

APPROVED

Decision of Board

of Corporation NSRIIP

(The protocol No. 3 from August 27, 2012)

THE PROVISION  
ON THE ARBITRATION COURT  
OF INTELLECTUAL PROPERTY  
AT CORPORATION  
OF INTELLECTUAL PROPERTY NSRIIP

Moscow

2012.

Article 1. General provisions

1.1 The present Provision regulates questions of the organization of activity of the Arbitration court of intellectual property at Corporation of intellectual property NSRIIP.

1.2 The arbitration court of intellectual property at Corporation of intellectual property NSRIIP (further - "Arbitration court", "The arbitration court of Corporation NSRIIP") is created according to the decision of Board of Corporation of intellectual property NSRIIP (The protocol No. 3 from August 27, 2012).

On creation of the court by the organization which has created it – Corporation NSRIIP informed in the order established by the law Arbitration court of Moscow.

1.3 The arbitration court is created on the basis of the Federal law «About the arbitration courts in the Russian Federation» from July 24, 2002 of No. 102-FL, The federal constitutional law from 06.12.2011 N 4-FCL "About modification of the Federal constitutional law "About judicial system of the Russian Federation" and the Federal constitutional law "About arbitration courts in the Russian Federation", in connection with creation in system of arbitration courts of the Court by the intellectual rights also carries out the activity according to the Federal law "About the arbitration courts in the Russian Federation" from July 24, 2002 of No. 102-FL, Regulations of court and present Provision.

1.4 The arbitration court is constantly operating arbitration court, carrying out within its competence permission of disputes following from civil legal relationship between legal entities and (or) citizens , subordinated to it by law or contracts.

1.5 Regulations of court and also the present Provision in a part, defining the rules of arbitration trial, have for court and the dispute parties validity of "rules of constantly operating arbitration court", provided by the legislation of the Russian Federation.

## Article 2. Legal status of the arbitration court

2.1 The arbitration court is not the legal entity.

2.2 The arbitration court is created without restriction of term of activity.

2.3 The arbitration court is constantly operating arbitration court.

2.4 The arbitration court has the press with the full name in Russian.

2.5 The arbitration court has stamps and forms with the name, and also the emblem registered in accordance with the established procedure.

2.6 Full name of the arbitration court: "The arbitration court of intellectual property at Corporation of intellectual property NSRIIP".

2.7 Abbreviated names of the arbitration court: "The arbitration court of IP at Corporation NSRIIP", "AC of IP at Corporation NSRIIP".

2.8 Official names of the arbitration court in foreign languages, and also writing of the name of the arbitration court in a Latin transcription affirms the Board of Corporation NSRIIP.

2.9 The arbitration court has an exclusive right of use of the name on the territories of Russian Federation and beyond its limits.

2.10 Location of the arbitration court: 119049, Russian Federation, city of Moscow, Bolshaya Yakimanka St., 38.

2.11 The subject of activity of the arbitration court are:

- protection of the disturbed and challenged intellectual rights and legitimate interests of legal entities and citizens in the field of legal protection and uses of results of intellectual activity and the means of an individualization equated to them, including in the sphere of copyright and related rights, patent rights and the rights to selection achievements, rights to topology of integrated chips, rights to know-how, rights to means of the individualization of legal entities, goods, works, services and enterprises;

- preparation and carrying out legal examination within permission of concrete disputes in the sphere of intellectual property;

- consultation on legal questions of the founder and participants of Corporation NSRIIP, other interested persons;

- assistance to increase of legal culture, promotion of arbitration trial as highly effective and civilized way of settlement of disputes;

- assistance to scientific researches and professional education in legal, economic, administrative and other spheres, the organization and implementation of research and educational activity in the sphere of intellectual property;

-editorial-publishing and educational activity.

### Article 3. Organization of the arbitration court.

3.1 The arbitration court is made by arbitration judges.

3.2 Structure of judges, lists of judicial structures of the arbitration court, chairmen of judicial structures of the arbitration court are defined in an order established by Board of Corporation NSRIIP taking into account requirements of the legislation and the present Provision.

3.3 By decision of the Board of Corporation NSRIIP as a part of court can be created judicial boards, judicial chambers, judicial structures, including specializing on certain categories of affairs.

