusion of the relevant intellectual property item in the customs register of intellectual property objects. On behalf of the right holder the actions envisaged by the customs legislation of the Customs Union and the present Federal Law may be committed by his/her/its representative.

The Customs Register of Intellectual Property Objects is the main protecting instrument.

The following may be included in the customs register of intellectual property objects (hereinafter referred to as "the register"): the copyright law objects, objects of related rights, trademarks, service marks and appellations of origin of products in respect of which the federal executive governmental body empowered in the area of customs affairs has taken a decision on taking measures relating to the suspension of clearance of goods. Inclusion in the register is free of charge. The register shall be kept by the federal executive governmental body empowered in the area of customs affairs in the procedure established by this body.

The intellectual property objects in respect of which the federal executive governmental body empowered in the area of customs affairs has taken a decision on taking measures relating to the suspension of release of goods shall be included in the register on the condition that the right holder ensures the performance of the undertaking mentioned in Part 5 of Article 306 of the Federal Law by the methods envisaged by the civil legislation of the Russian Federation. Instead of security for the performance of the undertaking the right holder is entitled to file a contract of insurance of the risk of liability for infliction of harm for the benefit of the persons specified in Part 5 of Article 306 of the present Federal Law. In this case, the sum of security for the undertaking or the insured amount shall be at least 300,000 roubles.

If, within one month after the date of dispatch of a notice of the taken decision on taking measures relating to the suspension of clearance of the goods, the right holder fails to file a document confirming security for the undertaking or a contract of insurance of the risk of liability for infliction of harm, the federal executive governmental body empowered in the area of customs affairs shall take a decision on refusal to include the intellectual property item in the register.

The federal executive governmental body empowered in the area of customs affairs shall make sure the data of the register are published in its official publications and placed on its official internet website in the procedure established by it.

In accordance with article 309 of the Federal Law from 27 November 2010 No. 311-FZ, customs bodies' decisions on suspension of the release of goods, extension of the term of suspension of release of goods, revocation of a decision on suspension of the release of goods and also on the grant of the right to information and to the taking of samples and specimens, shall be taken by a customs body not later than the next working day after the date of discovery of signs of a breach of intellectual property

rights, of receipt of a relevant written application or of the commission of another action deemed ground for the taking of the relevant decision.

In accordance with article 331 of the Customs Code of the Customs Union if, during realization of customs actions related to the placing under customs procedures of goods containing objects of intellectual property included in the customs register kept by the customs body of the member-state of the Customs Union, the customs body finds signs of infringement of the rights for intellectual property, the release of such goods is suspended for ten working days.

If there is a request of the right holder or the party representing his interests, this period may be prolonged by the customs body, however, not more than ten working days, if the mentioned parties applied to the authorized bodies for protection of the rights of the right holder in compliance with the legislation of the member-states of the Customs Union.

Decisions suspending the release of goods and prolonging the period of suspension of release of goods are adopted in writing by the head of the customs body or the person authorized by him.

The customs body, no later than within one working day following the day of adoption of the decision suspending the release of goods containing objects of intellectual property, shall notify the declaring party and the right holder or the parties representing their interests of such suspension, the reasons and periods of suspension, as well as report to the declaring party the name and the place of location of the right holder and/or the party representing his interests, and to the right holder or the party representing his interests - the name and place of location of the declaring party.

Upon the expiry of the period of suspension of release of goods containing objects of intellectual property, the release of such goods is renewed and is carried out according to the procedure specified in the Customs Code of the Customs Union, except for the cases when the customs body receives documents confirming withdrawal of goods, their arrest or confiscation, or other documents in compliance with the legislation of the member-states of the Customs Union.

Customs bodies may suspend the release of goods containing objects of intellectual property not included in the customs register of objects of intellectual property kept by the customs body of the member-state of the Customs Union and the joint customs register of objects of intellectual property of the member-states of the Customs Union without application of the right holder according to the procedure specified in the legislation of the member-states of the Customs Union.

The right holder shall be held liable in compliance with the civil legislation of the member-states of the Customs Union for the property damage incurred on the declaring party, the owner, the recipient of the goods containing objects of intellectual property as a result of suspension of the release of goods in compliance with the present Chapter, if violation of the rights of the right holder is not found.

17. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost. How long is the validity of decisions by the competent authorities for the suspension of the release of goods into free circulation?

In accordance with the Customs Code of the Customs Union if, during the realization of Customs actions related to the placing under customs procedures of goods containing objects of intellectual property included in the customs register kept by the customs body of the member-state of the Customs Union, the customs body finds signs of infringement of the rights for intellectual property, the release of such goods is suspended for ten working days.

If there is a request of the right holder or the party representing his interests, this period may be prolonged by the customs body, however, not more than ten working days, if the mentioned parties applied to the authorized bodies for protection of the rights of the right holder in compliance with the legislation of the member-states of the Customs Union.

The payment for inclusion in the customs register of objects of intellectual property and for application of procedure of suspension of release is not raised.

18. Are competent authorities required to act upon their own initiative and, if so, in what circumstances? Are there any special provisions applicable to *ex officio* action?

In accordance with article 308 of the Federal Law from 27 November 2010 No. 311-FZ, customs bodies are entitled to suspend the release of goods containing intellectual property items which have not been entered in the register if signs of an infringement of intellectual property rights are discovered and if information is available about the right holder (a representative thereof) on the territory of the Russian Federation. Customs bodies are entitled to request that the right holder provide the information required to execute the powers envisaged by the present article. If the release of goods is suspended in accordance with the present article, customs bodies shall inform the right holder and the declaring party accordingly not later than on the day following the date of suspension of release of the goods.

The clearance of goods shall be suspended for seven working days. The customs body is entitled to extend said term by up to ten working days if the right holder has sent a term-extension application in writing to the customs body and filed an application with the federal executive governmental body empowered in the area of customs affairs for inclusion of the relevant intellectual property item in the register in accordance with Article 306 of the Law from 27 November 2010 No. 311-FZ.

The right holder is entitled to receive information from the customs body about the goods in respect of which a release suspension decision is taken in accordance with the present article and also to take samples and specimens of such goods.

A decision on suspension of the release of goods shall be revoked before the expiry of the term of suspension of clearance of the goods if the information held by the customs body concerning the right holder has not been confirmed or the right holder (a representative thereof) has asked the customs body to revoke such decision and also in the case envisaged by Article 310 of the Law from 27 November 2010 No. 311-FZ. Unless before the expiry of the period of suspension of clearance of the goods the right holder fulfilled the conditions set out in Part 2 of the present article or the empowered body took a decision on seizure of the goods, arrest or confiscation thereof, the goods shall be cleared in the procedure established by the customs legislation of the Customs Union and the Law from 27 November 2010 No. 311-FZ.

The measures envisaged are not applicable to the goods containing intellectual property items on which measures have been earlier taken in accordance with referred article.

19. Describe the remedies that the competent authorities have the authority to order and any criteria regulating their use.

The Code of the Russian Federation on Administrative Offences provides for administrative liability of infringement of intellectual property rights in:

- article 7.12 of the Code "Infringement of the copyrights and related rights, inventive and patent rights" and item;
- article 14.10 of the Code "Illegal use of a trade mark".

According to chapter 28 of the Code of the Russian Federation on Administrative Offences, customs authorities in case of identification of grounds of an administrative infringement, have the right to bring an administrative offence action, make an investigation and send materials of a case to the court which takes the decision on the nature of an administrative punishment.

Within the limits of administrative proceedings, the Code of the Russian Federation on Administrative Offences allows customs bodies of the Russian Federation to make withdrawal and arrest of the goods which were tools of administrative infringement.

Cases of administrative infringement consistent with article 14.10 of the Code of the Russian Federation on Administrative Offences committed by legal persons and individual entrepreneurs are subject of consideration of the judge of arbitration courts, as it is stipulated in part 3 of article 23.1 of the Code of the Russian Federation on Administrative Offences.

Cases of administrative infringement consistent with article 14.10 of the Code of the Russian Federation on Administrative Offences committed by natural persons are subject of consideration of the judge of Courts of Law, as it is stipulated in part 1 of article 23.1 of the Code of the Russian Federation on Administrative Offences.

In court the victim in the case of an administrative infringement can defend intellectual property right.

