

# **Development trends in the field of Intellectual Property in Belarus**

Aliaksandr Yanchuk

Belarus State Economic University, Department of World Economy

Associate professor

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## **1. Background**

Sustainable economic growth in modern conditions depends on the sale of high-tech production, the introduction of research and development results into circulation, the provision of knowledge-based services, and a decreasing dependence on the export of natural resources. Building a knowledge economy will ensure a high level of income in the future. Therefore, strengthening the sphere of Intellectual Property(IP) should become a fundamental direction of the country's social development.

The Republic of Belarus has been tasked to increase its innovative potential and stimulate economic growth. To ensure the high quality of R&D and the creation of high-tech production, the government is actively involved in attracting investment from innovative companies to the national economy that can provide financing for innovation, the use of skills and the diffusion of technological know-how that are not available at the local or regional levels.

The purpose of the study is to analyze changes in the submitted applications for registration of IP rights in the EAEU countries to prepare recommendations in the field of IP

## **2. Analysis of the numeric trend of IP applications**

To analyze the trends in the field of IP, the author conducts a comparative study of the number of applications filed in Belarus and the EAEU countries for registration of IP rights, in particular for patents, trademarks, industrial designs, and utility models. For the study, the statistical information of the World IP Organization official website for 2009-2019 was used (the latest available data) [7]. It should be noted that there is no information for some countries for certain periods of time. But the missing information did not have a significant impact on the study results.

Figure 1 shows the total number of patent applications filed (from residents and non-residents).

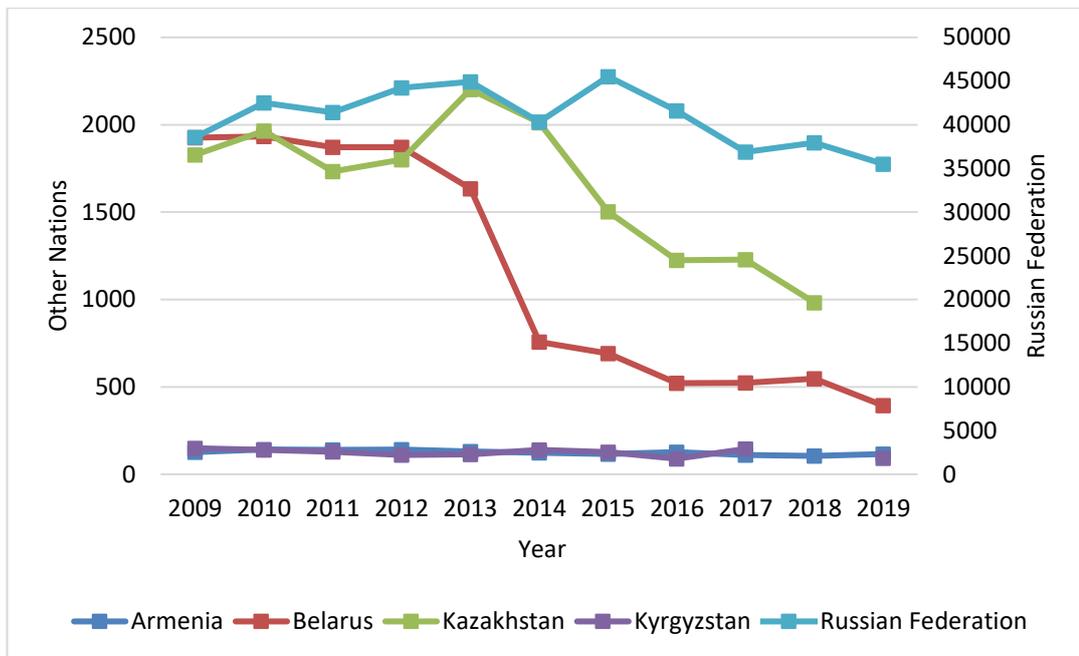


Figure 1 - The total number of applications for registration of patents in the EAEU Member States

The Russian Federation is the leader in the number of applications. However, since 2015 there has been a downward trend. There is also a downward trend in Kazakhstan. In Armenia and Kyrgyzstan, the number of applications has always been small, and their changes do not show any pronounced trend. In Belarus, the total number of applications until 2013 was on a par with Kazakhstan. But since 2014, their number has been sharply decreasing.

Analyzing the data presented in Figure 2, it can be noted that trends in the number of applications for registration of trademarks differ from patent applications.