### Article 4. Arbitration judges (arbitrators).

4.1 Arbitration judges, and if on the case, at least one of the parties is a foreign legal entity, arbitrators, as a rule, should have the higher legal education received in the Russian Federation or other countries in the higher educational institution having the state accreditation, and length of service on legal specialty not less than three years, and also to possess experience and special knowledge of matters of law, economy and managements of intellectual property, or in other areas. Other requirements to candidates in arbitration judges are defined in an order established by the Board of Corporation NSRIIP taking into account requirements of the present Provision and the Federal law "About the arbitration courts in the Russian Federation".

4.2 The person who does not have the higher legal education, can be approved as the arbitration judge on the basis of the unanimous decision of Board of Corporation NSRIIP. The arbitration judge who does not have the higher legal education, can not be appointed the judge for individual consideration of dispute between the parties, but equal the chairman of structure of court for joint consideration of dispute.

4.3 The Board of Corporation NSRIIP approves the list of arbitration judges, and the legal department of Corporation NSRIIP conducts questioning of arbitration judges.

Questionnaire of arbitration judges of AC of IP at Corporation NSRIIP contains the following data on each of judges:

- 1) surname, name and patronymic, birth date and birth place;
- 2) existence of legal and (or) other higher education, scientific degree, academic status, and also specialty and the appropriated qualification;
- 3) work place over the last 10 years;
- 4) the address on which to send the documents;
- 5) phone, fax, E-mail.

4.4 Inclusion in the List of arbitration judges and an exception of the List of arbitration judges is carried out by the decision of Board of Corporation NSRIIP on representation of the Presiding judge and in the presence of the positive conclusion of legal department of Corporation NSRIIP.

4.5 The arbitration judge is obliged to execute its procedural functions according to regulations of the AC of IP at Corporation NSRIIP taking into account the Provision about the honorariums on cases of the arbitration court at Corporation ПНИИИС and uncertainty of any ban of legal character, which would interfere the performance of functions of arbitration judges, and also existence of necessary time for participation in concrete arbitration trial. The arbitration judge should carry out the functions impartially and irrespective of someone's opinion, honestly and on conscience, being guided by the law and own internal conviction, and not to be connected thus any instructions. It is obliged to provide confidentiality of the data, which have become to it known owing to execution of the duties during arbitration trial in a mode of professional secret. The arbitration judge is obliged to notify immediately in writing the AC of IP at Corporation NSRIIP, the parties and other arbitration judges, if subsequently after acceptance of functions of the arbitration judge it becomes aware of any of called above circumstance.

4.6 The arbitration judge has the right to declare the independence and impartiality concerning the parties with the reservation on existence of circumstances (enclosed to this statement), able to raise doubts in its independence or impartiality.

#### Article 5. The Chairman of the arbitration court.

##### Vice-chairmen.

5.1 The Chairman of the arbitration court, First deputy and Vice-chairmen of the arbitration court are appointed by the Board of Corporation NSRIIP on representation of the Director general of Corporation NSRIIP for the term of not less than 5 years.

5.2 The chairman of the arbitration court, the First Deputy Chairman of the arbitration court, vice-chairmen of the arbitration court in exceptional cases can be on representation of the Director general of Corporation NSRIIP discharged of the position by the decision of Board of Corporation NSRIIP before term of the expiration of powers.

5.3 The Chairman of the arbitration court:

- directs the activity of the arbitration court and its bodies, court structures for joint consideration of disputes, arbitration judges, without allowing intervention in implementation of arbitration trial;
- represents the arbitration court without the power of attorney and issues powers of attorney on behalf of the arbitration court;
- presides over meetings and conferences of arbitration judges with the right of a casting vote at equality of votes on all questions;
- brings in Board of Corporation NSRIIP the question of an early release from the position of the Responsible court secretary and discharges it of the position (suspends its authority) before decision-making in the presence of the positive conclusion of legal department of Corporation NSRIIP;
- carries out other procedural and organizational-administrative powers in the sphere of arbitration trial according to the present Provision and the court Regulations.