Proceeding from the meaning of article 25.2 of the Code of the Russian Federation on Administrative Offences, the victim is the legal person or carrying out commercial activity natural person - the owner of an exclusive right to means of an individualization (right holder) to whom administrative infringement causes moral or property damage. Property damage may be understood as the loss of profits, which this person would have derived under the ordinary conditions of the civil turnover, if his right were not violated (the missed profit). Moral harm (natural and moral suffering) may be understood as the consequences of distribution of the data discrediting the business reputation of the natural or legal person.

According to part 3 of article 25.2 of the Code of the Russian Federation on Administrative Offences, a case concerning an administrative offence shall be considered with the participation of the aggrieved party. In the absence thereof a case may only be tried if there is evidence of the proper notification of the aggrieved party about the place and time of consideration of the case, or if the aggrieved party has not made a petition to postpone consideration of the case, or if such petition has not been allowed.

In this connection and on the basis of article 29.4 of the Code of the Russian Federation on Administrative Offences during preparation for a legal investigation on administrative infringement the judge resolves a question upon request from the persons in accordance with the Code of the Russian Federation on Administrative Offences, including the victim. Also the victim is entitled to familiarize himself with all the materials of a case concerning an administrative offence, to give explanations, to present evidence, to make petitions and objections, to have the legal assistance of a representative, to appeal against a decision on this case, and to enjoy other procedural rights in compliance with this Code.

Judicial remedies:

- Issue of decision on adoption of an administrative punishment (of the Code of the Russian Federation on Administrative Offences);
- Ways of protection of exclusive rights (civil-law responsibility) are listed in articles 1250, 1252, 1253, 1301, 1311, 1312 of the Civil Code of the Russian Federation.

Intellectual rights are protected by the remedies envisaged by the Civil Code of the Russian Federation, especially in articles 1250, 1252, 1253, 1301, 1311, 1312 with account taken of the essence of the right violated and of the consequences of the infringement of the right.

The remedies set out in the Civil Code of the Russian Federation for intellectual property rights shall be applicable at the request of right holders, collective management organizations, and also other persons in the cases established by law.

The lack of fault of an infringer shall neither render him free of the duty to stop infringement of intellectual rights nor preclude the imposition of the sanctions on the infringer to protect the rights. For instance, the publication of a court's decision on an infringement committed and the stopping of the actions infringing the exclusive right to the result of intellectual activity or means of individualization or creating the threat of infringement of the right shall take place irrespective of the infringer's fault and at the expense of the infringer.

Criminal Procedures

20. Specify the courts which have jurisdiction over criminal acts of infringement of IPRs.

According to the provisions of parts 1 and 2 of article 31 of the Criminal Procedural Code of the Russian Federation, criminal cases on crimes provided by articles 146 "Infringement of the copyrights and related rights, 147 "Infringement inventive and patent rights" and 180 "Illegal use of a trade mark" of the Criminal Code of the Russian Federation are in the jurisdiction of the Court of Law.

21. In respect of which infringements of which intellectual property rights are criminal procedures and penalties available?

The Criminal Code of the Russian Federation establishes responsibility for:

appropriation of authorship (plagiarism), if this act has caused significant damage to the author or another possessor of the right;

illegal use of objects of copyright or related rights, as well as the acquisition, storage or carriage of counterfeited copies of works or phonograms for the purpose of sale carried out on a large scale;

illegal use of objects of copyright or related rights, as well as the acquisition, storage or carriage of counterfeited copies of works or phonograms for the purpose of sale committed by a group of persons by previous concert or by an organized group, on an especially large scale, by a person with the use of his official position;

illegal use of an invention, utility model, or industrial design, disclosure of the essence of an invention, utility model, or industrial design, without the consent of its author or applicant, and before the official publication of information about them, the illegal acquisition of

authorship, or the compelling to co-authorship, if these acts have inflicted damage to a person;

illegal use realized by a group of persons with preliminary accord or by an organized group of an invention, utility model, or industrial design, disclosure of the essence of an invention, utility model, or industrial design, without the consent of its author or applicant, and before the official publication of information about them, the illegal acquisition of authorship, or the compelling to co-authorship, if these acts have inflicted damage to a person;

illegal use of a trademark or service mark, name of the place of origin of goods, or similar designations for homogeneous goods, if this deed has been committed repeatedly or has caused substantial damage;

illegal use of a trademark or service mark, name of the place of origin of goods, or similar designations for homogeneous goods, if this deed has been committed repeatedly or has caused substantial damage committed by a group of persons by previous concert or by an organized group;

illegal use of special marking in respect to a trademark which is not registered in the Russian Federation, or the name of the place of origin of goods, if this deed has been committed repeatedly or has inflicted sizable damage;

illegal use of special marking in respect to a trademark which is not registered in the Russian Federation, or the name of the place of origin of goods, if this deed has been committed repeatedly or has inflicted sizable damage committed by a group of persons by previous concert or by an organized group.

