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### TOOLS OF PROTECTION OF INTELLECTUAL PROPERTY OBJECTS USED BY CUSTOMS AUTHORITIES

*Research field:*

*Intellectual property as an object of international trade*

The competence of the customs authorities of the member States of the Eurasian Economic Union (further – EAEU) includes the protection of intellectual property objects (further – IPO) and the prevention of the transportation of counterfeit products into the territory of the EAEU. In order to fulfill the above tasks, the customs authorities use tools to protect the IPO. Such tools include: suspension of the release data of goods; interaction of customs authorities and copyright holders; functioning of customs registers of intellectual property objects.

Let's consider in detail the tools used by customs authorities to protect the IPO:

1. Suspension of the release data of goods. The customs authorities have the right to suspend the data of release of goods for 10 days<sup>1</sup>.

2. Interaction of customs authorities and copyright holders. The right holders should assist the customs authorities. If the right holders do not assist the customs authorities, then there is a risk of transporting counterfeit products to the territory of the EAEU, since after the expiration of the period during which the customs authorities can suspend the release of goods, the goods must be released. Thus, 30-50% of requests from customs authorities to copyright holders remain unanswered<sup>2</sup>.

Customs registers. The national customs register of intellectual property objects (further – CRIPO) operates in each EAEU member State, as well as in the EAEU in 2010 on the basis of the Agreement on the unified customs register of intellectual property objects of the Customs Union Member States<sup>3</sup> (this Agreement isn't into force) the unified customs register of intellectual property objects (further – UCRIPO) has been created, but at the moment there are

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<sup>1</sup> «Customs Code of the Eurasian Economic Union» (as amended on 29.05.2019, with amendments. dated 18.03.2023) (Appendix No. 1 to the Agreement on the Customs Code of the Eurasian Economic Union) [Electronic resource] // ConsultantPlus. – Mode of access: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_215315/](https://www.consultant.ru/document/cons_doc_LAW_215315/). – Date of access: 01.05.2024.

<sup>2</sup> Sorokin, A.M. Actual directions of development of the Institute of the unified customs register of intellectual property objects of the Eurasian Economic Union / A.M. Sorokin, M. A. Sorokin // Azimut of scientific research: economics and management. – 2018. – № 4 (25). – P. 291-294.

<sup>3</sup> Agreement dated 21.05.2010 [Electronic resource] // Customs portal for participants of foreign economic activity. – Mode of access: <https://www.alt.ru/tamdoc/10ss0010/>. – Date of access: 01.05.2024.

no registered IPOs in it. The legal basis for maintaining CRIPO is Article 386 of the Customs Code of the EAEU, and for UCRIPO – Article 385 of the Customs Code of the EAEU and the Decision of the EEC Board № 35 «On Maintaining the Unified Customs Register of Intellectual Property Objects of the Member States of the Eurasian Economic Union»<sup>1</sup>.

It is necessary to highlight the reasons related to the fact that no IPO have been registered in ETROIS to date:

1) UCRIPO includes intellectual property objects that are protected in each Member State. To date, the number of IPO included in the CRIPO of the EAEU member states varies. At the same time, out of the total number of IPO included in the CRIPO, 15 trademarks are subject to simultaneous protection by customs authorities<sup>2</sup>.

2) Now the Eurasian Economic Commission (further – EEC) does not accept an application for the inclusion of the IPO in the UCRIPO due to the need to develop and implement a common information system that ensures electronic document flow between the EEC, applicants and the central customs authorities of the EAEU member States<sup>3</sup>. The creation of this information system requires a lot of cost.

There are no uniform rules governing parallel imports in the EAEU member States. Parallel import is the import into the territory of the country of original goods marked with a trademark with the permission of the copyright holder, by persons who do not have documented consent from the copyright holder for their import, which occurs through the use of parallel, alternative channels, and not through work with an accredited distributor<sup>4</sup>. At the same time, «parallel import» and «counterfeit goods» are completely different concepts, since counterfeit goods are goods, labels, packages of goods on which a trademark or a confusingly similar designation is illegally placed<sup>5</sup>. Based on the above definitions, it should be concluded that «parallel import» is the import of original products on which trademarks are legally placed.

Why are uniform rules regarding parallel imports important? We take two EAEU member states - the Russian Federation and the Republic of Kazakhstan and the Adidas trademark. So, in the Republic of Kazakhstan, the trademark was entered into the CRIPO, and in

<sup>1</sup> Decision of the EEC Board dated 06.03.2018 № 35 [Electronic resource] // Customs portal for participants of foreign economic activity. – Mode of access: <https://www.alta.ru/tamdoc/18kr0035/>. – Date of access: 01.05.2024

<sup>2</sup> Unified Customs Register of Intellectual Property objects [Electronic resource] // Eurasian Economic Commission. – Mode of access: <https://eec.eaeunion.org/upload/medialibrary/b37/13.-Edinyy-tamozhenny-reestr-obektov-intellektualnoy-sobstvennosti.pdf>. – Date of access: 01.05.2024.

<sup>3</sup> Intellectual property [Electronic resource] // Eurasian Economic Commission. – Mode of access: <https://eec.eaeunion.org/comission/department/dobd/intelsobs/>. – Date of access: 01.05.2024.

<sup>4</sup> Aksekov, I. A. Features of the concept of «Parallel import» / I. A. Aksekov // Russian Studies in Law and Politics. – 2023. – № 4-2 (7). – P. 12-16.

<sup>5</sup> The Civil Code of the Russian Federation (part four) dated 18.12.2006 N 230-FL (as amended on 30.01.2024) [Electronic resource] // ConsultantPlus. – Mode of access: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_64629/](https://www.consultant.ru/document/cons_doc_LAW_64629/). – Date of access: 01.05.2024.

the Russian Federation it was not entered due to sanctions. From this example, the question arises: «How to protect a trademark if it is included in the UCRIPO?». Trademark protection in UCRIPO is not possible, since the condition «UCR IPO includes intellectual property objects that are protected in each Member State» will not be fulfilled, and at the same time there is a risk of transporting counterfeit products. In this regard, in order for the OIS to be included in the UCR IPO, it is necessary to create a document at the supranational level that will regulate issues related to parallel imports.

Thus, UCR IPO is one of the tools for the protection of the IPO, which operates in the EAEU, but now there is not a single IPO registered in it. In this regard, the author highlights such reasons as:

1. UCR IPO includes IPO that are subject to protection in all EAEU member States.
2. The implementation of the information system is expensive for the EAEU member States.
3. Issues related to parallel import. This problem can be solved by creating a document at the supranational level.

Summarizing the above information, it should be concluded that the customs authorities of the EAEU member States protect the IPO through the use of tools. At the same time, customs authorities now use such tools to protect the IPO as suspending the release date of goods; interaction between customs authorities and copyright holders; CRIPO. UCR IPO functions as a tool for protecting the IPO in the EAEU, but now it is not used by customs authorities. In order for the IPO to be included in the UCR IPO, the problems considered by the author should be solved.

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## **DEVELOPMENT OF THE ELECTRONIC DECLARATION CENTER OF THE CUSTOMS AUTHORITIES OF THE REPUBLIC OF BELARUS**

*Research Field:*  
*Innovative technologies in international trade.*

Information technologies have an impact on all spheres of modern life. In this regard, customs authorities are conducting various experiments and implementing pilot projects aimed at optimizing customs operations. Optimization, as a rule, means acceleration of customs