

Newsletter

Possible restrictions on IP transactions with foreign persons under Presidential Decree No. 81

12 December 2023

Dear Ladies and Gentlemen,

Please be informed that a Draft Presidential Decree (the "**Draft**")¹ amending Presidential Decree No. 81 dated 1 March 2022 (the "**Decree No. 81**") has been published.

The Draft extends the procedure established by Decree No. 81 for the approval of transactions concluded between Russian residents and foreign persons of unfriendly states and persons they control to transactions involving ("**IP Transactions**"):



- (i) the assignment of exclusive rights to results of intellectual activity or means of individualization;
- (ii) the pledge of exclusive rights to results of intellectual activity or means of individualization.

Thus, once the Draft is adopted, the conclusion and/or execution of IP Transactions will require approval from the Government Commission for Control over Foreign Investments in Russia. Failure to obtain approval may invalidate any IP Transactions that are concluded.

The Draft is currently undergoing an anti-corruption expert examination. Once the Draft is adopted, the new restrictions shall come into force **from the date of its official publication**.

We advise you to consider potential future regulations and their effects on current and planned IP Transactions, in particular:



- **completing ongoing IP Transactions** between Russian residents and foreign persons from unfriendly states and persons they control;
- **completing the registration of the transfer of IP assets or their encumbrances** with the Russian IP Office (Rospatent) in relation to IP Transactions that have been concluded or are ongoing;
- **taking into account possible new restrictions** when planning future IP Transactions (e.g., the transaction approval procedure, exit tax, etc.).

We will continue to monitor this Draft and will let you know when it comes into force and prepare a more detailed newsletter on its implications for IP Transactions.

¹The Draft is available here, in Russian only: <https://regulation.gov.ru/Regulation/Npa/PublicView?npaID=144144>

We hope that the information provided herein will be useful for you. If any of your colleagues would also like to receive our newsletters, please let us know by sending us his/her email address in response to this message. If you would like to learn more about our [Intellectual Property Practice](#), please let us know in reply to this email. We will be glad to provide you with our materials.

NB: Please note that all information was taken from open sources. Neither ALRUD, nor the author of this letter, is responsible for any consequences that arise as a result of making decisions based on this letter.

If you have any questions,
please, contact ALRUD Partner



Maria Ostashenko

Partner

Commercial, Intellectual Property, Data
Protection and Cybersecurity

Sincerely,
ALRUD Law Firm

E: mostashenko@alrud.com