5.4 The powers of the Chairman of the arbitration court, established by the present Provision and the Regulations of court, make its exclusive competence and can be transferred in whole or in part to the First deputy or the Vice-chairman of the arbitration court for temporary absence of the Chairman of the arbitration court or in other cases at its discretion.

In case the Chairman of the arbitration court is deprived of the possibility to carry out the powers provided to it by the present Provision and the court Regulations, and to transfer their implementation to one of vice-chairmen, the functions of the Chairman of the arbitration court are carried out by the First deputy the Chairman, and in its absence one of vice-chairmen of the arbitration court.

5.5 Own competence of the First deputy Chairman, vice-chairmen of the arbitration court, distribution of functions between them are established by the present Provision, the Regulations of court and decisions of the Chairman of the arbitration court.

#### Article 6. Responsible secretary of the arbitration court.

6.1 The responsible court secretary is body of the arbitration court, carrying out the current management of administrative activity of court and activity of the office of court.

6.2 The responsible court secretary is appointed to its position by the director general of Corporation NSRIIP in coordination with the Chairman of the arbitration court.

6.3 The responsible secretary of the arbitration court is accountable to the Chairman of the arbitration court. The duty regulations of the Responsible secretary of the arbitration court affirms the Chairman of the arbitration court. the standards of the present Provision and Regulations of the court are obligatory for the Responsible secretary of the arbitration court. The norms of the present Provision and Regulations of court are obligatory for the Responsible secretary of the arbitration court.

6.4 The responsible secretary takes part in meetings and conferences of the arbitration judges with the right of an advisory vote. The responsible secretary of the arbitration court can be appointed from among arbitration judges.

6.5 To competence of the Responsible secretary of the arbitration court belongs the solution of the questions which have not been carried to competence of other bodies of the arbitration court. The

responsible secretary of the arbitration court hasn't the right, in any form, directly or indirectly to interfere with activity of arbitration judges or procedure of arbitration trial.

6.7 The responsible secretary of the arbitration court is obliged honestly and conscientiously to fulfill its duties, to provide a mode of confidentiality of the data which have become to it known owing to the official position.

#### Article 7. Apparatus of the arbitration court.

7.1 The Apparatus of the arbitration court consists of the Secretariat of the arbitration court, which is entrusted with the office-work functions in the arbitration court, and Archive of the arbitration court, to which is assigned the function of storage of the affairs considered by court and other materials .

7.2 The employees of the Apparatus of the arbitration court are obliged honestly and conscientiously to fulfill the duties and to provide a mode of confidentiality of data, that became known to them by virtue of official position.

7.3 Implementation of functions of the Apparatus of the arbitration court on the basis of the decision of the Chairman of the arbitration court in coordination with the director general of Corporation NSRIIP can be transferred to legal department of Corporation NSRIIP.

#### Article 8. The office-work in the arbitration court.

8.1 Office-work in the arbitration court is conducted in Russian by the rules established by Regulations of the arbitration court.

8.2 Correspondence on behalf of the arbitration court is conducted behind the signature:

- of Chairman of the arbitration court (First deputy, vice-chairmen of the arbitration court) - on any questions of activity of the arbitration court, including connected or following from arbitration trial, and also at issue of certified copies of judgments;
- The responsible secretary of the arbitration court - on the questions carried to its competence.

#### Article 9. The Rules (Regulations) of the arbitration court.

By the Regulation of the arbitration court are established procedural bases of activity of the arbitration court on implementation of arbitration trial and rules of legal proceedings in the arbitration court. By Regulation are defined the procedural (procedural) powers of the Chairman, First Deputy Chairman and Vice-chairmen of the arbitration court, chairmen of structures of the arbitration court, arbitration judges in the sphere of arbitration trial, including within the exclusive competence of the specified persons.

#### Article 10. Final provisions.

10.1 Supervision of legality at implementation by the arbitration court of arbitration trial is carried out by competent courts of the Russian Federation according to the jurisdiction established by the arbitration procedural or civil procedural legislation of the Russian Federation.

10.2 Changes are brought in the present Provision by the decision of Board of Corporation NSRIIP on representation of the Chairman of the arbitration court and in coordination with legal department of Corporation NSRIIP.