22. Which public authorities are responsible for initiating criminal proceedings? Are they required to do this on their own initiative and/or in response to complaints?

In the Russian Federation, criminal proceedings can be initiated by the Ministry of Interior of the Russian Federation, the Investigative Committee of the Russian Federation, the General Prosecutor's Office.

In accordance with the third part of article 20 of the Criminal Procedural Code of the Russian Federation, criminal cases related to illegal use of objects of copyright or related rights, as well as the acquisition, storage or carriage of counterfeited copies of works or phonograms for the purpose of sale carried out on a large scale and to illegal use of an invention, utility model, or industrial design, disclosure of the essence of an invention, utility model, or industrial design, without the consent of its author or applicant, and before the official publication of information about them, the illegal acquisition of authorship, or the compelling to co-authorship are considered as criminal cases of the private-public prosecution and are initiated only upon application from the victim, or from his legal representative, but are not subject to the termination in connection with the victim's reconciliation with the accused, with the exception of the cases envisaged in the Criminal Code of the Russian Federation.

In accordance with the third part of article 20 of the Criminal Procedural Code of the Russian Federation, the head of an investigative agency, the investigator, as well as the inquirer with the consent of the procurator shall institute a criminal case on any crime indicated in Parts Two and Three of this Article, and in the absence of an application of the victim or his legal representative, if the crime has been committed in respect of a person who, due to his dependent or helpless state or for other reasons cannot defend his rights and legal interests. The other reasons shall also include the case of commission of a crime by a person the information about whom is unknown.

All other acts committed under articles 146, 147 and 180 of the Criminal Code of the Russian Federation are criminal cases of public charge and are raised in an order established by article 146 of the Criminal Procedural Code of the Russian Federation.

23. Do private persons have standing to initiate criminal proceedings and, if so, who?

Are entitled to initiate legal proceedings (criminal prosecution) associated with the crimes referred to in Articles 146, 147, 180 of the Criminal Code of the Russian Federation a natural person having the personal and property rights of intellectual property, or his legal representative, as well as other persons (both physical and legal), who own these rights on a legal basis, through an inheritance or through a contract and who suffered physical, material or moral harm.

24. Specify, by category of IPR and type of infringement where necessary, the penalties and other remedies that may be imposed: imprisonment; monetary fines; seizure, forfeiture and destruction of infringing goods and materials and implements for their production; other.

In accordance with Article 146 of the Criminal Code of the Russian Federation, penalties for infringement of Copyright and Related Rights are:

Appropriation of authorship (plagiarism), if this act has caused significant damage to the author or another possessor of the right - shall be punishable with a fine in an amount of up to 200,000 roubles or in the amount of the wage or another income of the convicted person for a period of up to 18 months, or with obligatory work for a period of up to 480 hours, or by corrective labour for a term of up to one year, or with arrest for a period of up to six months.

Illegal use of objects of copyright or related rights, as well as the acquisition, storage or carriage of counterfeited copies of works or phonograms for the purpose of sale carried out on a large scale - shall be punishable by a fine in the amount of up to 200,000 roubles, or in the amount of a wage/salary or other income of the convicted person for a period of up to 18 months, or by obligatory labour for a term of up to 480 hours, or by corrective labour for a term of up to two years, or by compulsory labour for a term of up to two years, or by deprivation of liberty for the same term.

Acts stipulated by both of the previous paragraphs, if they have been committed: by a group of persons by previous concert or by an organized group; on an especially large scale; by a person with the use of his official position - shall be punishable by compulsory labour for a term of up to five years, or by deprivation of liberty for a term of up to six years accompanied by a fine in the amount of up to 500,000 roubles or in the amount of a wage/salary or other income of the convicted person for a period of up to three years.