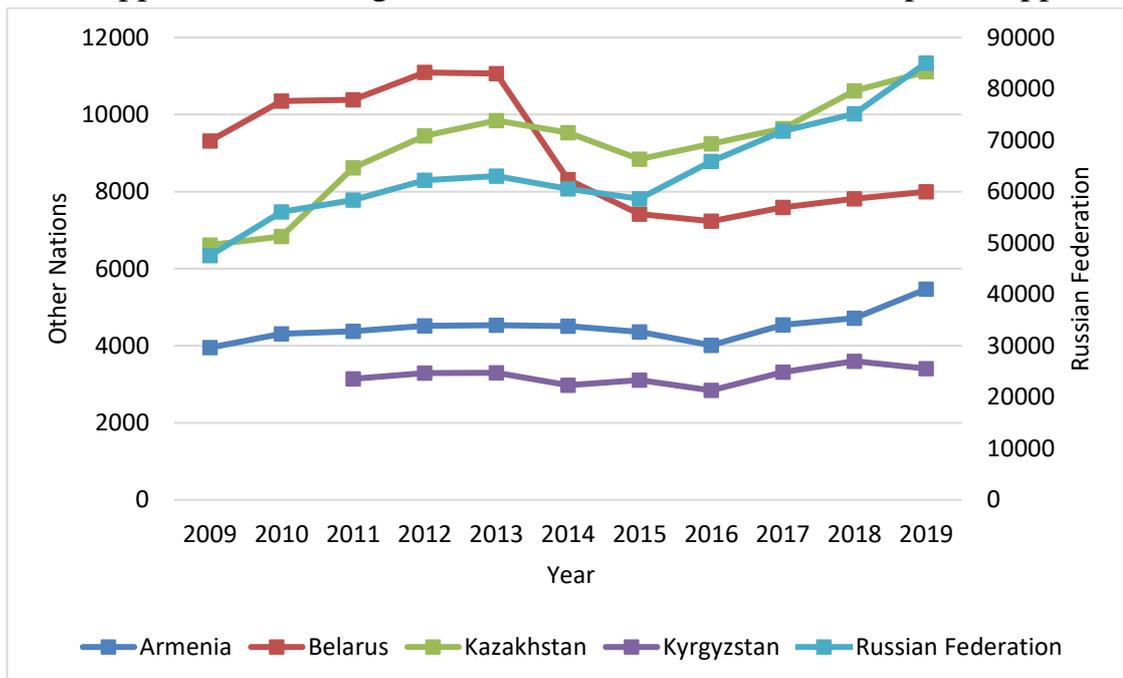


Figure 2 - The total number of applications for registration of trademarks in the EAEU Member States

In Russia, after a short decrease in the number of applications, there has been a significant increase since 2015. An upward trend is also observed in other EAEU Member States. In Belarus in 2014 there was a decrease in applications compared to previous years. But then there is an annual increase in their number, although the level of 2009-2013 has not yet been reached.

The trends in the development of submitted applications for registration of industrial designs are shown in Figure 3.

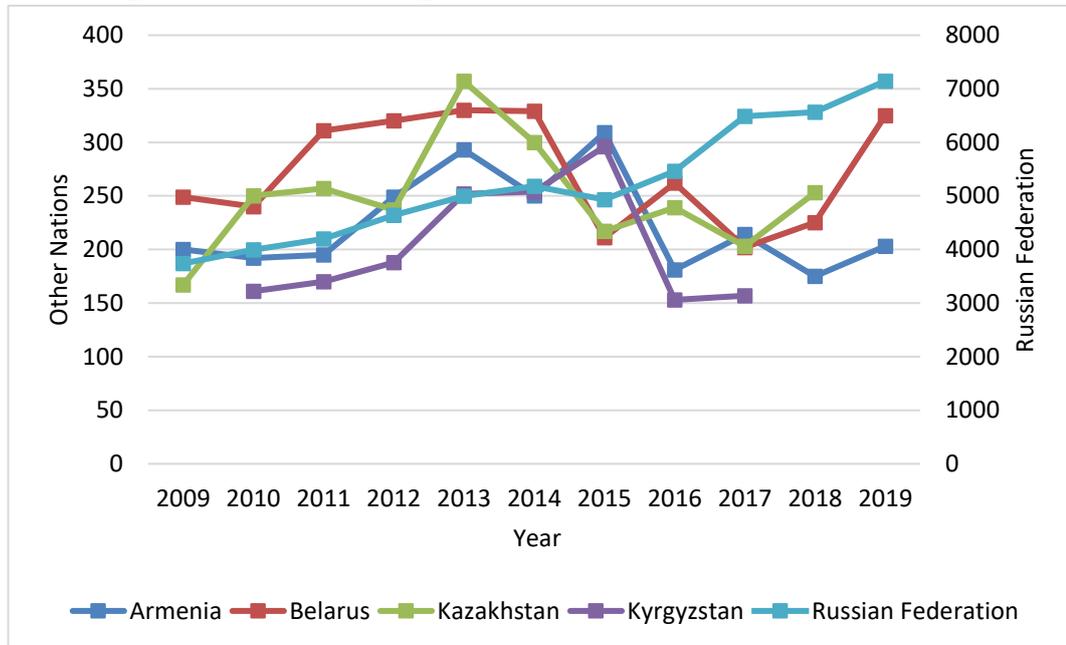


Figure 3 - The total number of applications for registration of industrial designs in the EAEU Member States

The number of applications in the Russian Federation has a clear upward trend. A slight decrease was noted in 2015, but this did not change the general direction. In Armenia, the peak was reached in 2015, after which the number of applications fluctuated upward or downward annually. Therefore, for this country it is not yet possible to identify a definite tendency. The same can be noted for Kazakhstan, only the peak was reached in 2013. In Kyrgyzstan, the maximum values of the number of applications were observed in the period 2013-2015, after which their number decreased again. In Belarus, the period of a large number of applications was noted in 2011-2014, after which there was a decline. But in 2019, their number increased again.

Analyzing the number of applications for registration of utility models (Figure 4), the following features can be distinguished.

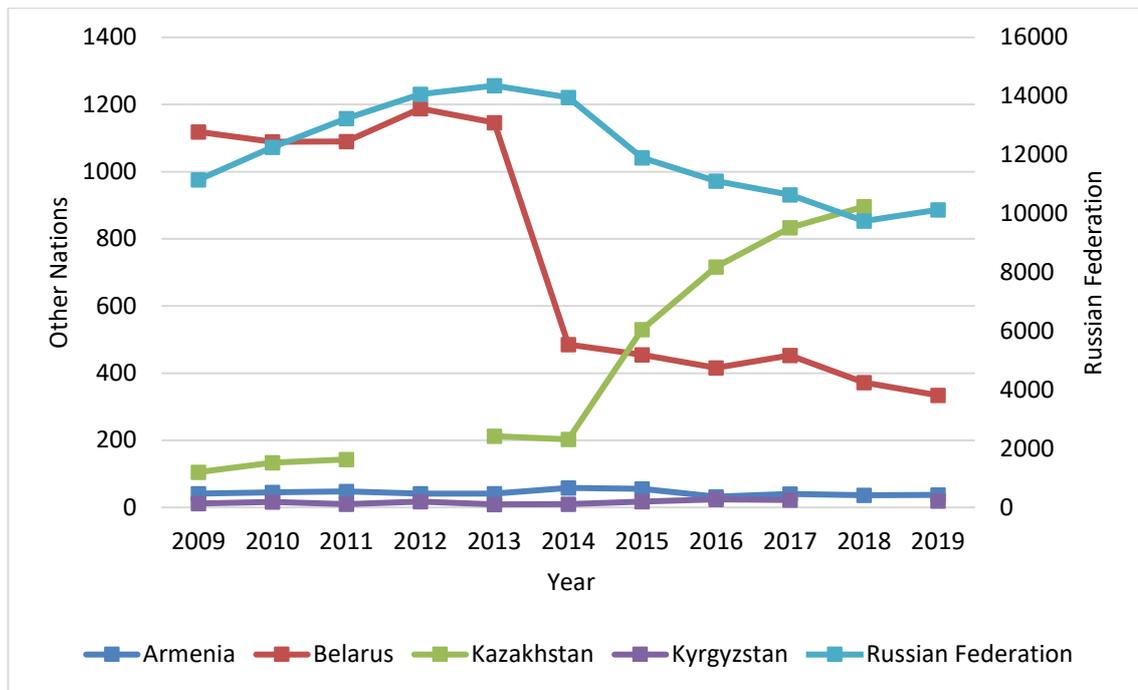


Figure 4 - The total number of applications for registration of utility models in the EAEU Member States

In Russia, there has been a decrease in the number of applications filed since 2014, although there was a slight increase in 2019 compared to the previous year. In Armenia and Kyrgyzstan, the number of applications was low. In Kazakhstan, on the contrary, there has been a sharp increase in recent years, starting in 2015. In Belarus, after 2013, a decrease is also observed, similar to the trend in the number of applications for registration of patents.

### 3. IP Policy in Belarus and EAEU countries

To improve the situation in the field of IP and increase the number of applications, the government has taken a number of measures.

#### 3.1. Development of state policy on IP in Belarus

The national legislation of the Republic of Belarus in the field of IP generally complies with international standards: as of early 2020, the country has ratified 17 international agreements administered by World Intellectual Property Organization(WIPO), as well as more than two dozen inter-state multilateral and bilateral treaties and agreements within the CIS and with other countries.