Acts stipulated in the previous paragraphs shall be deemed to have been committed on a large scale if the value of the copies of the works or phonograms or the value of the rights for the use of the objects of copyright or related rights exceed 100,000 roubles, and on an especially large scale - one million roubles.

In accordance with Article 147 of the Criminal Code of the Russian Federation, penalties for the infringement of Inventor's Rights and Patent Rights are:

Illegal use of an invention, utility model, or industrial design, disclosure of the essence of an invention, utility model, or industrial design, without the consent of its author or applicant, and before the official publication of information about them, the illegal acquisition of

authorship, or the compelling of co-authorship, if these acts have inflicted damage to a person - shall be punishable with a fine in an amount of up to 200,000 roubles, or in the amount of a wage/salary, or any other income of the convicted person for a period of up to 18 months, or by obligatory labour for a term of up to 480 hours, or by compulsory works for a term of up to two years, or by deprivation of liberty for the same term.

The same deeds committed by a group of persons by previous concert or by an organized group - shall be punishable with a fine in an amount of from 100,000 to 300,000 roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of up to eight months, or by arrest for a term of from one to two years, or by compulsory labour for a term of up to five years, or by deprivation of liberty for a term of up to five years.

In accordance with Article 180 of the Criminal Code of the Russian Federation, penalties for infringement of trademarks, service marks, name of the place of origin of goods are:

Illegal use of a trademark or service mark, name of the place of origin of goods, or similar designations for homogeneous goods, if this deed has been committed repeatedly or has caused substantial damage - shall be punishable with a fine in an amount of up to 200,000 roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period up to 18 months, or by compulsory works for a term of up to 480 hours, or by corrective labour for a term of up to two years.

Illegal use of special marking in respect to a trademark which is not registered in the Russian Federation, or the name of the place of origin of goods, if this deed has been committed repeatedly or has inflicted sizable damage - shall be punishable with a fine in an amount of up to 120,000 roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of up to one year, or by compulsory works for a term of up to 360 hours, or by corrective labour for a term of up to one year.

The actions specified in both of the previous paragraphs committed by a group of persons by previous concert or by an organized group - shall be punishable by a fine in the amount of 500,000 to 1,000,000 roubles or in the amount of a wage/salary or other income of the convicted person for a period of three to five years, or by compulsory labour for a term of up to five years, or by deprivation of freedom for a period of up to six years with a fine in the amount of up to 500,000 roubles or in the amount of a wage/salary or other income of the convicted person for a period of up to three years.

25. Describe provisions governing the length and any cost of proceedings. Provide any available data on the actual duration of proceedings and their cost, if any.

Article 6.1 of the Criminal Procedural Code of the Russian Federation establishes a reasonable term of criminal legal proceedings as one of the principles of criminal legal proceedings. In the article it is defined that Criminal court proceedings shall be carried out within the time-periods fixed by this Code. It shall be permissible to extend these time-periods in the instances and in the procedure which are provided for by this Code but criminal prosecution, infliction of punishment and termination of criminal prosecution shall be effected within a reasonable time.

When fixing a reasonable time of court proceedings, which is a time-period from the start of the criminal prosecution to the termination of criminal prosecution or passing the judgment of conviction, shall be taken into account such circumstances as the legal and factual complexity of a criminal case, behaviour of the criminal court proceedings' participants, sufficiency and effectiveness of actions of court, prosecutor, head of an investigatory body, investigator, head of an inquiry subdivision, inquiry

body and inquirer, which are made with the aim of carrying out a criminal prosecution or trying a criminal case in due time and the total duration of criminal proceedings.

A preliminary investigation term according to article 162 of the Criminal Procedure Code of the Russian Federation shall be completed within two months from the day of institution of the criminal case.

Into the term of the preliminary investigation shall be included the period of time from the day of institution of the criminal case until the day of forwarding it to the public prosecutor with the conclusion of guilt or with the resolution on handing over the criminal case to the court for examining the question about the application of forcible measures of the medical character, or until the day of adopting the resolution on the termination of the proceedings on the criminal case.

Into the term of the preliminary investigation shall not be included the time for appealing by an investigator against the prosecutor's decision where it is provided for by Item 2 of Part One of Article 221 of the Criminal Procedure Code of the Russian Federation, as well as the time during which the preliminary investigation was suspended on the grounds envisaged by the present Code.