To implement the state policy in the field of IP in Belarus, an IP governance system has been created [1]. The executive branch includes the Council of Ministers, the State Committee for Science and Technology(SCST) and the National Center for Intellectual Property(NCIP).

Council of Ministers	Commission on State Scientific and Technical Policy
NCIP	SCST
	Institute of Patent Attorneys
	Institute of Independent Appraisers of IP Objects

- Commission on State Scientific and Technical Policy considers the problems of the implementation of economic, legal and technical policy in the field of IP protection.
- NCIP ensures the protection of IP rights and performs the functions of a patent authority.
- SCST is a republican government body that conducts state policy, regulates and manages the protection of IP rights.
- The Institute of Patent Attorneys and the Institute of Independent Appraisers of IP Objects are aimed at providing assistance to legal entities and individuals in obtaining titles of protection for industrial property and assessing the value of rights for IP objects.

In 2019 in Belarus, work was carried out to prepare 37 draft regulatory legal acts and international treaties in the field of IP [2]. In order to provide national applicants with the opportunity to obtain a unified Eurasian patent for an industrial design, which will be valid on the territory of all member states of the Eurasian Patent Convention, a draft Law of the Republic of Belarus "On the accession of the Republic of Belarus to the Protocol on the Protection of Industrial Designs to the Eurasian Patent Convention of September 9 1994" was issued.

The directions for the development of the country's IP were determined in the Strategy of the Republic of Belarus in the field of IP for 2012–2020[3]. They provide for the formation of institutional foundations for the functioning of the national IP system that meets the current and future needs of the economy and society.

The Strategy of the Republic of Belarus in the field of IP for 2012–2020 is a continuation of the work on the development of the national IP system. The Strategy is aimed at ensuring the implementation of the main priorities of socio-economic policy and determines further goals and directions of state policy and the corresponding tasks in the field of IP [4].

The expected result from the implementation of the Strategy is an increase in the competitiveness of Belarusian producers and the economy as a whole, based on

the effective management of IP. Currently, Belarus is working on the draft IP Strategy for 2021–2030.

### **3.2. Development on IP strategy in EAEU**

The activities within the framework of the Eurasian Economic Union (EAEU) contribute to the improvement of the sphere of IP in the Republic of Belarus. The EAEU members are five countries: Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia.

As part of the development of Eurasian integration in the field of IP, the Agreement on the Coordination of Actions for the Protection of Rights to IP of September 8, 2015 and the Regulations for Information Interaction to it entered into force [5]. In accordance with these documents, the coordination of the activities of the authorized bodies of the Member States and the Commission for the formation of a uniform law enforcement practice in the Member States in the field of protection of IPRs, as well as the development of proposals for improving measures aimed at combating the spread of counterfeit products in the territory of the Union has been established.

Also, the Agreement on the Procedure for the Management of Copyright and Related Rights on a Collective Basis of December 11, 2017, which is aimed at creating a trust system of legal relations between right holders and organizations for the collective management of copyright and related rights, entered into force.

The Agreement on Trademarks, Service Marks and Appellations of Origin of Goods of the Eurasian Economic Union was signed on February 3, 2020.

In the last decade, the main efforts of the member states have been focused on increasing the level of commercialization and use of IP, as well as on stimulating innovative cooperation in order to create conditions for economic growth and the formation of a knowledge economy [6].

### **4. Conclusion & Recommendations**

Despite the improvements in legislation in Belarus, there has not been much improvement in the number of applications submitted. A complex of reasons operates here. The most important one that the decrease in the number of applications since 2014 was due, among other reasons, to an increase in the fee for their filing. The negative trend was one of the reasons why the Government of Belarus began active work to improve legislation. In addition, the EAEU has also begun to develop IP legislation. The connection exists between these two trends: the number of applications and the improvements in legislation. The tangible effect should be a little later, few time has passed so far.

Based on the results of the study, the following recommendations can be done.

- Improving the legal framework will help to increase the competitiveness of national products and stimulate the creation of new companies that actively use IP in their activities.

- Continuous cooperation and interaction between EAEU States in the field of IP will help achieve strategic economic and social development goals.

- Adoption of regional legal instruments, including action plans for a certain period, in the field of IP will allow countries to pursue uniform policies. Even if not all measures are completed on time, they will in any case lead to reforms of national legislation, improve the IP infrastructure, and contribute to the improvement of law enforcement practice.

- Creation of IP advisory bodies with representatives of all member states provides an opportunity for active interaction with all stakeholders, raises awareness of governments and the whole society.

- Implementation on an ongoing basis of strategic cooperation with institutional partners, private sector organizations and businesses on IP issues will lead to improved opportunities for commercialization, increase the innovation potential of individual countries and the entire region.

## List of sources

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