The term of the preliminary investigation stipulated by the first paragraph of the article may be extended up to three months by the head of the corresponding investigatory body.

The term of the preliminary investigation on a criminal case, the inquisition of which is particularly complicated, may be extended by the head of the investigatory agency for a constituent entity of the Russian Federation and by another head of an investigatory body equated therewith, as well as by deputies thereof, by up to twelve months. A further extension of the term of the preliminary investigation may be effected only in exceptional cases by the Chairman of the Investigation Committee of the Russian Federation, by the head of the investigatory agency of the appropriate federal executive body (under the federal executive body) or by deputies thereof.

If it is necessary to extend the term of the preliminary investigation, the investigator shall pass the corresponding resolution and shall submit it to the chief of an investigatory agency not later than five days prior to an expiry of the term of the preliminary investigation.

In accordance with article 227 of the Criminal Procedural Code of the Russian Federation on the criminal case which has arrived at the court, the judge shall take the decision within a time term of not later than 30 days after the day of the criminal case coming to the court. If the court accepts a criminal case with respect to an accused who is held in custody, the judge shall be obliged to take the decision within a term of no more than 14 days after the day or arrival of the criminal case at the court. On the request of a party the court is entitled to provide it with an opportunity to additionally familiarize itself with the criminal case materials.

In accordance with article 233 of the Criminal Procedural Code of the Russian Federation (Time Term for the Beginning of the Proceedings in a Court Session):

the examination of a criminal case in a court session shall be started not later than within 14 days from the day of the judge passing the resolution on an appointment of the court session, and as concerns the criminal cases considered by a court with the participation of jurors - not later than within 30 days;

the consideration of a criminal case in a court session cannot be started earlier than seven days from the day of submission in a copy of the conclusion of guilt or of the bill of indictment to the accused;

if, after its submission to a court, the case is not considered for a long time and the trial is delayed, interested persons may contact the Chairman of the Court for a statement to expedite the proceedings. According to the results of the application the Chairman of the Court shall issue a reasoned decision, which can be to give a deadline for the hearing of the case and (or) other procedural actions can be taken to expedite the proceedings.

According to article 131 of the Criminal Procedural Code of the Russian Federation, procedural costs shall be expenses connected with the proceedings on the criminal case, which shall be recompensed from the funds of the federal budget or from the means of the participants in the criminal court proceedings.

To the procedural costs shall be referred:

- (1) amounts payable to a victim, witness, their legal representatives, an expert, specialist, interpreter, attesting witnesses, and also a lawyer participating in a criminal case by assignment of an inquirer, investigator or the court, for covering the expenses connected with appearance at the place of performance of procedural actions and stay (expenses on travel, rental of housing accommodation and additional expenses connected with staying outside the place of permanent residence (per diems));
- (2) the sums, paid out to the working victim, witness, their legal representatives and the attesting witnesses in compensation for the non-received wages over the time they have spent in connection with the summons to the body of inquiry, to the investigator, to the public prosecutor or to the court;
- (3) the sums, paid out to the victim, the witness, their legal representatives and the attesting witnesses, who have no permanent wages, for distracting them from their usual occupations;
- (4) the remuneration, paid out to the expert, interpreter or specialist for the discharge of their duties in the course of the criminal court proceedings, with the exception of the cases, when these duties were discharged by them under official orders;
- (5) the sums, paid out to the lawyer for his rendering legal advice, if the lawyer is taking part in the criminal court proceedings by appointment;
- (6) the sums, expended for the storage and sending over of the demonstrative evidence;
- (7) the sums, spent for carrying out the forensic medical expertise at the expert institutions;
- (8) the monthly state allowance in the amount of five minimum sizes of the remuneration of labour, paid out to the accused, temporarily dismissed from the post in accordance with the procedure established by the Criminal Procedural Code of the Russian Federation;
- (9) the other costs, made in the course of the proceedings on the criminal case and envisaged by the present Code.

The sums, pointed out in points (1)-(9), shall be paid out in accordance with the resolution of the inquirer, the investigator, the public prosecutor or of the judge, or under a court ruling.

In accordance with article 132 of the Criminal Procedural Code of the Russian Federation, procedural costs shall be recovered from the convicts or shall be recompensed from the funds of the federal budget.
